

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, November 28, 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; Chris Fredette, Conservation Board; T.C. Lewis, Planning 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 LaFay, that the minutes of the Town Board meeting of November 14, 2012 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING  
SPECIAL USE PERMIT  
GLORY WORSHIP CENTER  
7374 PITTSFORD-PALMYRA ROAD

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 November 15, 2012; affidavit of posting was also November 15, 2012.

Tamara Franchuk, Senior Pastor of the Glory Worship Center explained that they have come before the Board to gain approval to hold worship services in an empty retail space at the Towne Center Plaza located at 7374 Pittsford-Palmyra Road. Their congregation is relatively new, started on February 26, 2012 with about forty members and is made up of young and old members with approximately 50% of the congregants from the Perinton community. The congregation currently meets at the Cobblestone Art Center on Route 332 in Canandaigua.

Supervisor Smith asked Pastor Franchuck about the goals for the church and she stated that they would like to grow and expand to the space next door in the retail plaza.

Code Enforcement and Development Director Doser stated that should the Town Board approve the Special Use Permit, he is requesting that the applicant apply for a Building Permit. NYS building code provisions need to be followed and require a building permit with the change in occupancy to an assembly-type occupancy (fire code issues, etc need to be followed).

Chris Fredette, Conservation Board, stated that the Conservation Board is in favor of the application and that their only question was availability of parking at the plaza. Supervisor Smith asked Gary DeBlase, owner of the Towne Center Plaza, whether there are any tenants with businesses open at the plaza on Sunday mornings and he stated that there are not, and that there are no concerns regarding access or parking. Supervisor Smith also asked if there was a proposed lease period for the Glory Worship Center and Mr. DeBlase stated that both parties are interested in a one-year lease. Supervisor Smith proposed that the approval coincide with the lease and Pastor Franchuck agreed.

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

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede, that the proposal to approve the Special Use Permit for Glory Worship Center at 7374 Pittsford-Palmyra Road be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the approval of the Special Use Permit will not negatively affect the environment.

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

Councilperson Knapp made a motion, seconded by Councilperson Havens, that, having reviewed Section 208-54 of the Code of the Town of Perinton and found this application to be in conformity with it, the Board approve the application for a Special Use Permit to open and operate a church worship facility at 7374 Pittsford-Palmyra Road with the following conditions:

1. Building Permit be granted and received by the applicant
2. Special Use Permit will expire one year from date of issuance of Certificate of Occupancy.

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

ORDER FOR HEARING  
AMENDMENT TO SECTION 208  
OF THE CODE OF THE TOWN OF PERINTON  
AGRICULTURE

Director of Code Enforcement and Development Doser stated that he is proposing changes to Section 208 of the Code of the Town of Perinton regarding Agriculture. The proposed changes are based on the recommendations of the recent Farmland Protection Plan that was accepted by the Town Board earlier this year. Mr. Doser further stated that Perinton has a strong and proud agricultural heritage and that the purpose of the additions and revisions is to further define and support agricultural activity in the Town. Specifically, the proposed code changes address the definition of farm to include definitions as identified by New York State Agriculture and Markets law. It would also add definitions for agricultural products, agricultural structures, and agricultural activity and farm operations. Mr. Doser stated that residential developments that border farms would be required to properly buffer the development from the farm to minimize residential access to the farm. The proposed code would also allow agriculture and agricultural structures to be present in Residential B and Residential Transition 125 and Residential 25 and Residential Sensitive zoning districts. And lastly, he stated that proposed code would add the retention of productive agricultural land as a consideration in Open Space preservation and exempt agricultural structures from site plan approval. He asked the Board to set a date for a Public Hearing to consider the following proposed changes:

Add text  
Delete text

§ 208-8 Definitions.

**AGRICULTURAL ACTIVITY**

**The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land or agricultural structures for growing agricultural products, and cutting timber for sale.**

**AGRICULTURAL PRODUCTS**

**Those products as defined in § 301, Subdivision 2, of Article 25-AA of the New York State Agriculture and Markets Law.**

**AGRICULTURAL STRUCTURE**

**Any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural activity on an active farm on five acres of land or more.**

**FARM**

**Any parcel of land five acres or more, used for agricultural activities or farm operations, or land defined in § 301, Subdivision 4, of Article 25-AA of the New York State Agriculture and Markets Law as “land used in agricultural production.” It includes necessary agricultural structures and the storage of equipment used.**

*A unit of land having more than five acres and used for cultivation, pasture or other customary agricultural purposes.*

**FARM OPERATION**

**The land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in § 301, Subdivision 13, of Article 25-AA of the Agriculture and Markets Law and "timber processing" as defined in § 301, Subdivision 14 of Article 25-AA of the Agriculture and Markets Law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.**

§ 208-11. Nonconforming uses **or structures.**

- A. Any nonconforming use **or structure** now lawfully existing may be continued only on the premises and in the buildings and structures where it now exists., *except that new farm buildings for the housing of farm animals, produce and farm machinery only may be erected on any farm existing at the date of the adoption of this Zoning Chapter, provided that any such building erected hereafter shall be located not less than 100 feet from the nearest road and not less than 75 feet from the nearest side or rear lot line of the nearest adjoining owner.*

§ 208-25. Buffer areas for certain abutting properties.

- A. Where a lot containing public buildings or grounds or a lot in any Townhouse, Apartment, Restricted Business, Industrial or Commercial District abuts a lot in a Residential AA, A, B or C, Residential Transition 1-2-5, Residential 2-5 or Residential Sensitive District, the side and rear setbacks for such lot containing public buildings or grounds or such lot in a Townhouse, Apartment, Restricted Business, Industrial or Commercial District on said abutting line shall be bordered by a buffer area to be erected along said property line as part of site plan approval by the Planning Board.

**B. Where new residential development abuts property that has been utilized for agricultural production during the past year, a buffer shall be incorporated into the residential development that effectively limits access from residences to farm fields. Acceptable buffers may include natural features such as streams or tree plantings or fences. The Planning Board shall determine whether the proposed buffer is of sufficient size, width, height and/ or configuration to ensure that it would be effective in limiting access to farm fields from the new residential development.**

§ 208-32. Class B District.

The following regulations shall apply to the Class B District:

A. Uses permitted. The following uses are permitted:

- (1) Single-family detached dwelling which may have an attached or detached private garage.
- (2) Two-family detached or semidetached dwelling with an attached or detached garage may be approved by the Planning Board if the developer applies for the same with concept subdivision approval and if the applicant has received a special permit from the Town Board, as provided for in § 208-54 of this chapter. The buildings must be in harmony with and complementary to the single-family residences provided for said subdivision. Applicants shall notify neighboring property owners within 500 feet of the boundary of these proposed subdivisions at least one week and not more than three weeks prior to the scheduled Town Board hearing for the special permit.
- (3) The conversion of an existing dwelling from a one-family to a two-family dwelling or the construction of a two-family detached or semidetached dwelling on a preexisting lot may be permitted upon a special permit from the Zoning Board of Appeals as provided in § 208-54 of this chapter. If a special permit is granted, applicants building new units or modifying the exterior of existing structures must obtain site plan approval from the Planning Board.
- (4) Public buildings and grounds. (See § 208-8, Definitions.)
- (5) One-story accessory building. (See § 208-14G herein.)
- (6) All uses as permitted and regulated in Townhouse Districts under § 208-34 herein.
- (7) Customary home occupation. (See § 208-8, Definitions.)

**(8) Agriculture and agricultural structures for agricultural activity.**

B. [NO CHANGES]

C. [NO CHANGES]

D. Setbacks.

- (1) The minimum front setback shall be 50 feet, the minimum side setback 15 feet and the minimum rear setback 15 feet.
- (2) On corner lots, the minimum setback from each highway shall be the same as the front setback from each highway.
- (3) If the lot will be served by sanitary sewers, the minimum side setback shall be 12 feet instead of 15 feet.

(4) Single-family semidetached dwellings may have one zero-foot side yard.

**(5) An agricultural structure shall have a minimum front setback of 140 feet, minimum side setback of 30 feet, and minimum rear setback of 50 feet.**

§ 208-36. Residential Transition 1-2-5.

A. Purpose and locational criteria. The purpose of this district will be to encourage large-lot residential development in areas where conditions of the environment, availability of utilities and surrounding land use patterns dictate that residential densities and the amount of land covered by impervious surfaces remain low. Generally these are areas farther from commercial/service centers, acting as transition between conventional suburban residential development densities and rural densities, and where both sewer and water are expected.

B. Uses permitted. The following uses are permitted:

- (1) A single-family detached dwelling, which must have a two-car private garage.
- (2) One-story accessory building. (See § 208-14G herein.)
- (3) Customary home occupation. (See § 208-8, Definitions.)
- (4) Public buildings or grounds (see § 208-8, Definitions), excluding convalescent centers, hospitals and other group quarters not located in an existing single-family home.

**(5) Agriculture and agricultural structures for agricultural activity.**

**C. (3) An agricultural structure shall have a minimum front setback of 140 feet, minimum side setback of 30 feet, and minimum rear setback of 50 feet.**

D. (1) [NO CHANGES]

(2) Special conditions: clustering.

(a) In considering the number of lots permissible under § 278, LDD (Limited Development District) lands shall be counted at a gross density of one unit per five acres, according to § 208-48.

(b) Clustering shall result in the reservation of land from development. Larger lots or open spaces created by the use of § 278 shall be treated in one of the following manners:

[1] Dedication to the public.

[2] Reservation from development with land held in common by a community association.

[3] Restrictive covenants on LDD lands and other lands designated by the Planning Board to enhance the open space **or agricultural** qualities of the development, to minimize land disturbance and to maintain natural open space **or agricultural land** values.

(c) Clustered lots shall be placed on the land such that they are visually and functionally separated from other nonclustered lots in the development or designed such that the appearance from surrounding properties is similar to nonclustered lots and achieve the design guidelines of the district.

(d) A maintenance and environmental management plan shall be submitted for all nonpublic reserved open space **or agricultural** lands.

(e) Clustering shall not be permitted where, in the opinion of the Planning Board, upon advice of the Conservation Board, the concentration of individual sewage disposal systems may impair ground- or surface waters.

(f) Clustered lots shall not be allowed to front on arterial or collector streets.

**(g) If open space is intended to be used for agricultural production, adequate buffers shall be incorporated into the development design to minimize the potential for conflicts between farming uses and residential neighbors.**

[§ 208-37. Residential Transition 2-5.](#)

**A.** Purpose and locational criteria. The purpose of this district will be to encourage large-lot residential development in areas where conditions of the environment, availability of utilities and surrounding land use patterns dictate that residential densities and the amount of land covered by impervious surfaces remain low. Generally these are areas farther from commercial/service centers, acting as transition between conventional suburban residential development densities and rural densities, and where public water but not sanitary sewers are expected.

**B.** Uses permitted. The following uses are permitted:

- (1) A single-family detached dwelling, which must have a two-car private garage.
- (2) One-story accessory building. (See § 208-14G herein.)
- (3) Customary home occupation. (See § 208-8, Definitions.)
- (4) Public buildings or grounds (see § 208-8, Definitions), excluding convalescent centers, hospitals and other group quarters not located in an existing single-family home.

**(5) Agriculture and agricultural structures for agricultural activity.**

**C. (3) An agricultural structure shall have a minimum front setback of 140 feet, minimum side setback of 30 feet, and minimum rear setback of 50 feet.**

**D.** (1) [NO CHANGES]

(2) Special conditions: clustering.

(a) In considering the number of lots permissible under § 278, LDD (Limited Development District) lands shall be counted at a gross density of one unit per five acres, according to § 208-48.

(b) Clustering shall result in the reservation of land from development. Larger lots or open spaces created by the use of § 278 shall be treated in one of the following manners:

[1] Dedication to the public.

[2] Reservation from development with land held in common by a community association.

[3] Restrictive covenants on LDD lands and other lands designated by the Planning Board to enhance the open space **or agricultural** qualities of the development, to minimize land disturbance and to maintain natural open space **or agricultural land** values.

(c) Clustered lots shall be placed on the land such that they are visually and functionally separated from other nonclustered lots in the development or designed such that the appearance from surrounding properties is similar to nonclustered lots and achieve the design guidelines of the district.

(d) A maintenance and environmental management plan shall be submitted for all nonpublic reserved open space **or agricultural** lands.

(e) Clustering shall not be permitted where, in the opinion of the Planning Board, upon advice of the Conservation Board, the concentration of individual sewage disposal systems may impair ground- or surface waters.

(f) Clustered lots shall not be allowed to front on arterial or collector streets.

**(g) If open space is intended to be used for agricultural production, adequate buffers shall be incorporated into the development design to minimize the potential for conflicts between farming uses and residential neighbors.**

[§ 208-38. Residential sensitive district.](#)

[A.](#) Purpose and locational criteria. The purposes of this district are to:

- [\(1\)](#) Assure that lands identified in the Comprehensive Plan as having exceptional environmental values are developed with minimal disturbance to the environment.
- [\(2\)](#) Maintain low density in areas with poor transportation networks and physical constraints to development.
- [\(3\)](#) Assure compatible types and densities of development.
- [\(4\)](#) Encourage innovation in subdivision design.

[B.](#) Uses permitted. The following uses are permitted:

- [\(1\)](#) One single-family dwelling per lot which must have a two-car garage.
- [\(2\)](#) One-story accessory building to single-family dwelling.
- [\(3\)](#) Customary home occupations.
- [\(4\)](#) **Agriculture and agricultural structures for agricultural activity.. purposes which meet the standards set forth in § 208-11A.**
- [\(5\)](#) Public buildings and grounds, as defined in this chapter, shall not be permitted, except in accordance with § 208-12 or 208-13.
- [\(6\)](#) The following uses, upon obtaining a special permit from the Town Board as provided in § 208-54.
  - [\(a\)](#) Kennels, provided that there is at least five acres and that there is no outside keeping of animals.

**C. (2) An agricultural structure shall have a minimum front setback of 140 feet, minimum side setback of 30 feet, and minimum rear setback of 50 feet.**

D. [NO CHANGES]

E. [NO CHANGES]

F. Special conditions: clustering.

(1) In considering the number of lots permissible under § 278, LDD (Limited Development District) lands shall be counted at a gross density of one unit per five acres.

(2) Clustering shall result in the reservation of land from development. Larger lots, **agricultural land** or open spaces created by the use of § 278 shall be treated in one of the following manners:

(a) Dedication to the public.

(b) Reservation from development with land held in common by a community association.

(c) Restrictive covenants on LDD lands and other lands designated by the Planning Board to enhance the open space **or agricultural** qualities of the development to minimize land disturbance and to maintain natural open space **or agricultural land** values.

(3) Clustered lots shall be placed on the land such that they are visually and functionally separated from other nonclustered lots in the development or designed such that the appearance from surrounding properties is similar to nonclustered lots and achieves the design guidelines of the district.

(4) A maintenance and environmental management plan shall be submitted for all reserved nonpublic open space **or agricultural** lands.

(5) Clustering shall not be permitted where, in the opinion of the Planning Board, upon advice of the Conservation Board, the concentration of individual sewage disposal systems may impair ground-or surface waters.

(6) Clustered lots shall not be allowed to front on arterial or collector streets.

**(7) If open space is intended to be used for agricultural production, adequate buffers shall be incorporated into the development design to minimize the potential for conflicts between farming uses and residential neighbors.**

§ 208-51. Open Space Preservation.

A. [NO CHANGES]

B. In order to carry out this intent, an application for an open space preservation project shall address the following objectives:

(1) The preservation and enhancement of the natural features of the site.

(2) The accommodation of land uses and physical site arrangements which are not contemplated under conventional zoning but which would further the development goals of the Town.

(3) The creation of more usable open space and/or recreation area.

(4) The preservation of trees, scenic vistas, outstanding natural topography and geologic features, **the retention of productive agricultural land** and/or **the** prevention of soil erosion.

(5) The provision of a more desirable environment than what would be possible through the strict application of existing zoning.

(6) The promotion of the general health, safety and welfare of the Town.

C. [NO CHANGES]

D. [NO CHANGES]

E. The Planning Board's report and recommendations to the Town Board should consider the following:

(1) The suitability of the tract(s) for the general type of open space **or farmland** preservation proposed, the physical characteristics of the land and the relation of the proposed development to surrounding existing and probable future development.

(2) The adequacy of major roads, utilities and other facilities and services to serve the development.

(3) That the proposal is conceptually sound and that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, hiking trail system and drainage system.

(4) The Town's Comprehensive Plan and/or other plans or policies used to guide development in the Town.

§ 208-53. Site plan review.

A. Prior to issuing a building permit for the construction of a building, change of use of a building, change to an existing site plan or for a building where the site plan approval has expired, on a lot in any district, except for one-family dwellings or two-family dwellings in approved subdivisions outside of the Residential Sensitive Zoning District **and except for agricultural structures**, the Director of the Building Department shall refer the site plans for construction on such lot to the Planning Board for its review and approval. Within a Residential Sensitive Zoning District site plan approval in accordance with § 208-38H and 208-53J of this Code is required. Except for one-family dwellings or two-family dwellings in approved subdivisions, no building permit or certificate of occupancy for a change in use of an existing premises shall be issued except in accordance with standards and procedures set forth in this section.

A motion was made by Councilperson Van Vreede, seconded by Councilperson Knapp, that 8:00 pm on January 9, 2013 at the Perinton Town Hall, 1350 Turk Hill Road, Fairport NY be set as the time, date and place for a Public Hearing to discuss the proposed changes to the Code of the Town of Perinton as listed above.

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

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 eight 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 \$7,500 to provide this service for 2013. This cost was outlined in the 2013 Assessment Office budget.

Councilperson Havens made a motion, seconded by Councilperson LaFay that Supervisor Smith be authorized to sign the contract with David Miller, Assessment & Valuation Services, in the amount of \$7,500.

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

ANNOUNCE END OF PERMISSIVE REFERENDUM  
BOILER – COMMUNITY CENTER

Supervisor Smith announced that the time of Permissive Referendum for the transfer of funds from the Capital Reserve Fund for the funding of the purchase of a new boiler for the Perinton Community Center has passed.

AUTHORIZE SUPERVISOR TO SIGN  
PERINTON/VICTOR INTERMUNICIPAL AGREEMENT  
AUBURN TRAIL EXTENSION

DPW Commissioner Beck stated that the Town of Victor has requested Perinton's assistance in the construction of the Auburn Trail Project; a portion of which extends into the southwestern corner of Perinton along Woolston Road. Commissioner Beck stated that this project is being funded by a grant (Federal Highway Administration: Transportation Enhancement Program Grant) which was received by Victor and all work performed by Perinton staff will be reimbursed by the Town of Victor. He stated that the scope of the Perinton work (cost of \$47,412.00) would include the following improvements along Woolston Road, from the Pittsford/Perinton Town-line to Powder Mill Park:

- Expand the north and south-side asphalt shoulder area of Woolston Road to a width of 5-feet
- Install two (2) 6-foot wide pedestrian crosswalks; and
- Install "pedestrian crossing" warning signage.

Chris Fredette, 3 Cabernet Circle, asked whether this section of Woolston Road is outside of Powder Mill Park and Commissioner Beck stated that it is. The section runs from Railroad Mills to a parking lot area across the street from the ski hill at Powder Mill Park.

Councilperson LaFay asked whether this project came before the Board several years ago and Supervisor Smith stated that Chris Smith of Fisher Associates (Project Engineer) and Brian Emelson from the Town of Victor attended the March 26, 2008 Perinton Town Board meeting to explain the project. An Open House was then held at the Perinton Town Hall for Woolston Road residents adjacent to the project.

Councilperson LaFay proposed the following resolution, seconded by Councilperson Van Vreede:

**WHEREAS**, this Intermunicipal Agreement (“the Agreement”) is made pursuant to General Municipal Law, Article 5-G, Section 119-o; and

**WHEREAS**, it is in the mutual best interests of the residents of the Town of Victor and the Town of Perinton to cooperate on the portion of the Auburn Trail Project Extension Project (“the Trail Project”) where the Trail Project transits the properties that abut the two neighboring towns; and

**WHEREAS**, the Town of Perinton is agreeable to undertaking the work to widen the shoulders to five (5) feet on both sides of a particular section of Woolston Road (that section of road identified in the drawing attached hereto as Schedule “A”)(“the Shoulder Widening Project”) from the newly constructed portion of the Auburn Trail to Powder Mill Park; and

**WHEREAS**, the Shoulder Widening Project will also include erosion control measures, driveway aprons, topsoil and seed and striping crosswalks at two locations; and

**WHEREAS**, the Town of Victor will be responsible for providing the appropriate pedestrian advance warning and crossing signs which will be erected by the Town of Perinton in conjunction with the Shoulder Widening Project; and

**WHEREAS**, the Town of Victor has certain grant funds from which it will reimburse the Town of Perinton for its costs of construction of the Shoulder Widening Project, the costs of which are contained in the Project Scope of Work and the Project Cost Estimate which is attached hereto as Schedule “B”; and

**WHEREAS**, this Agreement is conditioned upon the approval of the Town of Victor and Town of Perinton Town Boards; and

**NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:**

1. That the Town of Perinton will construct the Shoulder Widening Project along the section of Woolston Road identified in the attached Schedule “A” and in accordance with the Project Scope of Work set forth in the attached Schedule “B”.
2. That the Town of Victor will reimburse the Town of Perinton for the construction of the Shoulder Widening Project in accordance with the Project Cost Estimate set forth in the attached Schedule “B”.
3. That the Town of Perinton will erect the appropriate road signage for pedestrian advance warning and pedestrian crossing along the Shoulder Widening Project, which signage will be provided by the Town of Victor.
4. That in the event that the applicable insurance coverage for the Town of Victor and the Town of Perinton is not sufficient to cover a claim, action, lawsuit or judgment or does not fully pay a claim, settlement or judgment involving the Shoulder Widening Project, and the Town of Victor, the Town of Perinton, or both, become liable for damages based on such claim, action, lawsuit or judgment, each Town will pay its proportionate share of such claim, settlement or judgment, in proportion to the culpable conduct, if any, attributable to each Town.
5. That this Agreement and its attachments constitute the entire agreement between the parties with respect to the subject matter thereof and shall supersede all previous negotiations, commitments and writings, and it shall not be modified except by an instrument in writing signed by a duly authorized representative of each of the parties.
6. That this Agreement shall not be enforceable until signed by all parties upon authorization by their respective Town Boards.

7. That this Agreement shall be construed and enforced in accordance with the laws of the State of New York.

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

APPROVE ABANDONMENT OF STORM SEWER EASEMENT  
SUMMIT FEDERAL CREDIT UNION

DPW Commissioner Beck explained that the Town has a request from Knauf & Shaw, LLR, representatives for the Summit Federal Credit Union, to abandon a portion of a Town Sanitary and Storm Sewer Easement to the Town of Perinton from Perinton Hills, LLP. He further stated that the Summit Federal Credit Union has an approved site plan for a new building to be constructed in the Perinton Hills Subdivision, and the abandonment is required to accommodate the proposed building location.

Councilperson Havens made a motion, seconded by Councilperson LaFay to abandon the Town Storm Sewer Easement at the proposed Summit Federal Credit Union site and authorize Supervisor Smith to sign said abandonment.

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

AUTHORIZATION TO BID  
RECREATION SUPPLIES, WEARING  
APPAREL, ARTS & CRAFT SUPPLIES  
JANITORIAL SERVICES

Recreation & Parks Commissioner Myers reported that it was once again time to seek bids for recreation supplies, wearing apparel and arts and crafts supplies. He asked the Board for authorization to bid for those supplies as well as janitorial services for the year 2013. These are budgeted items; authorizing the bidding process in 2012 means the materials will be available throughout 2013.

A motion was made by Councilperson Havens, seconded by Councilperson Knapp, that the Recreation & Parks Commissioner be authorized to advertise for bids for recreation supplies, arts & crafts supplies, wearing apparel and janitorial services.

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

ACCEPT 2012 CDBG EGYPT PARK ADA IMPROVEMENT PROJECT GRANT  
AUTHORIZE SUPERVISOR TO SIGN AGREEMENT

Recreation and Parks Commissioner Myers stated that the Town applied to Monroe County on February 7, 2012 for a Community Development Block Grant (CDBG) for improvements at Egypt Park, specifically ADA accessible sidewalks. The Town has been awarded \$16,004 in Community Block Grant money for these improvements. At this time, Monroe County requires that the Town Board pass a resolution accepting the Block Grant and authorizing the Supervisor to sign the agreement.

Councilperson Knapp made a motion, seconded by Councilperson Havens to accept the Community Development Block Grant and authorizing Supervisor Smith to sign the necessary paperwork.

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

#### APPOINTMENT OF TOWN HISTORIAN

Supervisor Smith stated that the Town Board had the privilege of interviewing a candidate for Town Historian, as Jean Keplinger will be retiring at the end of 2012. Mr. William Poray, 9 Misty Pine Road, has been very active in the last several years with local history and involved in historic research for most of his adult life and is energetic and committed to the position.

Councilperson Van Vreede made a motion, seconded by Councilperson Havens to approve the hiring of William Poray as Town of Perinton Historian at a salary of [] effective January 1, 2013.

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 #12 for November 2012 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

#### OCTOBER GENERAL ELECTION

General Fund	37,932.50
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The above item was paid with checks# 86753-86940.

#### NOVEMBER AUDIT

General Fund	225,156.70
Town Outside of Village	191,245.11
Recreation	94,827.12
Highway General Repair	12,356.53
Highway Snow & Miscellaneous	47,256.69
Joint Sewer	6,537.97
Debt Service Sewer	100.50
Perinton Ambulance District	1,210.98
Fairmont Hills Maint Dist	1,775.00
Wisteria Grove Maint Dist	1,875.00
O'Connor Rd Relocation Project	29,305.08
RS&E Ped Bridge Project	213,490.90
Jefferson Ave Sewer Project	313.20
Indian Valley Sewer Project	<u>38,253.01</u>
	\$863,703.79 Total

The above items were numbers 86951-87199.

NOVEMBER MANUAL 1

General Fund	79,566.99
Town Outside of Village	4,508.58
Recreation	28,087.32
Joint Sewer	7,426.96
Midlands Lighting Dist	417.07
Lake Lacoma Lighting Dist	16.08
Meadows Lighting Dist	472.34
Deer Run Lighting Dist	1,468.95
Misty Meadows Lighting Dist	<u>112.72</u>
	\$122,077.01Total

The above items were numbers 86720-86723, 86734-86751.

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

Supervisor Smith stated that the RS&E Pedestrian Bridge opening took place on November 17, 2012 and that it is busy and well received.

There being no further business before the Board and no further questions from the audience, the Board adjourned at 8:25 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk