

PERINTON TOWN BOARD MEETING
 1350 Turk Hill Road, Fairport, NY 14450
 Wednesday, December 14, 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; Carol Johnston, Deputy Town Clerk; Michael Doser, Director of Code Enforcement and Development; Greg Seigfred, Fire Marshall; T.C. Lewis, Planning Board; Stephen Van Vreede, Councilperson-Elect & 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 November 30, 2011 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Saum, LaFay, Havens
 Nays: None
 Approved

PUBLIC HEARING
 AGRICULTURAL PROTECTION PLAN/
 SE PERINTON PLANNING STUDY

Supervisor Smith called the Public Hearing to order and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on December 1, 2011; affidavit of posting was also December 1, 2011.

Supervisor Smith introduced Barbara Johnston of LaBella Associates. LaBella Associates conducted the study presented by Ms. Johnston titled the Farmland Protection Plan. Supervisor Smith stated that a meeting was held several months ago and members of the agricultural community were invited to come and discuss their issues. Ms. Johnston was present for this initial meeting, has studied the issues and was present at the Public Hearing to review her report and receive questions and comments on the study.

Ms. Johnston outlined the contents of the Farmland Protection Plan which includes an inventory of existing resources, farmland suitable for protection, a characterization of development potential, issues and opportunities, existing and potential techniques and strategies and recommendations. She stated that the study was funded in part by the NYS Department of Agriculture and Markets and many of the items were required to be included in the study. The study focused on the Eastern part of Perinton which includes 1,672 acres of active farmland (or 8% of the Town's land). Ms. Johnston further stated that these farms create a positive financial impact on the region and community through farm income, agricultural support jobs, local farm markets, open space and scenic vistas.

Key benefits identified by the study were the proximity to markets, sales of farm products and protected land providing opportunities to continue farming in

Perinton. Issues identified were the limited land available for farm expansion, drainage concerns and the fact that rented farmland is vulnerable. Ms. Johnston stated that the study also contains a parcel inventory of twelve farms, which gives the Town Planning Board, Conservation Board and Town Board details on these twelve parcels such as agricultural use, conservation status, development potential and scenic value. Ms. Johnston also reviewed evaluation techniques that could be used (or are already being used) by the Town in its relationship with the farmland owners in Perinton such as term easement programs, purchase of development rights, promotion of local farm products, conservation subdivisions, etc. Study recommendations were reviewed including: continue to utilize the Open Space Capital Reserve Fund to purchase farm development rights, continue the term easement program, revise the Town's building permit fees relative to agricultural buildings, revise zoning regulations to provide additional support to agricultural operation, utilize the subdivision review process to minimize the impact of residential development on agricultural operations, etc.

Mr. Martin Demuth, 127 Aldrich Road, asked whether the State or County had seen this report and whether there was a representative from either at this meeting. Ms. Johnston stated that there was no one in attendance from the State or County but that they have seen the plan and will be reviewing it.

Supervisor Smith reiterated that the purpose of the Public Hearing is to get feedback on the proposal. He also encouraged feedback after the meeting through letters and emails. Mr. Doser stated that the plan is available on the Town website. Supervisor Smith stated that one of the review processes that this study will go through will be the County Agriculture Board and that the final review will be with the State Agriculture and Markets Department.

Mr. DeMuth asked what the primary purpose of this plan is and Supervisor Smith stated that it is to further identify ways that the Town can support and protect agriculture in Perinton. Supervisor Smith reviewed the fact that the Town has public water throughout the Town; the SE quadrant does not have sanitary sewers. Mr. Demuth and Mr. Chip Ellsworth, Turk Hill Road, expressed their issue with sewer easements running through their farmland. Mr. Ellsworth also questioned whether he would be restricted as to the amount of land that could be developed if he wanted to sell his land. Supervisor Smith stated that the plan is not meant to limit development or change the underlying facts relating to development. He reviewed the methodology of cluster development in the Town in which a grid plan is laid out showing how many homes can be on the property with the existing zoning on the land. For example, the "conservation subdivision" reviewed by Ms. Johnston leaves the farmland in place, the property owner would make the same amount of money on the land sale and the home developer makes the same amount of money building the same number of homes for a three-way win.

Supervisor Smith stated that the Agricultural Protection Plan is a roadmap to the Town's future but does not change zoning. This is not a Town Law, but a general guideline with recommendations that may help farmers and the Public Hearing is intended to generate feedback and input.

Mr. Ellsworth stated that he also feels that the Town has a poor drainage policy.

Rollin Pickering, 4561 Nine Mile Point Road, owns property on Thayer Road and stated that he supports open space farmland. His concern is over moving toward more restrictive zoning and Ms. Johnston stated that there are no recommendations for more restrictive zoning in the plan.

Julie Jayne, 4467 Carter Road, asked whether this plan applies to all farms in Perinton. Ms. Johnston stated that it does and Supervisor Smith stated that the Town has already done some affirmative actions for the Northeast quadrant of Perinton such as the purchase of the development rights for the Wagner parcel, the purchase of the Clouser property and have virtually "sealed off" development there. Ms. Jayne also asked if the Town had plans to clean out Thomas Creek near her property and Supervisor Smith

explained that cleaning out a creek like that might create unwanted accelerated runoff in another area but her concerns will be taken under advisement.

John DeSeyn, 340 Wilkinson Road, stated his concern that the oldest church in Perinton was not mentioned in this document. He is concerned that any future development on the Lent, Bumpus or Green (of Pannell and Wilkinson Roads) properties would ruin the scenic views in this area. Mr. DeSeyn suggested that the Town should consider acquiring open space on Wilkinson Road for a Town Park and also suggested the purchase of a corner in Egypt to turn it into a farm market to foster agriculture.

Supervisor Smith encouraged further feedback by email or mail. The Town Board did not take action on this plan at this meeting, but would most likely take action at a future meeting to adopt the plan after the County and State have reviewed it. The adoption of the plan is not a legal document and one of the principal reasons for adopting the plan supporting agriculture is to allow the Town to be eligible for future grants to fund the acquisition of development rights.

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

PUBLIC HEARING
OPEN SPACE ACQUISITION
HOYSIC PROPERTY: PITTSFORD-PALMYRA ROAD

Supervisor Smith called the Public Hearing to order and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on December 1, 2011; affidavit of posting was also December 1, 2011.

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 this public hearing on the acquisition itself and the use of funds in the reserve fund for that purpose.

Al Backus, 208 Aldrich Road, stated that he was not aware that the Town might purchase land with the intent to sell it off later. Supervisor Smith stated that the real purpose was to acquire the land at the rear of the property. The Hoysic's approached the Town with an "all or nothing" deal for the purchase of all three parcels and Supervisor Smith wanted to be clear regarding the Town's intent upfront.

John DeSeyn, 340 Wilkinson Road, asked about the area at the northern border of this property. Supervisor Smith stated that it borders the canal, is mostly marshy land and not developable. Martin Demuth, asked whether this land on the canal is on a State easement and Commissioner Beck stated that it is owned by the NYS Canal Corporation. Mr. DeSeyn and Mr. Pickering asked what would happen if part of this property were sold in the future and Attorney Place stated that the proceeds would go toward replenishing the Open Space Capital Reserve Fund and be used for Open Space acquisition.

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

Councilperson LaFay made a motion, seconded by Councilperson Havens, that the proposal for the purchase of 74 acres of Open Space owned by the Hoysic Family be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the purchase will in no way negatively affect the environment.

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

Councilperson Knapp made a motion, seconded by Councilperson Saum, to approve the purchase of 74 acres of land located on the north side of Pittsford-Palmyra Road east of Aldrich Road on the eastern side of Perinton near the Wayne County line from the Hoysic Family. This property is known as tax account numbers 167.04-1-2 (21.6 acres), 167.04-1-3 (9 acres) and 167.04-1-4 (43.4 acres).

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

This use of Capital Reserve Fund monies is subject to Permissive Referendum. Supervisor Smith explained that there would be a legal notice publication and a thirty-day waiting period, after which the action by the Town Board becomes final. If there were a petition filed by individuals saying they do not think this is a good idea, there would be a regular referendum held in the community regarding the matter.

Councilperson LaFay made a motion, seconded by Councilperson Havens to approve that the funds be appropriated from the Capital Reserve Fund for Open Space Acquisition in amount not to exceed \$105,000 (cost of property plus any associated costs).

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

VOLUNTEER BOARD APPOINTMENT

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

WHEREAS, the term of Al Chesonis as the Chairman of the Perinton Recreation and Parks Advisory Board will expire on December 31, 2011,

NOW, THEREFORE, BE IT RESOLVED, that Al Chesonis, 3 Cantwell Place, Fairport, NY 14450 be reappointed as Chairman of the Perinton Recreation and Parks Advisory Board with a term to expire on December 31, 2013.

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

ACCEPT RESIGNATION
RECREATION AND PARKS ADVISORY BOARD

Supervisor Smith stated that Town Clerk West has received a letter of resignation from Stephen Van Vreede as a member of the Recreation and Parks Advisory Board. Supervisor Smith stated that Mr. Van Vreede has been elected as a Town Councilperson, thanked Mr. Van Vreede for his service to the Recreation and Parks Advisory Board and acknowledged the receipt of Mr. Van Vreede's resignation letter.

APPROVE 2012 AMENDATORY ALL SEASONS COUNTY/TOWN WORK
AGREEMENT

DPW Commissioner Beck presented the 2012 All Seasons County/Town Work Agreement, a one-year contract extension to the original that went into effect on January 1, 2007. The extension provides for a fringe benefit rate of 55.19%. The roadside mowing reimbursement rate is \$85.25 per mile mowed for each pass; the dead animal pickup rate is \$28.75 per center lane mile. He asked the Board to approve the contract and authorize the Supervisor to sign the contract.

Councilperson Knapp asked why the dead animal pickup is calculated at a rate per lane mile. Commissioner Beck stated that the County works in a "lane mile world" and that is a consistent measurement among the Monroe County towns.

Councilperson Saum made a motion, seconded by Councilperson LaFay, that the Board approve the 2012 All Seasons County/Town Work Agreement and that the Supervisor be authorized to sign that agreement.

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

APPROVE MONROE COUNTY
PRE-DISASTER MITIGATION PLAN

Greg Seigfred, Fire Marshall, stated that he has served on the Monroe County Pre-Disaster Mitigation Planning Committee for the last two years. The committee was tasked with reviewing and updating the original, 2005 plan. Mr. Seigfred stated that the plan is a 419-page document and that he has provided the Town Board with an executive summary for their review. He stated that it is a multi-jurisdictional plan including Monroe County, the City of Rochester, Towns, Municipalities and public authorities throughout the county; all with representatives sitting on the committee. Mr. Seigfred stated that the plan identifies 29 potential hazards including natural disasters, technical disasters and manmade hazards. He stated that adoption of this plan would allow Perinton to apply for grant monies that may be available to address these potential disasters. Once the plan is adopted by all municipalities, the County will forward it to NYS Division of Homeland Security and Emergency Services to be combined with other NY County Plans and then will be sent to FEMA for acceptance.

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

WHEREAS, Monroe County, with the assistance from the Town of Perinton, has gathered information and prepared the Monroe County Pre-Disaster Mitigation Plan; and

WHEREAS, the Monroe County Pre-Disaster Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Perinton has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by Town Board that the Town of Perinton adopts the Monroe County Pre-Disaster Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

**APPROVE CHANGES TO THE MEMBERSHIP
OF THE BUSHNELL'S BASIN FIRE ASSOCIATION, INC**

A motion was made by Councilperson Saum, seconded by Councilperson Knapp, that the following changes in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

Exempt Member to
Active Resident Fire Policeman

Mr. Thomas Kipp
39 South Ridge Trail
Fairport, NY 14450

Active Resident Firefighter
To Exempt Member

Mr. Brian Bellevia
11 Wind Rush Valley
Fairport, NY 14450

Address Change

Mr. Adam Phelps
84 Alpine Drive
Rochester, NY 14618

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

**AUTHORIZE SUPERVISOR TO SIGN
ANNUAL ASSESSMENT CONTRACT**

Supervisor Smith explained that the Town has various assessment responsibilities which must be carried out from time to time. For the past seven years, the Town has contracted with David Miller, the owner of Assessment & Valuation Services to do a review of the Town's assessment roll, to maintain compliance with the State's requirements and to allow the Town to make sure that the assessment roll is current. Mr. Miller is an expert in melding computers together with real estate values and running models to accurately determine new values. Town Assessor Morabito is requesting that Supervisor Smith sign a contract in the amount of \$7,000 to provide this service for 2012. This cost was outlined in the 2012 Assessment Office budget.

Councilperson Knapp made a motion, seconded by Councilperson Havens that Supervisor Smith be authorized to sign the contract with David Miller, Assessment & Valuation Services, in the amount of \$7,000.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

APPROVE PURCHASE OF REPLACEMENT
VEHICLE FOR ASSESSOR'S OFFICE

Supervisor Smith stated that the Town Board has a memo from Assessor Morabito requesting approval to purchase a replacement vehicle for the Assessment Office. Their current vehicle was purchased in 2004 and will be used by the Deputy Assessor. The replacement vehicle purchase price will not exceed \$20,000. Supervisor Smith stated that the budget must be amended for this purchase by increasing the Assessor's Office Equipment line by \$20,000 and increasing the Revenue line in the budget for Payment in Lieu of Taxes by \$20,000.

Councilperson Knapp made a motion, seconded by Councilperson Havens to approve the vehicle purchase and the resulting budget amendments outlined above.

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

AUTHORIZE ADVERTISEMENT TO BID: DPW EQUIPMENT
AND/OR PURCHASE FROM NYS BID CONTRACTS

Supervisor Smith stated that the Board has a memo from DPW Commissioner Beck outlining the bid process for the purchase of 2012 equipment for the Department of Public Works and requesting its approval. Commissioner Beck also requested approval to purchase three pieces of equipment from the State Bid contract that expires on January 1, 2012. This allows the Town to take advantage of current pricing. The first two items to be purchased would be six-wheel plow trucks replacing two trucks currently in use. Commissioner Beck stated that the State bid cost for each truck is \$172,918.06 and that he would also spend \$6,000.00 on each vehicle for in-house fabrication of material spreaders and associated lighting. The third item is a medium duty, six-wheel truck with a 16-foot box and hoist which would be used for brush collection and would replace a vehicle currently in service. The State bid price for this vehicle would be \$104,250.00.

Commissioner Beck also stated that annually, the DPW trades in one Bobcat skid steer and acquires one new Bobcat skid steer. The net cost to trade in one skid steer is \$3,993.00. Bobcat is a competitive skid steer supplier on the NYS Bid Contract list; therefore, all pricing has been arrived at through the NYS competitive bid process. The skid steer purchase would be funded through the Capital Equipment line in the 2011 Drainage Account.

Councilperson Knapp made a motion, seconded by Councilperson Havens to authorize the bidding process for 2012 DPW Equipment purchases, the purchase of 2 six-wheel plow trucks and 1 six-wheel truck as outlined above and the trade in and acquisition of one Bobcat skid steer.

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 November 2011 be approved.

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 9:30 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk