

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, October 24, 2012

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Stephen C. Van Vreede	Councilperson

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

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 Van Vreede, that the minutes of the Town Board meeting of October 10, 2012 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

PUBLIC HEARING
2013 TOWN BUDGET

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport East Rochester Post on October 11, 2012; affidavit of posting was also October 11, 2012.

A summary of the 2013 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. Supervisor Smith stated that there would be minimal change in the Town's assessed valuation from 2012 to 2013, appropriations were up \$445,688, revenues and unexpended balances were up by \$74,067 and the net amount to be raised by taxes was a \$363,330 increase or \$.05 increase in tax rate for residents in the Village of Fairport and a \$.08 increase in tax rate for the Town outside the Village.

Bill Wilcox, 361 Loud Road, asked how the increases (appropriations +2.5%, amount to be raised by taxes +4.9%, tax rate +4%) fit within the 2% property tax cap. Supervisor Smith stated that this would be explained later in the presentation.

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 2010 to 2011 in the Town and Village was due to an increase in the mandatory payment to the NYS retirement system and a decrease in landfill revenues. 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.

Bill Wilcox, 361 Loud Road, asked how many times the Town has been reassessed in the last ten years. Supervisor Smith stated that reassessments took place in 2002, 2004, 2006, 2008, and 2010. Mr. Wilcox stated that he does not feel that a graph showing tax rate is appropriately reflective without showing change in assessment also. Supervisor Smith reiterated that when compared to our peers the Town tax rate is still not only the third lowest but well below our peers and the total Town taxes for the average home in Perinton is still less than \$400 per year which is a reasonable number. He also stated that any increase on a small number, like the Perinton tax rate, leads to a large percentage change.

Judith McNulty, 647 Thayer Road, asked about the difference in tax rates between the Village and Town outside the Village. Supervisor Smith stated that certain items are charged Town-wide and others are not, such as the Highway repairs. All of the highways that the Town repairs are in the "Town outside the Village" so that charge is rested solely on the "Town outside the Village". Recreation and Parks, on the other hand, is charged across the Town outside the Village and the Village.

Supervisor Smith pointed out a few items on the Fund Appropriations sheet. On the Town Clerk and Tax Collection lines, the money appropriated was realigned for budgeting purposes to more accurately reflect the duties with a small net change. The Dog Warden and Animal Control Services line was reduced due to the retirement of Larry DeWitt and realignment of some duties of Animal Control. The Historian Line has been decreased due to the retirement of Jean Keplinger and the fact that her salary is at the high end of the pay scale. The Celebrations category of the Fund Appropriations page is decreased as there is no Bicentennial Celebration in 2013. The Employee Benefit category increase is due to the mandated cost increases in the NYS retirement system and health benefits for employees.

On the revenue and unexpended balances side of the budget, Supervisor Smith pointed out the receipts in lieu of taxes line. This reflects property that is receiving tax exemption and pays an "in lieu of taxes" payment (or PILOT). In some of the cases, the exemptions are decreasing and the property is becoming taxable. The Rental of Real Property revenue line increased. 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. Interest on Earnings line has lower revenue budgeted as the Town continues to reflect the current interest environment.

Supervisor Smith reviewed pie charts showing the breakout of 2013 projected appropriations and revenues in the five fund groupings. On the revenue side, local taxes went from 42.8% in 2011 to 42.5% in 2013 showing that a smaller/stable amount of the Town revenues will be coming from property taxes.

Supervisor Smith reviewed proposed equipment purchases for 2013 and explained that the budget is slightly decreased versus last year with the main effort being to keep the DPW and Recreation and Parks fleet in good shape. He also explained that the Reserve Fund transfers were similar to previous years with the intent to set aside money in a savings account so that when unusual expenditures come along, the money is available to put towards the expense rather than having a spike in the Town tax rate.

