

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, November 9, 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; Jeffrey Myers, Commissioner of Recreation and Parks; Jennifer A. West, Town Clerk; Kevin Spacher, Diane Riesenberger, Recreation Director; T.C. Lewis, Planning Board; Chris Fredette, Conservation Board; Stephen Van Vreede, Recreation and Parks Advisory Board.

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

Councilperson Havens made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of October 26, 2011 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Approved

PUBLIC HEARINGS

Supervisor Smith called the following Public Hearings to order and asked the Clerk for proofs of publication and affidavits of posting. Proofs of publication were given in the Fairport ER Post on October 27, 2011; affidavits of posting were also October 27, 2011.

Finance Director Spacher gave an explanation of the contract amounts and the resultant tax rates for each district. Supervisor Smith asked if there were questions from the audience.

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

A motion was made by Councilperson Saum, seconded by Councilperson Knapp, that the Supervisor and the Town Board members be authorized to sign the following contracts, and that the Supervisor be authorized to adjust the contracts to reflect any changes in insurance liability clauses:

AMENDMENT #1 TO THE CONTRACT BETWEEN THE
BUSHNELL'S BASIN FIRE PROTECTION DISTRICT
THE BUSHNELL'S FIRE ASSOCIATION AND
THE TOWN OF PERINTON

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign the new contract for fire protection between the Town of Perinton, the Bushnell's Basin Fire Protection District, and the Bushnell's Basin Fire Association, Inc. to provide for the payment of \$760,343.00 per year instead of \$745,454.00 per year as previously

provided. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2015.

NEW CONTRACT BETWEEN THE
EGYPT FIRE PROTECTION DISTRICT,
THE EGYPT FIRE DEPARTMENT AND
THE TOWN OF PERINTON

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign a new contract for fire protection between the Town of Perinton, the Egypt Fire Protection District and the Egypt Fire Department for the payment of \$630,853.00 per year instead of \$618,483.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2016.

NEW CONTRACT BETWEEN
THE PERINTON FIRE PROTECTION DISTRICT
THE VILLAGE OF FAIRPORT
THE FAIRPORT FIRE DEPARTMENT
AND THE TOWN OF PERINTON

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign Amendment #1 to the contract for fire protection between the Town of Perinton, the Perinton Fire Protection District, the Village of Fairport and the Fairport Fire Department for the payment of \$843,521.00 per year instead of \$827,637.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2016.

NEW CONTRACT BETWEEN
THE TOWN OF PERINTON, THE
FOREST HILLS FIRE PROTECTION DISTRICT,
THE TOWN/VILLAGE OF EAST ROCHESTER AND
THE EAST ROCHESTER FIRE DEPARTMENT

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign a new contract for fire protection between the Town of Perinton, the Forest Hills Fire Protection District, the Town/Village of East Rochester and the East Rochester Fire Department for the payment of \$163,815.00 per year instead of \$162,225.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2016.

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

PUBLIC HEARINGS

AMENDMENT #1 TO THE CONTRACT BETWEEN
PERINTON VOLUNTEER AMBULANCE CORPS, INC.

Supervisor Smith called the Public Hearings to order and asked the Clerk for proofs of publication and affidavits of posting. Proofs of publication were given in the Fairport ER Post on October 27, 2011; affidavits of posting were also October 27, 2011.

Finance Director Spacher stated that Perinton Ambulance's contract was \$290,000.00 for 2011 and is decreased to \$185,000.00 for 2012. This is due to the fact that Perinton Ambulance now bills for their services and those who use the service will be charged for the services (which would be paid by insurance in many instances). Supervisor Smith stated that hardship situations would have the fees waived. This therefore becomes less of a broad charge to Perinton taxpayers.

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

The following motion was made by Councilperson Saum, seconded by Councilperson LaFay:

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign an amendment to the contract for ambulance protection service between the Town of Perinton and the Perinton Volunteer Ambulance Corps, Inc. for the payment of \$185,000.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2013.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

DEBT SERVICE APPORTIONMENTS AND ASSESSMENT FOR IMPROVEMENTS

Finance Director Spacher presented the information relative to the Debt Service Apportionment and Assessment for Improvements. Supervisor Smith asked for questions from the audience. There being none, and all those wishing to be heard having been heard, the Public Hearing was closed.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the Board approve the amount due and to become due for principal and interest during the calendar year of 2012 upon sewer bonds and bond anticipation notes issued by the Town of Perinton for construction of improvements. The Board has further determined the amount to be charged during the calendar year 2012 for the operation and maintenance of said improvements and has completed its assessment rolls for and in connection with said debt service apportionment and assessment for maintenance and operation of said improvements as follows:

SEWER DISTRICTS

Perinton Consolidated Sewer District No. 8 and extensions thereto.

The said expenses for such improvements will be apportioned and assessed upon such lots or parcels of land in said District and extensions thereto in proportion to the amount of benefit which the improvement shall confer upon the same, and will be levied and collected at the same time and in the same manner as other town charges.

FIRE PROTECTION DISTRICTS

Bushnell's Basin Fire Protection District, Egypt Fire Protection District
Forest Hills Fire Protection District,
Perinton Fire Protection District

The fire protection districts provide services by contract with Bushnell's Basin Fire Association, Inc., Egypt Fire Association, Inc., not-for-profit corporations, the Village of Fairport and the Town/Village of East Rochester. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

LIGHTING DISTRICTS

Lake Lacoma Lighting District, Meadows Lighting District,
Midlands Lighting District, Misty Meadows Lighting District
Deer Run Lighting District

Lake Lacoma and Meadows Lighting Districts provide services by contract with Rochester Gas & Electric Corporation. Misty Meadows Lighting District and Midlands Lighting District provides service by contract with Fairport Municipal Commission. Deer Run Lighting District provides service by contract with Fairport Municipal Commission and Rochester Gas & Electric Corporation, for their respective franchise areas. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

PERINTON AMBULANCE DISTRICT

Perinton Ambulance District contracts with Perinton Volunteer Ambulance Corps, Inc., a not-for-profit corporation, to provide financial assistance including compensation insurance under the Volunteer Ambulance Workers' Benefit Law to enable it to provide an emergency medical service and a general ambulance service to sick or injured persons within the boundaries of the district which are the entire Town of Perinton including the Village of Fairport. The expense of such contributions are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

PARK MAINTENANCE DISTRICTS

Fairmont Hills Park Maintenance District
Wisteria Grove Park Maintenance District

Whereas no public monies are extended for the maintenance of the improvements in the park maintenance district, the expenses for such maintenance by the Town of lawns and plantings within the maintenance areas of the Fairmont Hills and Wisteria Grove Park Maintenance Districts will be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved.

SEWER RENT ORDINANCE

Finance Director Spacher reviewed the Sewer Rent Ordinance. There were no questions from the audience. All those wishing to be heard having been heard, the Public Hearing was closed.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the Board approve the following change in the Town Code regarding amended sewer rent charges as follows:

§ 171-5. Amount of rents.

Effective January 1, 2012 and until hereafter changed by ordinance or local law adopted by the Town Board, annual sewer rents are hereby established and imposed as follows:

A. Upon all property within the boundaries of Perinton Consolidated Sewer District No. 8 and extensions thereto, Seventy-Four Dollars (\$74.00) per chargeable unit.

B. Upon property outside of said Perinton Consolidated Sewer District No. 8 and extensions thereto the rent shall be the sewer rent per chargeable unit duly established under S155-5A above plus a surcharge of ten per cent (10%) of said annual sewer rent.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

**ORDER FOR HEARING
AGRICULTURAL PROTECTION PLAN/
SE PERINTON PLANNING STUDY**

Supervisor Smith stated that the Board has a memo from Code Enforcement and Development Director Doser explaining that the Town has a grant from the NYS Department of Agriculture and Markets to perform a planning study on agriculture and farmland protection and an associated planning study for the Southeast quadrant of Perinton to look at ways to preserve agriculture in the community. At this time, a Public Hearing is required to review the outcomes of this study.

A motion was made by Councilperson Saum, seconded by Councilperson Havens, that a Public Hearing be held on December 14, 2011, to consider the results of the Agriculture Protection Plan and Southeast Planning Study.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

**ORDER FOR HEARING
OPEN SPACE ACQUISITION
HOYSIC PROPERTY
PITTSFORD PALMYRA ROAD**

Supervisor Smith reported that the Town of Perinton is considering acquisition of three pieces of property north of Route 31, east of Aldrich Road and adjacent to the Perinton/Macedon town line from the Hoysic family. The first property is a narrow access strip of land running north/south off of Route 31 and widening to the north. The second and third properties are to the rear of the first. These two rear parcels are a former peat bog and have a high environmental value per the Town's Conservation Board. Supervisor Smith stated that the Hoysic Family approached the Town to see if the

Town was interested in purchasing the land. The Town owns adjacent land that is part of Whitebrook Park and wetlands.

Supervisor Smith stated that the front of the first parcel has some development potential. The zoning on that parcel is Restricted Business in the front, Industrial in the middle and Residential Sensitive in the rear. This parcel is 43.4 acres and has a combination of development potential from relatively low to medium with an agreed upon purchase price of \$84,120. The Town's principal interest is in the environmental lands to the rear of the property. The rear properties are 21.6 and 9 acres, are undevelopable wetland, are zoned Residential Sensitive and have an agreed upon purchase price of \$15,000. All values have substantiation with current appraisals from an appraiser recognized by the Town. The properties are being offered for sale as a package and need to be acquired as such. It is possible that the Town may wish to sell off the portion of the front piece that is developable and is adjacent to developable land at some point in the future. Supervisor Smith stated that the money for the purchase of these parcels would come from the Capital Reserve Fund for Open Space with no resultant increase in taxes. The use of these funds to make the purchase would be subject to Permissive Referendum. The purchase offers have been agreed to and are subject to the Board's approval after holding a public hearing on the acquisition itself and the use of funds in the reserve fund for that purpose.

Supervisor Smith requested that the Town Board set a Public Hearing to be held on December 14, 2011 to consider the purchase of this land.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that December 14, 2011 at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY 14450 be set as the date, time and place for a Public Hearing to consider acquisition of 74 acres of land (tax #167.04-1-4, 167.04-1-2 and 167.04-1-3) owned by the Hoysic Family and to consider the use of funds in the Town's Open Space Reserve Fund for this purpose.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

ADOPTION OF THE 2012 TOWN OF PERINTON BUDGET

Supervisor Smith reported that a public informational meeting on the 2012 budget was held on October 12, 2011 and a Public Hearing was held on October 26, 2011. The total appropriations are to be \$17,723,401.00. Supervisor Smith stated that normally the Board considers adoption of the budget prior to Election Day, however, this year's process was slowed down due to the new state law regarding the 2% property tax cap. There were a number of unanswered questions regarding that law and Supervisor Smith stated that the county charge back line was a huge issue. The Town needed to find out whether those charges would fall under the Town or County's budget before moving forward. It was determined to be the County's responsibility under the new law after the Public Hearing was held on the Town budget.

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

WHEREAS, this Town Board has met at the time and place specified in the Notice of Public Hearings on the Preliminary Budget for 2012, and the Town Board heard questions and comments upon items in the Preliminary Budget,

NOW, THEREFORE, BE IT RESOLVED, that this Town Board does hereby adopt such preliminary budget as the annual budget of the Town for the fiscal year 2012, and that such budget as so adopted be entered in detail in the minutes of the proceedings of this Town Board, and,

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall prepare and certify, in duplicate, copies of said Annual Budget as adopted pursuant to Section 202-a of Town Law and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Monroe County Legislature, and

BE IT FURTHER RESOLVED, that the Town Clerk of this Town be authorized to place a Notice of Adoption of said 2012 budget in the official paper of the Town of Perinton.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

2012 UNDERTAKING RECEIVER OF TAXES AND ASSESSMENTS

Town Clerk West reported that, as required by Section 25 of Town Law, the Town Board annually approves the bonding of the Receiver of Taxes and Assessments. She asked that the Board do so for the year 2012.

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

WHEREAS, Karen L. Heim, residing in the Town of Perinton, County of Monroe, State of New York, has been duly appointed to the office of Receiver of Taxes and Assessments of the Town of Perinton, New York, and

WHEREAS, under Section 25 of Town Law, said Receiver of Taxes and Assessments is required to execute and file an official undertaking, and the amount of such undertaking having been fixed by the Town Board of the Town of Perinton, in the manner provided for by law, in the sum of \$1,000,000, for faithful performance of her duties,

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Perinton approves the continuation of policy #104421086 held by Travelers Casualty and Surety Company of America, to provide bonding for Karen L. Heim, Receiver of Taxes and Assessments, and Debbie Dorazio-Brown, Deputy Receiver of Taxes and Assessments and directs that this resolution and the bond be filed in the office of the Town Clerk.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

APPROVE CONTRIBUTION TO SENIOR LIVING COUNCIL

Councilperson Knapp stated that the Town of Perinton, Village of Fairport and Perinton Churches Housing provide annual financial support for the Senior Living Council, an organization which provides services for Perinton's senior citizens. Among the services provided are housing at Roselawn and Rose Hollow and the Senior Options for Independence (SOFI) program.

SOFI provides services for Perinton and Fairport senior citizens which help them stay in their own homes and maintain their independence. Clerk West said that her office has had reason to call SOFI for senior citizens who were in need of support and has seen the results of SOFI's assistance. Elderbus is another valuable service provided by the Senior Living Council to Perinton seniors that can no longer drive. Councilperson Knapp also pointed out that the proceeds from Crafts Bits and Pieces supports the operation of SOFI and Elderbus.

A motion was made by Councilperson Havens, seconded by Councilperson Saum, that the Town Board approve funding of \$6,500 as its contribution to the Senior Living Council for 2011-2012 and that the Board amend the 2011 Town Budget by increasing the appropriation in the Programs for the Aging by \$6,500 and increasing the revenues from Rental of Real Property by \$6,500.

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

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of October 2011 be approved.

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

Supervisor Smith stated that the next Town Board meeting will be held on November 30, 2011 due to the Thanksgiving holiday.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:35 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk