

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, September 22, 2010

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	Carolyn H. Saum	Councilperson
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Kevin Spacher, Finance Director; Jennifer A. West, Town Clerk; Jeffrey Myers, Commissioner of Recreation and Parks; Michael Doser, Director of Code Enforcement and Development; Stacy Estrich, Parks Director; Diane Riesenberger, Recreation Director; T.C. Lewis, Planning Board.

Supervisor Smith called the meeting to order at 8:00 pm and introduced the Board and staff present. Supervisor Smith asked for a moment of silence to honor the passing of Lake Edwards who was Supervisor of the Town of Perinton from 1966 to 1983.

Councilperson Havens made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of September 8, 2010 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Saum, LaFay, Havens  
Nays: None  
Unanimously approved

Supervisor Smith welcomed the Boy Scout in the audience. Mark Adiletta of Troup 260 was in attendance as he is working on his Citizenship in the Community merit badge.

PUBLIC HEARING  
SPECIAL USE PERMIT  
1433 PVR CORP  
1433 PITTSFORD-VICTOR ROAD

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication for the Public Hearing was given in the Fairport East Rochester Post on September 17, 2010; affidavit of posting was September 9, 2010.

Mr. Jay Gelb, 180 Office Park Way, Pittsford, NY introduced himself as the representative of the applicant. He also introduced his father-in-law, Alan Wolk, his brother-in-law, James Wolk and the proposed tenants Dr. Adam Henby and Mr. Ron Gordon. Mr. Gelb posted a map of the proposed facility at 1433 Pittsford-Victor Road and stated that the property is currently zoned industrial. The applicant is seeking a Special Use Permit to open a wellness office center/recreational facility. The parcel at 1433 Pittsford-Victor Road has three structures with the proposed location for the business being in the building at the rear of the property. 1433 Pittsford-Victor Road sits across the road from Woodcliff and the property in the front of 1433 Pittsford-Victor Road is an Edward Jones office. The third structure is used for storage.

Mr. Gelb then read from his application letter to explain the proposed usage and that passage follows: "with regard to the proposed tenant, NYS licensed healthcare professionals providing individualized treatments, and fitness training in a single (one-on-one), semi-private, or small group setting. Chiropractic, massage therapy, acupuncture, and nutrition counseling will occupy the six office spaces. Each practitioner will see only one patient per appointment time. Appointment times will range from 15-30 minutes up to one hour. Office hours will be from 9-5. The small group training will

be between 5:00-9:00 am and 5:00-8:00 pm. One-on-one training and semi-private training will be sporadic throughout the day. The number of patients occupying the building will be six during normal business hours. Fitness training will be 1-2 people during the day and eight during group training sessions. The fitness facility will be occupied only during specialized training sessions. It will not function as a health club with open memberships.” Mr. Gelb also stated that all professionals at this site will be licensed.

Mr. Gelb then reviewed the parking at this location and stated that there would be forty-five spaces available. The total available for this new tenant would be thirty-five. Mr. Gelb stated there would be no shower facilities, lockers, no excess use of water and no dumpster required at the location. There will also be no change to the exterior of the building or lighting changes.

Pursuant to Section 239-m of the General Municipal Law, this application was referred to the Monroe County Planning Department. Their report, dated September 16, 2010, and designated PR10-23Z, stated that they have reviewed this application and do not have any comment.

Director of Code Enforcement and Development Doser reviewed the Department’s proposed conditions to be required by the Town to enable this Special Use Permit to be granted:

1. Total maximum people in the facility to be limited to sixteen (clients and staff)
2. The Special Use Permit will expire one year from receipt of the Certificate of Occupancy
3. No outside storage of fitness equipment.

Supervisor Smith explained that it is normal practice to grant a Special Use Permit for one year to allow the Town to see how things go and that there are no neighbor issues. If everything is positive at that point, the applicant reappplies and the Special Use Permit is renewed and granted for the life of the business.

Councilperson LaFay made a motion, seconded by Councilperson Saum, that the granting of a Special Use Permit to 1433 PVR Corp be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) based upon the fact that this business will in no way negatively impact the environment.

Ayes: Smith, Knapp, Saum, LaFay, Havens  
Nays: None  
Unanimously approved.

Councilperson Knapp made a motion, seconded by Councilperson Saum, that, having reviewed Section 208-54 of the Code of the Town of Perinton, the Board approve the Special Use Permit to allow operation of a recreational facility at 1433 Pittsford-Victor Road with the following conditions:

1. Total maximum people in the facility to be limited to sixteen (clients and staff)
2. The Special Use Permit will expire one year from receipt of the Certificate of Occupancy
3. No outside storage of fitness equipment
4. The receipt of site plan approval from the Planning Board.

Ayes: Smith, Knapp, Saum, LaFay, Havens  
Nays: None  
Unanimously approved

## INFORMATIONAL MEETING ON THE 2011 BUDGET

The Supervisor filed the tentative 2011 Town of Perinton budget with the Town Clerk on September 17, 2010, and she in turn has filed this budget with the Town Board.

A summary of the 2011 proposed budget was distributed to those present. Supervisor Smith recapped by stating that Perinton has the third lowest full value Town tax rate of the nineteen Towns in Monroe County. He stated that we have also been one of the three lowest in Monroe County for at least the last thirty-five years. Supervisor Smith explained that the budget is divided into five funds and within each of those funds he showed in the powerpoint presentation (and handout) the appropriations, estimated revenues, unexpended balances and amount to be raised by taxes. He also reviewed the three statutory categories for the budget, which are personal services, equipment and contractual expenses. Included in the personal services portion of the proposed budget is a 2% cost of living adjustment for the Town employees. The elected Town officials are not scheduled for an increase in pay in 2011. Last year the Town employees did not receive a cost of living adjustment. The Equipment budget is roughly the same as last year and the Contractual Expense is slightly less than in 2010. Supervisor Smith stated that assessed home values were up by 1.7%, appropriations were up \$290,895, revenues and unexpended balances were down by \$648,500 and the net amount to be raised by taxes was a \$944,340 increase or \$.22 increase in tax rate for residents in both the Village of Fairport and the Town outside the Village.

Supervisor Smith explained that in addition to having low taxes versus our sister communities in Monroe County, the Town Board also strives to have steady taxes with no peaks and valleys in the tax rate. He pointed out that the increase in tax rate from 2003 to 2004 was due to an increase in the mandatory payment to the NYS retirement system from \$50,000 to \$500,000. In 2009, the Town tax rate increase was due to the spike in petroleum costs. Paving, plastic materials, and fuel costs are all included in the petroleum costs. Supervisor Smith pointed out a few items on the Fund Appropriations sheet. Central Data Processing includes the Town Information Technology work which had been supplied by Jim Donahue in addition to his role as Commissioner of Recreation and Parks. He now provides these same services on a contractual basis with the Town which increases the cost to the Town. The purchases of new computer equipment are also included to stay current with technology. Supervisor Smith also highlighted another line on that same sheet, Debt Service that includes the borrowing for the DPW facility. Greater than half the cost of the new facility was paid for with money on hand, however, interest on the bonds sold to finance the remainder was less than anticipated. The Employee Benefit category increase is due to the cost of NYS retirement system cost mandates.

On the revenue side of the budget, Supervisor Smith pointed out a line item, Rental of Real Property. There are two cell towers on the Town property located at Town Hall. The Town is co-owner with the company that owns the tower in the back of the property. The Town contributed to the construction of the tower and that was taken as a credit against the rental payments over prior years. The construction cost is paid off and the Town now receives the full share of the rental without any credits. Landfill permits are the major factor in this 2011 revenue budget decrease and will be reviewed in detail later. The State Aid reduction includes the fact that the Town had been receiving \$95,000 in STAR and revaluation assessment aid and that is being cut to \$35,000 for 2011. Supervisor Smith explained that Mortgage Tax is a somewhat volatile revenue and that even with the incentives for new home buyers, the mortgage tax payment received by the Town this year is one of the lowest in a number of years. Interest on Earnings gets adjusted downwards as a reflection of the marketplace and the amount of money that the Town receives on its certificates.

Supervisor Smith reviewed pie charts showing the breakout of 2011 projected appropriations and revenues. The appropriation percentages are relatively unchanged from 2010. On the revenue side, State Aid is .4% lower than a year ago, unexpended balances, Parks and Rec, and Sales Tax are the same. Fees, Services and Interest are down 5% from 2010 and that is reflective of the landfill revenue going down.

Supervisor Smith reviewed proposed equipment purchases for 2011 and explained that the budget is similar to last year.

Supervisor Smith then elaborated on the key budget drivers. The budgeted amount for NYS Billings, or the mandated costs for the retirement system, is \$220,000 higher than the 2010 budget. Expenditures are relatively flat. Revenues are down dramatically, \$648,500. There is less activity at the landfill, residents are cutting back on what they buy, not replacing old with new, and therefore not throwing out the old. The Town receives a royalty for everything that goes through the gate at High Acres. Waste Management does not see this business increasing in 2011. The upside to this scenario is that lower utilization of the landfill means longer life for the landfill and longer cash flow in royalties to the Town.

The last report reviewed by Supervisor Smith was the exemption impact report which is a public disclosure regarding exempt property in the Town, including among others, COMIDA, aged and veteran exemptions.

A gentleman in the audience asked what the median price of a home in Perinton is and Supervisor Smith stated that it is \$187,500. He also asked how many employees are in the Town and what the average salary was. Supervisor Smith stated that there are 122 employees. The gentleman also asked how many people are exempt from paying taxes and Supervisor Smith stated that there is an aged exemption with an income limit, STAR exemption and an enhanced STAR.

Another gentleman asked about comparison of employees per 1000 residents for the Town versus other Towns and whether it included the Village of Fairport. Supervisor Smith said that it did not, that the comparison Towns have a smaller population than the Town of Perinton and that most of our services are spread over the entire Town including the Village. The gentleman also asked about the breakdown of landfill revenue and whether the decrease was more commercial or residential driven. Supervisor Smith said that he believes it is across the board. DPW Commissioner Beck stated that the reduction in landfill revenues is a national trend.

The public hearing on the 2011 budget will be held at the Town Hall at 8:00 pm on October 13, 2010.

**AUTHORIZE SUPERVISOR TO ACCEPT COMMUNITY DEVELOPMENT BLOCK  
GRANT FOR AND SIGN CONTRACT FOR  
2010 ADA CURB CUTS AND SIDEWALKS IN PERINTON AND FELLOWS ROAD  
PARKS**

Supervisor Smith stated that the Town has applied to Monroe County for Community Development Block Grants funding for ADA curb cuts and sidewalks for Perinton and Fellows Roads Parks. The work on the curb cuts and sidewalks is underway and the contract now needs to be signed to receive the \$31,283.00 in grant money from Monroe County.

Councilperson Havens made a motion, seconded by Councilperson Saum to authorize the Supervisor to accept the Community Block Grant for the 2010 ADA curb cuts and sidewalks for Perinton and Fellows Roads Parks and to sign the contract for that grant.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved.

VOLUNTEER BOARD APPOINTMENTS

Supervisor Smith stated that Larry Keef has been a long time member of the Board of Assessment Review and his term expires at the end of September 2010. Mr. Keef has indicated an interest in continuing to serve the Town on this volunteer board. He has a background in commercial banking and real estate and is an excellent participating member of this Board. Supervisor Smith recommended that the Town Board approve the appointment of Larry Keef to an additional five-year term on the Board of Assessment Review.

The following resolution was offered by Councilperson LaFay, seconded by Councilperson Knapp:

BE IT RESOLVED, that D. Lawrence Keef, Jr., 67 Wheatstone Circle, Fairport, NY be appointed as a member of the Board of Assessment Review, with a term to expire on September 30, 2015.

Ayes: Smith, Knapp, Saum, LaFay, Havens  
Nays: None  
Unanimously approved.

AUDIT APPROVED

A motion was made by Councilperson LaFay, seconded by Councilperson Saum that Audit #9 for September 2010 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

SEPTEMBER AUDIT	
General Fund	\$27,916.80
Town Outside of Village	47,937.50
Recreation	63,851.51
Highway General Repair	351,584.79
Highway Snow & Miscellaneous	220,595.64
Joint Sewer	5,512.78
Debt Service Sewer	3,722.00
Bushnells Basin Fire Protection Dist	1.26
Egypt Fire Protection Dist	1,126.39
Fairmont Hills Maint Dist	1,734.00
Wisteria Grove Maint Dist	858.00
Basin Canal Port	2,150.00
Chardonnay Connector Road	160,024.65
Jefferson Ave Sewer Project	<u>3,172.00</u>
	\$820,187.32 Total

The above items were numbers 78978-79189.

SEPTEMBER MANUAL	
General Fund	\$77,395.71
Town Outside of Village	4,498.94
Recreation	33,988.22
Joint Sewer	10,528.09
Midlands Lighting Dist	426.32
Deer Run Lighting Dist	1,413.67
Misty Meadows Lighting Dist	<u>115.22</u>
	\$128,366.17 Total

The above items were paid with checks #78956-78961,78973-78974,78985-78976..

Ayes: Smith, Knapp, Saum, LaFay, Havens  
Nays: None  
Unanimously approved

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:50 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk