

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, January 26, 2011

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; Jennifer A. West, Town Clerk; Jeffrey Myers, Commissioner of Recreation and Parks; Eric Williams, Assistant to the Commissioner of Public Works; Michael Doser, Director of Code Enforcement and Development; Chris Fredette, Conservation Board; T.C. Lewis, Planning Board, Steve VanVreede, Recreation and Parks Advisory Board.

Supervisor Smith called the meeting to order at 8:00 pm and introduced the Board and staff present.

Councilperson Saum made a motion, seconded by Councilperson Havens, that the minutes of the Town Board meeting of January 12, 2011 be approved as submitted by the Town Clerk.

Ayes: Smith, Saum, LaFay, Havens

Nays: None

Abstain: Knapp

Approved

EAGLE SCOUT PRESENTATION

Supervisor Smith presented a Certificate of Commendation to Eagle Scout Sean Spacher of Troop 207. Sean is the son of Town of Perinton Finance Director, Kevin Spacher. Supervisor Smith read the Certificate of Commendation which reads "Whereas the rank of Eagle Scout is the highest rank attainable in Boy Scouting, and whereas the Boy Scouts of America award the rank of Eagle Scout to only the most deserving, and whereas Sean M. Spacher a citizen of the Town of Perinton and member of Boy Scouts of America Troop 207 received the rank of Eagle Scout at a court of honor held on December 26, 2010, and whereas citizenship is principle among the attributes represented by and required of Eagle Scouts, and the Town of Perinton has benefited in the past and will continue to benefit from this attribute, therefore the Town of Perinton hereby commends Sean M. Spacher and his family on this significant well-deserved occasion". Sean's Eagle Scout project included repairing rainwater damage and preventative painting in the basement of the 1st Presbyterian Church in Perinton.

PUBLIC HEARING
SPECIAL USE PERMIT
GORDON FITNESS
695 WEST WHITNEY 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 January 13, 2011; affidavit of posting was also January 13, 2011.

Ron Gordon, owner of Gordon Fitness began his presentation by explaining what had happened to his previous Special Use Permit application, granted 9/22/2010, for the property located at 1433 Pittsford-Victor Road. Mr. Gordon stated that he felt that the number of clients was going to be greater than they had approval for in the earlier application. He has now found another location, 695 West Whitney Road, that he is interested in and has a revised business plan. Mr. Gordon's new business plan calls for just the training studio. Councilperson Knapp asked Mr. Gordon how many employees he has and he stated one and several volunteers. He

further stated that they do small, personalized group work. Supervisor Smith asked about the parking on the site and Mr. Gordon stated that the drawing allows for 22 spaces and that the Town requirement is 20 spaces. Supervisor Smith asked whether limiting the business to 20 patrons including Mr. Gordon would work and Mr. Gordon stated that it would work. Mr. Gordon explained he has been in the fitness training business for a long time training many Rochester CEOs. In the last few years, Mr. Gordon has seen a shift in the fitness business and they are now affiliated with Cross-Fit, which does small group classes, and that they need space to hold these types of classes. They work with any age group to make the individual a better athlete and many of their activities take place outside. The classes will be held in the back of the property at 695 W. Whitney Road and not take place on the road. Councilperson Knapp asked whether this would include the house and aboveground pool and Mr. Sirianno stated no as that is his residence.

There being no questions, and all those wishing to be heard having been heard, the Public Hearing was closed.

Councilperson LaFay made a motion, seconded by Councilperson Saum, that the granting of a Special Use Permit to Gordon Fitness, 695 West Whitney Road, 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 Saum made a motion, seconded by Councilperson Havens, that the Special Use Permit for Gordon Fitness, 695 West Whitney Road, be approved with the following conditions:

1. Total maximum people in the facility to be limited to twenty (clients and staff).
2. The Special Use Permit will expire in one year.
3. Hours will be 7am to 7pm Monday through Saturday and 9am to 3pm on Sunday.
4. The receipt of site plan approval from the Planning Board.

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

ORDER FOR HEARING
EXTENSION #58 TO PERINTON CONSOLIDATED SEWER #8
INDIAN VALLEY

TOWN OF PERINTON MONROE COUNTY NEW YORK

In the Matter
of

ORDER FOR HEARING

EXTENSION NO. 58 to PERINTON CONSOLIDATED SEWER
DISTRICT NO. 8
(Indian Valley)

At a regular meeting of the Town Board of the Town of Perinton, held at the Town Hall, 1350 Turk Hill Road, Fairport, New York, on January 26, 2011 at 8:00 p.m., local time, there were:

PRESENT: Supervisor James E. Smith; Councilpersons Patricia S. Knapp, Peg S. Havens, Carolyn H. Saum and Joseph LaFay
ABSENT: None

ALSO PRESENT: Jennifer A. West, Town Clerk, Thomas C. Beck, Commissioner of Public Works, Robert Place, Town Attorney

The following Order was introduced by Councilperson Knapp and the adoption thereof was seconded by Councilperson Havens:

WHEREAS, a map, plan, and report, prepared by Timothy Oakes P.E., Town Engineer and Larsen Engineers, have been presented to and filed with the Town Board recommending the establishment of a special improvement district to be known as Extension No. 58 to Perinton Consolidated Sewer District 8, pursuant to Article 12-A of the Town Law, to include lands along Pittsford-Palmyra Road (Rte. 31) and the Indian Valley Subdivision in the Southwest quadrant of the Town of Perinton, as shown on the map and described in the report, and the plan and map are on file in the Town Clerk's Office for public inspection; and

WHEREAS, the area proposed to be established as Extension No. 58 to Perinton Consolidated Sewer District No. 8 is as follows:

Beginning at a point on the southerly highway boundary of Pittsford-Palmyra Road, Rte. 31, said point being the northwesterly corner of Tax Acct. No. 165.15-1-34; thence

1. Easterly, along the southerly highway boundary of Pittsford-Palmyra Road, Rte. 31, a distance of approximately 107 feet to an angle point and continuing along the southerly highway boundary of Pittsford-Palmyra Road, Rte. 31, a distance of approximately 619 feet to the northeasterly corner of Tax Acct. No. 165.15-1-29; thence
2. Southwesterly, along the easterly boundary of Tax Acct. No. 165.15-1-29 and Tax Acct. No. 165.19-1-16, a distance of approximately 317 feet to an angle point; thence
3. Southeasterly, along the boundary of Tax Acct. No. 165.19-1-16, a distance of approximately 69 feet to an angle point; thence
4. Southwesterly, along the easterly boundaries of Tax Acct. No's 165.19-1-16, 165.19-1-15, 165.19-1-14, 165.19-1-13, 165.19-1-12, and 165.18-1-57.1, a distance of approximately 1666 feet to an angle point; thence
5. Northwesterly, a distance of approximately 78 feet to the northeasterly corner of Tax Acct. No. 165.18-1-57.2; thence
6. Southwesterly, along the easterly boundary of Tax Acct. No. 165.18-1-57.2 a distance of approximately 1869 feet to its southeast corner, said corner also being a point on the northerly highway boundary of N.Y.S. Rte. 490; thence
7. Northwesterly, along the northerly highway boundary of N.Y.S. Rte. 490, a distance of approximately 3567 feet to the southerly corner of Tax Acct. No. 165.18-1-50; thence
8. Northerly, along the easterly boundary of the existing sewer district known as The Oaks Sewer District, a distance of approximately 1304 feet to the northwesterly corner of Tax Acct. No. 165.14-1-49; thence
9. Easterly, along the northerly boundary of Tax Acct. No. 165.14-1-49, a distance of approximately 83 feet to an angle point; thence
10. Northerly, along the westerly boundary of Tax Acct. No. 165.14-1-48, a distance of approximately 143 feet to the northwesterly corner of Tax Acct. No. 165.14-1-48; thence
11. Easterly, along the northerly boundary of Tax Acct. No. 165.14-1-48, and continuing along that line a distance of approximately 276 feet to its intersection with the easterly highway

boundary of Wickford Way; thence

12. Southerly, along the easterly highway boundary of Wickford Way, distance of approximately 706 feet to its intersection with the northerly boundary of Tax Acct. No. 165.14-1-43; thence
13. Easterly, along the northerly boundaries of Tax Acct. No's 165.14-1-43, 165.14-1-35, 165.14-1-34 and 165.14-1-33 a distance of approximately 721 feet, to the northeasterly corner of Tax Acct. No. 165.14-1-33; thence
14. Northerly, along the westerly boundaries of Tax Acct. No's 165.14-1-26, 165.14-1-25, 165.14-1-24, 165.14-1-23, and 165.14-1-22 a distance of approximately 505 feet, to the northwesterly corner of Tax Acct. No. 165.14-1-22; thence

The following courses are along the southerly boundary of the existing sewer district P.C.S.D. No. 8 Ext. No. 26 (Pittsford- Palmyra Road)

15. Easterly, along the northerly boundary of Tax Acct. No. 165.14-1-22, and continuing along that line a distance of approximately 220 feet to its intersection with the centerline of Oakwood Lane; thence
16. Southerly, along the centerline of Oakwood Lane a distance of approximately 133 to its intersection with the northerly boundary line extended westerly of Tax Acct. No. 165.14-1-12; thence
17. Easterly, along the northerly boundary of Tax Acct. No. 165.14-1-12, a distance of approximately 185 feet to an angle point; thence
18. Southeasterly, along the northerly boundary of Tax Acct. No. 165.14-1-12, a distance of approximately 105 feet to the northeasterly corner of Tax Acct. No. 165.14-1-12; thence
19. Southerly along the easterly boundaries of Tax Acct. No's 165.14-1-12, 165.14-1-13, and 165.14-1-14 a distance of approximately 176 feet to the northwesterly corner of Tax Acct. No. 165.14-2-70; thence
20. Easterly, along the northerly boundaries of Tax Acct. No's 165.14-2-70, and 165.14-2-69, a distance of approximately 237 feet to an angle point; thence
21. Northerly along an easterly boundary of Tax Acct. No. 165.14-2-69, a distance of approximately 70 feet to the northwesterly corner of Tax Acct. No. 165.14-2-69; thence
22. Southeasterly, along the northerly boundaries of Tax Acct. No's 165.14-2-69, 165.14-2-68, 165.14-2-67, 165.14-2-66, and 165.14-2-65, a distance of approximately 472 feet to its intersection with the westerly boundary of Tax Acct. No. 165.14-2-63; thence
23. Northerly, along the westerly boundary of Tax Acct. No. 165.14-2-63 a distance of approximately 50 feet to the northwesterly corner of Tax Acct. No. 165.14-2-63; thence
24. Southeasterly along the northerly boundary of Tax Acct. No. 165.14-2-63, continuing along that line crossing Duncott Road, and along the northerly boundaries of Tax Acct. No's 165.14-2-62, 165.14-2-55, and continuing along that line a distance of approximately 687 feet to its intersection with the centerline of Mill Road; thence
25. Southerly along the centerline of Mill Road a distance of approximately 96 feet to, its intersection with the northerly highway boundary of Blandford Lane extended westerly; thence
26. Southeasterly along the northerly highway boundary of Blandford Lane extended, a distance of approximately 177 feet to its intersection with the westerly boundary of Tax Acct. No. 165.15-1-34; thence

27. Northeasterly along the westerly boundary of Tax Acct. No. 165.15-1-34, a distance of approximately 206 feet to its intersection with the southerly highway boundary of Pittsford-Palmyra Road, Rte. 31, being the Point Of Beginning.

The foregoing described lands are shown on a map entitled Extension No. 58 to Perinton Consolidated Sewer District No. 8, prepared by Larsen Engineers, competent engineers duly licensed by the State of New York showing the boundaries of the proposed Extension No. 58 to Perinton Consolidated Sewer District No. 8, and providing for the transmission of sewage to the Van Lare Sewage Treatment Plant which is operated by the Monroe County Pure Waters Agency. There is an existing contract between the Town of Perinton and the Monroe County Pure Waters Agency for transmission and treatment of sewage. The proposed map shows whether sewer service is provided to neighboring lots to the proposed extension.

WHEREAS, it is proposed to construct approximately 10,900 +/- linear feet of 8 inch diameter sanitary sewer pipe, reconstruct/rehabilitate approximately 13,200 linear feet of storm sewer, and install approximately 10,000 linear feet of 4-inch and 6-inch lateral stubs. Constructing the sewer within this neighborhood will provide public sewer service to 149 existing homes (151 total parcels). The sanitary sewer is being constructed deep enough so that most of the properties within this project area can be served by gravity. Approximately five (5) homes will require individual grinder pumps stations, which will be privately owned. Although the maintenance and any future repair costs will be the responsibility of the homeowner, the Town will cover the initial purchase cost for these pumps as part of this project.

In conjunction with the installation of the sanitary and storm sewer systems, approximately 11,100 feet of existing road network within this subdivision; namely Wickford Way, Weyborn Way, Duncott Road, Oakwood Lane, Hickory Lane, Mill Road, and Blandford Lane will be reconstructed with a new stone base, asphalt road surface, and concrete gutters. Construction will be divided into three (3) distinct phases.

Phase I: Summer of 2011 through the Fall of 2011 – Wickford Way and Duncott Road (from the cul-de-sac to Oakwood Lane).

Phase II: Spring of 2012 through Fall of 2012 – the remaining portion of Duncott Road, Oakwood Lane, Hickory Lane, and Salem Court.

Phase III: Spring of 2013 through the Fall of 2013 – Mill Road, Wayburn Way and Blandford Lane.

WHEREAS, the maximum amount proposed to be expended for the construction of said sewer system with all necessary appurtenances for the operation thereof is estimated to be \$11,800,000, and

WHEREAS, it is proposed to finance the cost of construction of said improvements by the issuance of bond anticipation notes and bonds, the principal and interest of which are to be repaid in annual installments by the entire area comprising Perinton Consolidated Sewer District No. 8, and

WHEREAS, it is estimated that the total annual cost to the typical property in the proposed extension, exclusive of hookup fees, will be \$72.00 per unit for debt service prior to the property connecting to the sewer and \$145.39 per unit for debt service and operation and maintenance after the property connects to the sewer, and

WHEREAS, the total cost to the typical property in the proposed Extension, exclusive of hookup fees, will be significantly less than the average cost threshold of \$739.00 per unit computed by the State Comptroller;

NOW THEREFORE, it is hereby

ORDERED FIRST, that the Town Board of the Town of Perinton shall convene at the Town Hall, 1350 Turk Hill Road, in the Town of Perinton, New York, on February 23, 2011 at 8:00 p.m., local time, to consider the aforesaid map, plan and report and to hear all persons interested in the subject thereof concerning the same, and it is further

ORDERED SECOND, that a copy of this Order be certified by the Town Clerk, who is directed to publish such certified copy in the Fairport-ER Post, which is hereby designated as the official paper for the publication thereof, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the day set therein for the hearing as aforesaid, and shall also cause a copy thereof to be posted on the sign board of the Town maintained pursuant to Subdivision Six of Section Thirty of Article Three of the Town Law, not less than ten (10) nor more than twenty (20) days before the designated date for the hearing as aforesaid.

ORDERED THIRD, that a certified copy of this Order shall also be filed with the State Comptroller on or about the date of the publication of a copy of this Order.

On roll call vote by the Town Clerk the following votes were recorded:

AYES: Smith, Knapp, Havens, Saum, LaFay

NAYS: None

Unanimously approved.

On canvass of the vote, the Supervisor declared the foregoing Order adopted and directed the entry thereof in the proceedings of this Board.

**AWARD BIDS
RECREATION SUPPLIES, ARTS & CRAFTS, WEARING APPAREL
AND JANITORIAL SERVICES**

Commissioner Myers stated that bids for recreation supplies, arts and crafts, wearing apparel and janitorial services were opened on January 13, 2011. The bids have been reviewed; Commissioner Myers recommended the following bids be awarded:

Recreation Supplies

Anaconda Sports, 85 Katrine Lane, Lake Katrine, NY 12449, \$199.00

Flaghouse Incorporated, 601 Flaghouse Drive, Hasbrouck Heights, NJ 07604, \$502.42

Jim Dalberth's Sporting Goods, 925 Genesee Street, Rochester, NY 14611, \$892.40

Laux Sporting Goods, 25 Pineview Drive, Amherst, NY 14228, \$48.76

Sports Supply Group, P.O. Box 49, Jenkintown, PA 19046, \$2,607.66

Arts & Crafts

S & S Worldwide, P.O. Box 513, Colchester CT 06415, \$1,006.53

Nasco, 901 Jamesville Avenue, Fort Atkinson WI 53538, \$381.11

Discount School Supply, 2 Lower Ragsdale Drive, Monterey CA 93940, \$552.00

School Specialty Supply, 1156 Four Star Drive, Mount Joy, PA 17552, \$599.73

Oriental Trading Company, 4206 South 108th Street, Omaha NE 68137, \$1,766.96

Wearing Apparel

Design It, 123 Vollmer Parkway, Rochester, NY 14623, \$9,041.70

Mugs N More, 1600 North Clinton Avenue, Rochester, NY 14621, \$810.00

Janitorial Services at PCC

Eurest Services, 175 Humboldt Street, Suite 100, Rochester, NY 14610, \$26,636.04

Councilperson Saum made a motion, seconded by Councilperson LaFay that the bids for recreation supplies, arts & crafts supplies, wearing apparel and janitorial services for the PCC be awarded as recommended by Commissioner Myers.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

APPROVE CELL TOWER LEASE EXTENSION

DPW Commissioner Beck explained that there are two cell phone towers located on the Town property just south of the Town Hall building. The Western tower is a land lease and the Town is also a revenue sharing partner on that tower. This company, STC Five LLC, has approached the Town and requested to extend the term of the lease. Commissioner Beck further explained that within the next three years the contracts that STC Five LLC has on the towers will exceed the remaining term of the lease that they have with the Town. They would like to get that lease term with the Town extended beyond the antennae leases on the tower. STC Five LLC requested that the lease be extended by 3 five-year terms and to increase the revenue share from Non-Affiliate tenants on the tower from 20 to 25%. Commissioner Beck stated that after some negotiation, STC Five LLC has agreed to 2 five-year term extensions and 35% revenue sharing for all current non-affiliate tenants and any future tenants. Commissioner Beck stated that Perinton currently receives \$25,183.32 in revenue from the Tower annually. Of that amount, \$12,487.32 represents 20% of the Non-Affiliate revenue. The lease amendment will increase the Non-Affiliate revenue by \$9,365.49, bringing the total annual revenue from the Tower to \$34,548.81.

Councilperson Havens made a motion, seconded by Councilperson Saum to approve the amended lease agreement with STC Five LLC.

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

APPROVE APPOINTMENT PART-TIME RECEPTIONIST

Supervisor Smith stated that the Board has a memo from Barb Clay recommending the appointment of Claire Thomas, 19 Galley Hill Lane, Perinton, NY as a part-time receptionist at the front desk at the Perinton Town Hall. Ms. Thomas would begin Monday January 31, 2011 at a rate of \$[]per hour.

Councilperson Knapp made a motion, seconded by Councilperson Saum to appoint Claire Thomas as a part-time receptionist to begin on January 31, 2011 at a rate of \$[] per hour.

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

APPROVE CARPET REPLACEMENT FOR CODE ENFORCEMENT AND DEVELOPMENT OFFICE

Director of Code Enforcement and Development Doser stated that his office is scheduled for a modest office remodel next month that will improve work flow and efficiency. This remodel was approved by the Town Board in November 2010. During preparation for the remodel, department employees relocated furniture and map drawers, exposing an unsightly contrast between the carpet areas that saw heavy foot traffic over the years and the areas that were underneath furniture. At that time, it was determined that the 1,375 sq. ft. of carpet needed to be replaced. Mr. Doser stated that the CED Department has requested quotes from various local carpet companies, and the cost to replace the carpet is not to exceed \$6,500. The quotes include installation and removal of the old carpet from the premises.

Councilperson LaFay made a motion, seconded by Councilperson Knapp to approve the expenditure of no more than \$6,500 to replace the carpet in the CED office and to

approve the appropriation of \$6,500 in the Safety and Inspection Equipment line in the budget and a corresponding increase of \$6,500 in Sales Tax Revenue to offset that expense.

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

AUDIT APPROVED

A motion was made by Councilperson Saum, seconded by Councilperson LaFay that Audit #1 for January 2011 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

JANUARY AUDIT

General Fund	152,471.71
Town Outside of Village	39,402.87
Recreation	72,201.03
Highway General Repair	23,828.50
Highway Snow & Miscellaneous	185,196.41
Joint Sewer	10,596.80
Perinton Ambulance Dist	7,662.00
B Basin Fire Protect Dist	17,670.00
Egypt Fire Protect Dist	17,760.00
Basin Canal Port	5,790.00
O'Connor Road Relocation Proj	2,519.71
Chardonnay Connector Project	704.00
Jefferson Ave Sewer Project	<u>6,734.53</u>
	\$542,447.56 Total

The above items were numbers 80532-80719.

JANUARY MANUAL

General Fund	21,959.49
Town Outside of Village	678.52
Recreation	11,525.13
Joint Sewer	2,781.65
Midlands Lighting Dist	399.77
Lake Lacoma Lighting Dist	16.42
Meadows Lighting Dist	461.59
Deer Run Lighting Dist	1,420.99
Misty Meadows Lighting Dist	108.05
Basin Canal Port	<u>12,308.19</u>
	\$51,659.80 Total

The above items were numbers 80511-80514, 80526-80531, and 80720-80721, 80734.

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

Judith McNulty, 647 Thayer Road, stated that she is very concerned with the neon signs that have appeared at businesses on the corner of Routes 250 and 31. She stated that she has complained once and they were addressed, but have appeared again. The signs Ms. McNulty identified were Sakura Gardens' sushi sign, Applebee's open late sign and the Pandora sign at Possibilities. Supervisor Smith stated that sign regulation is part of the Town Code and Mr. Doser stated that he will check on all three businesses again this week.

Darren Miller, 1 Mill Valley Road, asked whether the Board has had any discussions regarding the potential impact of the Governor's proposed Property Tax Cap. Supervisor Smith stated that he has had discussions with Finance Director Spacher and that there have been discussions at the County Supervisor's meetings regarding this topic. There is concern regarding many of the things proposed by the Governor.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk

Draft

draft

draft