Supervisor Smith then elaborated on the key budget drivers. The budgeted amount for the mandated costs for the retirement system, is \$152,000 (+14%) higher than the 2012 budget. Health Insurance mandates (from the State and Federal Government and separate from regular year-to-year increases) increased by \$18,000. Supervisor

Smith stated that we are in an experienced-based Health consortium, which has worked well as the Town increase will be approximately 12% (10% market, 2% mandates) and lower than the marketplace increase. Supervisor Smith showed a graph of Taxes for the Median Perinton Homeowner, explaining that the Town taxes are a very small portion of the total (6%) with many hands-on services at the resident's doorstep for that expenditure.

Bill Wilcox, 361 Loud Road, reviewed an analysis of his own property again stating that the percentage increase of his Town taxes exceeds the percentage increase in his school or county tax and the consumer price index. He stated that he understands that part of this is unfunded mandates and Supervisor Smith stated that those mandates are greater than \$1 million dollars of the Town budget. Mr. Wilcox encouraged the Town Board to look more carefully at the things that are not mandated for potential reductions, using Recreation and Parks as an example.

Bob Kroll, 33 Dearfield Court, asked what other areas were looked at for reductions in the budget, such as personnel attrition. Supervisor Smith stated that he believes that the Town has never had more people than needed and gave the example of the personnel that do highway plowing, stating that taking care of the roads is probably the biggest thing that the Town can do to maintain the value of the Town residences. He added that the same thing applies to Recreation and Parks and that many people decide to live in Perinton because of the Community Center, Parks and Open Space in Perinton.

Supervisor Smith then reviewed the complex Tax Cap Levy Calculation. The bottom line is that the Town is allowed to raise \$11,899,141 and he anticipates levying \$11,897,286 and being \$1,855 under the tax cap. Supervisor Smith explained that the 2% tax cap is figured on the total tax levy for all budget items under town control (not the individual parts of the budget) and that there are many exceptions. Finance Director Spacher added that exclusions include assessment growth, PILOT payments and the ability to apply what was leftover under the cap from last year. Supervisor Smith added that the percentages are misleading in the Town budget because our rates are so low and encouraged residents to look at the dollars expended, not percentages.

Bob Kroll, 33 Dearfield Court, asked why there has not been any action by the Towns to sue the State over the unfunded mandates. Supervisor Smith stated that there has been a lot of jawboning and that the State has helped the County with Medicaid payments, but the County still only has control over less than 20% of their budget.

Nancy Hessler, 3 Landing View Lane, asked Supervisor Smith to explain how the budget is built. Supervisor Smith stated that each department head submits a proposed budget with the thought "how can we do more with less" in mind. He further stated that the Town goes from year to year in creating a budget and for example looks at each piece of equipment in the DPW fleet and reassesses the state of the highways each year. The DPW uses crack sealing equipment to maintain the roads, 50 to 100 miles of road each year, to help the roads last longer and slurry seals the roads when they are seven years old as a preventative measure. Supervisor Smith also explained that the budget may go up in the short term, but won't go up a larger amount of money long-term. He also stated that many subdivision roads in Perinton have reached their life cycle and the roads now need to be milled down and gutters repaired. The cost of gutter repair can be as much as repairing roads and much greater cost than the Consumer Price Index.

Ms. Hessler then commented that she is concerned about seniors and the unemployed being able to pay their taxes and referred to the Town's salary increase (2%) and cost of benefits. She asked about the percent contribution of employees to health care. Supervisor Smith stated that the older employees pay 10% contribution and newer pay 20%. He also stated that Town employees received no salary increase in 2010 and that the surrounding years were 2% increase and that private sector increases were slated to be 3% this year. He also stated that there are programs to help the disadvantaged and seniors to pay taxes (Senior exemption, enhanced STAR etc). Supervisor Smith added that Commissioner Myers eliminated a position in 2012, Aquatics Supervisor, which saved the Town \$55,000 and elevated people under that position to fill in the work.

The next 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. 11.73% of property in Perinton is exempt.

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

Supervisor Smith stated that the Town Board would anticipate taking action on the 2013 Budget at the November 14, 2012 Town Board meeting. Supervisor Smith also thanked Finance Director Spacher and the Town department heads for their help in putting together a budget in difficult circumstances.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously approved

AUTHORIZATION TO BID NEW BOILER – COMMUNITY CENTER

Recreation and Parks Commissioner Myers stated that main boiler used to heat the Perinton Community Center is broken down. The center is currently being heated by a smaller boiler that was installed with the addition of the aquatics expansion, and there is no backup. He stated that it would cost an estimated \$10,000 to repair this section (one of seven sections) of the 15-year-old boiler and that there is no guarantee that other sections will not fail.

Commissioner Myers stated that the second option is to replace the boiler at an estimated cost of \$90,000. He also stated that the manufacturer indicates that we would realize savings of 30 to 40% of our natural gas use due to improvements in technology and therefore, the payback time for this option is between 1.6 and 3.1 years, depending on the cost of natural gas. The useful life of this boiler is projected to be 25 years.

A motion was made by Councilperson LaFay, seconded by Councilperson Knapp, that the Commissioner of Recreation and Parks be authorized to advertise for bids for labor and materials for a new boiler to be installed at the Perinton Community Center and to approve that the funds be transferred from the Capital Reserve Fund for Building Improvements to the Recreation and Parks Fund in amount not to exceed \$95,000.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
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.

APPROVE INDIAN VALLEY SEWER PROJECT CHANGE WORK ORDERS

Commissioner Beck recommended the following change work orders for the Indian Valley Sewer Project Phase 1. An explanation of the Change Order follows below:

Item 1

Additional fill was needed for several yards located around the Duncott Circle cul-de-sac. The grade of the road in this area was increased to create more cover over the new sanitary sewer. The total cost for this item is \$1,600.00

Item 2

To provide a smooth transition for the existing asphalt on Wickford Way to the new asphalt, it was necessary to accomplish a small amount of milling. The total cost for this item is \$1,991.00

Item 3

Due to encountering unstable and wet soil conditions, the contractor was allowed to install an inside drop manhole on Wickford Way, rather than an outside drop manhole as originally called for in the plans. No payment was made to the contractor for the outside drop. Therefore the change allows payment for the inside drop. The total cost for this item is \$1,550.00.

Item 4

The contract called for all pipe trenches to be backfilled with select fill. During the course of the project, onsite soils in some areas were found to be suitable for backfill use. Since there was no contract item that accounted for this type of operation, the contractor is being compensated through this change order. The total cost for this item is \$3,275.88.

Commissioner Beck stated that the total cost for this Change Order is \$8,416.88. The approved budgeted construction cost for Phase I was \$1,501,552.50. The addition of Change Orders #1, \$4,530.00, #2, \$212,940.90, and #3 \$8,416.88, brings the total construction cost of Phase I to \$1,435,203.33. This is \$66,349.17 less than the approved budget amount. He further stated that Phase I is now completely finished, so there will be no further Change Orders submitted.

Commissioner Beck recommended the following change work orders, Change Order #2, for the Indian Valley Sewer Project Phase II. An explanation of the Change Order follows below:

Item 1

During the construction phase of the project it was determined that an embankment area adjacent to the roadway at 30 Duncott Road required grading above and beyond that called for in the plans and specifications. The total cost for all work associated with this change is \$3,217.

Item 2

Installation of a 30" metal storm sewer pipe at 29 Duncott Road, in lieu of the originally specified concrete headwall, required the removal and replacement of the existing landscape plantings in the area. Also, it was necessary to install additional channel proportion to prevent future scouring of the streambed and cobbles for erosion control. The total cost for all work associated with this change is \$3,855.00

Item 3

A metal end section was to be installed on a 12" storm sewer pipe per plans and specifications. However, no pay item was established in the specifications for this work. The total cost for all work associated with this change is \$240.00

Commissioner Beck stated that the total cost for all items included in Change Order #2 of Phase II is \$7,312.00. The approved budgeted construction cost for Phase II was \$2,730,875.00. The construction contract was awarded to Gordon J. Phillips, Inc. in the amount of \$2,383,615.00, which is \$347,260.00 under the

approved budget amount. The combined total cost of Change Orders #1 (previously approved on August 22, 2012) and #2 is \$23,343.81 leaving the project #323,916.19 under budget.

A motion was made by Councilperson Van Vreede, seconded by Councilperson Havens, that the above change work orders be approved as recommended by Commissioner Beck. Each is the result of a change in conditions and was not foreseen in the original plans.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously approved

APPROVE NEW YORK STATE SNOW & ICE CONTRACT

Commissioner Beck presented the 2013 New York State Snow and Ice Contract to the Board. He said that the Town plows 70.29 lane miles of New York State highways and will be reimbursed for total expenditures on a time and materials basis. He asked the Board to authorize the Supervisor to sign the contract extension.

A motion was made by Councilperson LaFay, seconded by Councilperson Havens, that the Supervisor be authorized to sign and that the Town Board approve the New York State Municipal Snow and Ice Agreement which states, in part:

WHEREAS, the Commissioner of Transportation of the State of New York (the Commissioner) and the Town of Perinton have entered into Agreement #D139724, entitled "Snow and Ice Agreement between the New York State Department of Transportation and the Town of Perinton" dated June 28, 1978; and

WHEREAS, the term of the said agreement is for a period of three years commencing July 1, 1978 and the said agreement provides that the parties may, at the end of each year of the term of the agreement, extend such term for an additional year; and

WHEREAS, the present term of the agreement, as extended, expires June 30, 2014; and

WHEREAS, Section 7 of the said agreement provides that the Commissioner shall furnish the Town of Perinton with a suitable map for each term of the agreement, or for any extended term thereof, modified to show the changes, if any, to the state highways affected by this agreement; and

WHEREAS, Section 10 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10 at the time for extension of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual covenants and benefits between the parties,

1. The aforementioned "Snow and Ice Agreement Between New York State Department of Transportation and the Town of Perinton is hereby extended for a period of one year; now to expire on June 30, 2014, unless further extended.
2. The state highways or parts thereof affected by this agreement are as delineated on the attached map, agreed upon by the Commissioner and the Town of Perinton, which shall be effective for the remainder of the term of the agreement commencing July 1, 2012, unless changed by future agreement between the Commissioner and the Town of Perinton.
3. All the terms and conditions of the original contract remain in effect except as follows: the estimated expenditure as specified in Section 10 of the

aforementioned agreement shall be \$3,700.3863 per lane mile for 70.29 lane miles for a total of \$260,100.15 for the 2012/2013 season and for the remainder of the term of the agreement commencing July 1, 2012, unless changed by future update.

IN WITNESS WHEREOF, this agreement has been executed by the State, acting by and through the duly authorized representative of the Commissioner and the Town of Perinton.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously approved

APPROVE DEPOSIT OF AUCTION PROCEEDS TO CAPITAL RESERVE FUNDS

DPW Commissioner Beck stated that the Highway and Sewer Departments submitted 12 pieces of equipment to be sold at the Municipal Equipment auction, which took place on May 19, 2012. Commissioner Beck is requesting that \$31,419.00 of the \$62,919.00 in proceeds be deposited into the Highway Department Capital Reserve Account and the remaining \$31,500.00 in proceeds be deposited into the Sewer Equipment Capital Reserve Account.

Councilperson LaFay made a motion, seconded by Councilperson Havens to authorize that the \$62,919.00 in proceeds from the May 19, 2012 Municipal Equipment auction be deposited into the Capital Reserve Accounts as outlined by Commissioner Beck above.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously approved

APPROVE SEWER DEPARTMENT EQUIPMENT ACQUISITION AND TRANSFER OF FUNDS

DPW Commissioner Beck stated that the Sewer Department recently responded to an after hour's service request for a storm sewer backup on Parkland Drive. Upon arrival, they found that a small amount of storm water was backing up into the basement of the home. The storm sewer main, located beneath the road, was inspected and found to be holding water. This situation typically reflects the presence of a foreign object restricting flow in the main.

Commissioner Beck stated that the personnel on scene attempted to unplug the main through the use of the Vactor Truck and were only partially successful. The next day, the storm sewer was inspected using the department's digital camera system. A large mineral deposit was discovered that was blocking more than three quarters of the pipe's diameter. Upon further inspection, they found this same situation existed in numerous pipe sections located throughout the entire neighborhood.

Commissioner Beck explained that every year +/-10 miles of sanitary and storm sewer pipe is flushed and visually inspected as part of the Department's ongoing maintenance program. Initially it appeared that the only remedy would require the excavation of each blockage, however, moving forward with a dig and replace operation requires removing a significant portion of the pavement section in each plug location, as well as portions of the concrete gutters, replacing at least one section of concrete storm sewer pipe, back filling, compacting and installing new pavement. Commissioner Beck stated that undertaking this type of operation would create significant disruption requiring a minimum of two days work for each plug location, and if the work was contracted out,

could easily cost +/- \$20,000.00 for each plug location. If the work were undertaken by Sewer Department personnel, the material cost for each location would be less than \$10,000 for each location; however it would commit the Town Sewer personnel to the project for up to two months.

Commissioner Beck stated that he reached out to other communities to see if they had encountered this situation and found a solution, and they had not. He also contacted a variety of companies that manufacture and supply nozzles for use with Vactor Trucks. One of them indicated that they had a nozzle that was designed to cut concrete out of pipe lines that they thought would work for this situation. He arranged for them to demo the nozzle, a percussion milling head, on one of the mineral deposit plugs. It took about 20 minutes, but it cut through the plug without damaging the pipe and the sewer employees were then able to flush the line and collect leftover debris.

Commissioner Beck stated that the Percussion Milling Nozzle proved to be an excellent tool that ultimately provided the Town with a viable, cost and time effective solution to the problem and therefore, he authorized the purchase of the nozzle at a total cost of \$14,960.00.

Councilperson Knapp asked Commissioner Beck whether the Sewer Department has noticed any mineral deposits like this in other parts of Town. Commissioner Beck stated that the year before a road is worked on, the department videos and flushes the sanitary and storm sewers under the road and that they have not run into this in the thirteen years that they have followed this process. He said that they had a similar situation on Chardonnay Drive this year and that the sanitary lateral was solidly blocked for approximately eight feet and had to be dug out and replaced. The new precision milling nozzle will be well used and has already paid for itself (as opposed to digging up the road).

Councilperson LaFay made a motion, seconded by Councilperson Havens to approve the purchase of the precision milling nozzle and to authorize the transfer of \$14,960.00 from the Capital Reserve Account For Sewer Equipment, into the Sewer Operating Fund and to amend the 2012 Budget in that fund by increasing the revenue line, "Transfer From Other Funds", and the appropriation line, "Sewer Equipment", by the same amount, \$14,960.00.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

AUDIT APPROVAL

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay that Audit #11 for October 2012 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

OCTOBER AUDIT

General Fund	29,973.43
Town Outside of Village	68,139.39
Recreation	78,312.65
Highway General Repair	16,134.71
Highway Snow & Miscellaneous	159,067.34
Joint Sewer	23,700.12
Perinton Ambulance	74.78
B Basin Fire Protect Dist	71.79
Fairmont Hills Maint Dist	320.00
O'Connor Rd Relocation Proj	11,958.44

RS&E Ped Bridge Project	182,029.07
Jefferson Ave Sewer Project	22,713.93
Indian Valley Sewer Project	<u>218,927.01</u>
	\$811,422.84 Total

The above items were numbers 86526-86718.

OCTOBER MANUAL 1

General Fund	82,153.74
Town Outside of Village	4,700.23
Recreation	29,514.17
Joint Sewer	7,889.71
Midlands Lighting Dist	419.18
Lake Lacoma Lighting Dist	15.61
Meadows Lighting Dist	465.35
Deer Run Lighting Dist	<u>1,603.88</u>
	\$126,761.87 Total

The above items were numbers 86492-86511, 86522-86524.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede
Nays: None
Unanimously Approved

There being no further business before the Board and no further questions from the audience, the Board adjourned at 9:07 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk