

PERINTON TOWN BOARD MEETING
 1350 Turk Hill Road, Fairport, NY 14450
 Wednesday, June 13, 2012

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

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; Carol Johnston, Deputy Town Clerk; 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 LaFay made a motion, seconded by Councilperson Van Vreede, that the minutes of the Town Board meeting of May 23, 2012 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, La Fay, Van Vreede
 Nays: None
 Unanimously Approved

PUBLIC HEARING
 SPECIAL USE PERMIT
 PERINTON JOINT TRAINING FACILITY, INC.
 425 PERINTON PARKWAY

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication for the Public Hearing was given in the Fairport East Rochester Post on May 24, 2012; affidavit of posting was also May 24, 2012.

Jerome Means, Stantec Consulting, stated that he was appearing before the Board representing the Joint Fire Training Facility. Mr. Means posted a map for reference and stated that the facility would be located on Perinton Parkway at the High Acres Landfill site, but would be outside the landfill fence and active roadways to the landfill. The only structure to be located on the site short term would be a 1,056 sq. ft. fire training building which will be approximately 35 feet high and 20 feet wide. The surrounding area will be porous stone, allowing water to drain away from the building; Jack DeLisio of the Egypt Fire Department stated that 80% of the training would be on the interior of the structure. Exterior fires and extrication training would be on cars (with fluids drained and cars made safe by the towing companies).

Mr. Means also showed an area on the map surrounding the training structure which would be a concrete pad allowing trucks to park in that area without sinking when the area is wet. There would also be a perimeter fence surrounding the entire training facility with the access drive to the facility having three gates. Mr. Means stated that there would be some vegetation removed to clear the site with a total footprint of disturbed area being about 4.8 acres. Applications have been submitted to the DEC,

the Army Corps of Engineers, Health Department, Pure Waters and the Water Authority for their review, input and approvals if necessary. Electrical service would be available at the site to power the lighting outside the building structure only.

Supervisor Smith stated that this is not an active part of the landfill at this time. Councilperson Knapp asked how often they expected this facility to be used. Mr. DeLisio stated that the current opportunity to train on interior structural firefighting is located out by the Monroe County airport. The downside to the use of that facility is the amount of time it takes to get there and back (which also takes the fire department out of their fire district) and that it is used by many Monroe County fire departments. Mr. DeLisio explained that the project would be funded by contractual monies from the Town and a grant received from NYS. He further explained that the local fire companies have been working on the project actively since 2009 and talking about it for several years prior. The training facility lies between the railroad tracks and the south side of the landfill and would be shielded from the view of neighbors by large trees.

Councilperson LaFay asked whether other fire departments would be able to use the facility. Mr. DeLisio stated that this is a Perinton initiative, however other fire departments have been gracious in allowing Perinton fire companies to use their facilities and therefore they would be able to use this facility. However, details are yet to be worked out.

Chris Fredette, 3 Cabernet Circle and a Conservation Board member, stated that she believes that this is an excellent location and the Conservation Board will work through their detailed questions at time of site plan approval.

T.C. Lewis, Planning Board, asked whether there would be debt involved in the financing of this project and Mr. DeLisio stated that they have 50%+ of the financing "in hand" and are talking to two banks at the present time and that financing looks probable for the project.

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

Councilperson Van Vreede made a motion, seconded by Councilperson Knapp, to refer the Special Use Permit for the Perinton Joint Fire training facility to the Town Conservation and Planning Boards for their comments.

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

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

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

Active Lifetime to
Inactive Lifetime
Member

Mr. Gary Warren
16 Dunmow Crescent
Fairport, NY 14450

Resident Active to
Non-Resident Active

Mr. Joe Nicolay
2112 East Avenue
Brighton, NY 14618

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

APPROVE CHANGE TO THE MEMBERSHIP
OF THE EGYPT FIRE ASSOCIATION

A motion was made by Councilperson Knapp, seconded by Councilperson Van Vreede, that the following change in the membership of the Egypt Fire Association be approved:

Resignation	Jordan Kessel 35 Parker Street Fairport, NY 14450
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Ayes: Smith, Knapp, LaFay, Van Vreede
Nays: None
Unanimously approved

RETIREMENT RECOGNITION
CAROL S. JOHNSTON
DEPUTY TOWN CLERK

Supervisor Smith recognized Carol S. Johnston for her 15 years of service to the Town of Perinton as Deputy Town Clerk and presented her with a Bicentennial Map of the Town of Perinton engraved with her years of service.

APPROVE DEPUTY TOWN CLERK SALARY RECOMMENDATION

Supervisor Smith stated that the Deputy Town Clerk position is appointed by the Town Clerk and that Town Clerk West notified the Town Board last week that she has appointed Debbie Dorazio-Brown as Deputy Town Clerk. Debbie has served for three years in the Town Clerk's office as Deputy Tax Receiver and is well prepared for the new challenges and opportunities of the Deputy Town Clerk position. The Town Board now must determine Debbie's pay rate and Clerk West has recommended \$[] effective June 25, 2012.

Councilperson LaFay made a motion, seconded by Councilperson Knapp to approve the \$[] salary rate recommendation for Debbie Dorazio-Brown effective June 25, 2012.

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

ADOPT FINDINGS AND DETERMINATIONS
O'CONNOR ROAD REALIGNMENT

Supervisor Smith stated that the Town Board has before them a State Environmental Quality Review Act (SEQRA) Negative Declaration form and he highlighted the reasons supporting the negative declaration determination:

- According to information received from the New York State Department of Environmental Conservation: Natural Heritage Program and the United States Department of the Interior: Fish and Wildlife Service, there are no sensitive habitats, threatened or endangered species, critical environmental areas or Forest Preserve Lands within the project area.

- Vehicular accident history and analysis for the segment of Route 31F between existing O'Connor Road and Jefferson Avenue, including the intersection areas revealed accident clusters that are well above the respective statewide average for similar facilities. This indicates the need for safety improvements at the O'Connor Road and Jefferson Avenue intersections with Route 31F as well as the roadway segment between the respective intersections. This project will construct the needed improvements as well as provide an opportunity to develop an Access Management Plan for the Route 31F portion of the project area that consolidates driveway entrances.
- Planned improvements to the streetscape will improve the aesthetic environment within the project area.
- The project has facilitated the remediation of the petroleum contaminated Hess site along Route 31F. Groundwater quality will continue to improve.
- Based upon a detailed review of a Phase 1A/1B Cultural Resource Investigation of the project area, it is the opinion of the New York State Office of Parks, Recreation & Historic Preservation (NYSOPRHP) that the project will have No Adverse Effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places. Further, the Federal Highway Administration (FHWA) has concluded that the project has no potential to cause adverse impacts on historic properties in accordance with Section 106 of the nation Historic Preservation Act.
- The project will avoid permanent or temporary impacts (fill and grading) to state or federal wetland areas.
- The final construction plans will include a detailed utilization of erosion and sediment control practices throughout the duration of work to prevent the potential for surface water impacts from sediment-laden run-off.
- The project will not impact any designated floodplains or the base flood elevation of Thomas Creek.
- The project will develop a Stormwater Pollution Prevention Plan that will instruct the contractor to implement best management practices to control erosion during the construction of this project. The plan will also define strategies to control site waste as well as prevent and if necessary remediate from petroleum or chemical spills.
- The project is compatible with adjacent land uses and numerous endorsements for this project can be found in the 1995 Fairport Master Plan, 1999 Fairport Business and Transportation plan, the 2000-2020 Long Range Transportation Plan Update, and the 2011 Perinton Comprehensive Plan Update.
- No permanent or temporary air quality impacts are anticipated with this project.
- Ambient noise levels within the project area are expected to increase during construction; however, this impact is unavoidable and temporary in nature. Construction is anticipated to last less than a year.
- The transfer of easement rights from the NYS Canal Corporation to the Town of Perinton for a portion of O'Connor Road defined from STA. 124+00 +/- and STA. 137+00 +/- on Abandonment Map No. 932 will be mutually beneficial to both agencies by clearly defining the maintenance responsibilities and operational jurisdiction of this portion of O'Connor Road; a local road originally constructed on State Lands.
- The Perinton Conservation Board recommended that the project receive a Negative Declaration.

Based upon the above the following motion was made:

Councilperson Van Vreede made a motion, seconded by Councilperson Knapp stating that the proposed O'Connor Road realignment project underwent a thorough and proper review in accordance with the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA). Based upon that review Councilperson Van Vreede moved and Councilperson Knapp seconded that the Town Board adopt the Negative Declaration for the project having determined that the project will not result in any significant adverse environmental impacts.

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

Supervisor Smith then stated that the Town had a Public Hearing regarding Eminent Domain takings in association with this project on May 1, 2012. All additional requirements were met to satisfy the State and Local governments and at this point in time the Town Board needs to approve the Determinations and Findings associated with the Eminent Domain process. Town Attorney Place stated that the main thrust of the findings is that this land is for public use.

Councilperson LaFay made a motion, seconded by Councilperson Knapp to approve the following resolution regarding the Eminent Domain Procedure Law for the Determination and Finding related to the O'Connor Road Realignment project (PIN 4753.80).

WHEREAS, O'Connor Road is located in the Town of Perinton; and

WHEREAS, the Town of Perinton owns and maintains O'Connor Road between Landing View Lane and Route 31F (Fairport Road); and

WHEREAS, Route 31F is owned and maintained by the State of New York; and

WHEREAS, Jefferson Avenue is owned and maintained by the County of Monroe; and

WHEREAS, the Town of Perinton initiated the proposed public project based on the poor level of service at the intersection of O'Connor Road and Route 31F, and safety concerns along Route 31F between the intersections of Jefferson Avenue and O'Connor Road; and

WHEREAS, in 1999, the Town of Perinton identified the need for the proposed project in the Fairport Road Business & Transportation Plan; and

WHEREAS, the proposed project was included in the Genesee Transportation Council's 2007-2012 Transportation Improvement Program and the Initial Project Proposal was approved by the New York State Department of Transportation on March 27, 2007; and

WHEREAS, the Town of Perinton and its consultant undertook various studies to evaluate the existing transportation conditions, deficiencies, and engineering considerations within the proposed project area; and

WHEREAS, the Town of Perinton and its consultant completed the Draft Design Report/Environmental Assessment/Programmatic 4(f) Evaluation for the proposed public project in September, 2011; and

WHEREAS, in the Draft Design Report/Environmental Assessment/Programmatic 4(f) Evaluation, the Town of Perinton identifies the need for safety improvements at the O'Connor Road and Jefferson Avenue intersections with Route 31F, as well as roadway segments between the intersections, the need to address the failing Level of Service at the O'Connor Road intersection with Route 31F, and the need to minimize any impact to Perinton Park, wooded areas, wetlands, adjacent property owners, and businesses; and

WHEREAS, the Town of Perinton defined the following project objectives;

1. Provide transportation improvements/solutions to address safety, operational, and geometric deficiencies which will reduce the potential for accidents and address the PIL and SDL along Route 31F from Jefferson Avenue to the O'Connor Road intersection.
2. Enhance access management on Route 31 F by eliminating redundant curb cuts, providing back-lot access to properties, and encourage shared access between businesses where appropriate.

3. Correct existing pedestrian mobility and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) compliance deficiencies.
4. Improve the visual character of the area and provide an enhanced gateway to Perinton Park.

WHEREAS, the Town of Perinton and its consultant evaluated four design alternatives, Alternatives 1- The No Build “Null”, 1A – Traffic Signal Installation, 2 – O’Connor Road Realignment, and 3 – Alternative on New Location, and four sub-alternatives, Subalternatives 2A – Traffic Signal Phasing Improvements, 2B – Symmetrical 3-Lane Section, 2C – Asymmetrical 3-Lane Section, and 2D – Symmetrical 5-Lane Section, to accomplish the project objectives; and

WHEREAS, through the evaluation process, the Town of Perinton has determined Alternative 2 with Sub-alternative 2C are the only feasible alternative and subalternative, and identifies them as the preferred alternatives in the Draft Design Report; and

WHEREAS, the proposed Alternative 2 with Sub-alternative 2C involves the relocation of O’Connor Road opposite Jefferson Avenue to form a four way intersection, the slight realignment of Jefferson Avenue to better align with the new O’Connor Road leg of the intersection, the replacement of the existing traffic signal, providing one, 11-foot travel lane, 4-foot shoulder, and granite curb in each direction, providing a 5-foot concrete sidewalk and grass snow storage area on the easterly side of O’Connor Road to the Perinton Park entrance, provide a 5-foot concrete sidewalk along the north side of Route 31F from the new O’Connor Road intersection to the old intersection, removal of the old O’Connor Road section and the restoration of the area with grass and plantings for passive recreational use, the improvement of the aesthetics of the corridor, the installation of an informational kiosk, landscaping and hardscaping improvements, and completing the turn lane improvements on Route 31F; and

WHEREAS, the proposed project is classified as a Class III action under United States Department of Transportation (USDOT) National Environmental Policy Act (NEPA) Regulations, 23 CFR 771.115, and a Draft Environmental Assessment has been reviewed by the Federal Highway Administration for which it is expected a Finding of No Significant Impact (FONSI) will be issued; and

WHEREAS, the proposed public project is an Unlisted Action in accordance with 6NYCRR Part 617, State Environmental Quality Review (SEQR) Act and the Town will act as lead agency; and

WHEREAS, the Town of Perinton acting as lead agency for the SEQR process has prepared a draft Short Environmental Assessment Form and expects to make a determination that the proposed public project will not result in any significant adverse environmental impacts and a Negative Declaration will be issued by the Town; and

WHEREAS, a portion of the proposed public project is located on Section 4(f) land as defined by 49 U.S.C. 303; and

WHEREAS, the Town of Perinton has completed the Programmatic Section 4(f) Evaluation pursuant to 49 U.S.C 303 and has determined the proposed public project meets the criteria for the application of the *Final Nationwide Section 4(f) Evaluation and Approval for Federally-aided Highway Projects with Minor Involvements with Public Lands, Recreation Lands, and Wildlife and Waterfowl Refuges*; and

WHEREAS, the Town of Perinton has considered the general effect of the proposed project on the residents of the locality in which the proposed project is to be undertaken; and

WHEREAS, the preferred alternatives would require the Town of Perinton to acquire real property interests from 5 properties for the construction of the proposed public project; and

WHEREAS, representatives of the Town of Perinton provided the property owners who may be affected by the proposed public project an opportunity to meet at the Perinton Town Hall to discuss the proposed public project and have made every effort to minimize the impact the project will have on adjacent properties; and

WHEREAS, in accordance with Article 2 of the Eminent Domain Procedure Law the oral presentation and comment phase of a public hearing was held on May 1, 2012, at 7:30 p.m. in the Board Room at the Perinton Town Hall, 1350 Turk Hill Road, Perinton, New York, for the purpose of informing the public and to review the public use to be served and public benefit to be obtained by the aforementioned proposed public project, and to consider all other matters appropriate to that project; and

WHEREAS, during the course of the aforementioned oral presentation phase of the public hearing, all matters required by the Eminent Domain Procedure Law and appropriate to such public hearing were identified and explained to persons then in attendance, and such persons in attendance were given an opportunity to speak and comment on the proposed public project and to examine documents presented; and

WHEREAS, at the conclusion of the oral presentation phase of the aforementioned public hearing, the hearing was adjourned and continued to the close of business on May 11, 2012, for the purpose of receiving written comments on the proposed public project; and

WHEREAS, during the continuation of the hearing, the Town of Perinton did not receive any written comments on the proposed public project; and

WHEREAS, at the close of business on May 11, 2012, the aforementioned public hearing concluded, and the record thereof was closed; and

WHEREAS, the minutes of such public hearing were transcribed and made available, together with the exhibits and other documents, if any, which were identified or made available during the oral presentation phase thereof, for inspection and examination by the public at the offices of the Town of Perinton Office of the Commissioner of Public Works and the Office of the Perinton Town Clerk.

NOW, THEREFORE, it is hereby

RESOLVED, that the following constitutes the Determination and Findings of this Body with respect to the proposed O'Connor Road Realignment Project, Town of Perinton, Monroe County, New York:

1. The public use to be served by the proposed public project is the realignment of O'Connor Road between Landing View Lane and Route 31F, the slight horizontal alignment shift of the Jefferson Avenue/Route 31F intersection, and provide pedestrian facilities on O'Connor road and Route 31F. O'Connor Road is owned and maintained by the Town of Perinton and is classified as an urban collector road. Route 31F is owned and maintained by the State of New York and is classified as an Urban Minor Arterial.
2. The benefits to be obtained and purposes to be served by the proposed public project are as follows:

- a. **Safety and Traffic Control Considerations.** The relocation of O'Connor Road opposite Jefferson Avenue will provide signalized access for O'Connor Road which should reduce the potential for vehicular accidents. Safety improvements at the Jefferson Avenue intersection have the potential to reduce right angle accidents by 62%, rear end/overtake accidents by 54%, left turn accidents by 57%, and head on/sideswipe accidents by 32%. Improved traffic signals at the O'Connor Road, Jefferson Avenue, and Route 31F intersection, replacement of existing traffic signs, and improved pavement markings within the corridor will improve traffic safety.
 - b. **Pavement.** The pavement improvements involve full depth reconstruction of the existing and relocated section of O'Connor Road and the rehabilitation of the pavement on Jefferson Avenue to accommodate the minor shift in horizontal alignment.
 - c. **Drainage.** Overall drainage patterns within the project limits will not be altered by the project. Drainage along the proposed project will be carried through a closed drainage system designed to accommodate a 10-year storm recurrence interval with cross culverts designed for a 50-year recurrence.
 - d. **Visual.** The proposed public project would minimize the impacts to the wooded areas adjacent to the wetlands. Existing vegetation within the project area will be pruned, fertilized, and protected by barriers during construction. New plantings will be added where feasible to replace lost vegetation, screen adjacent properties, and improve the visual character of the area.
 - e. **Pedestrians.** Pedestrians will be accommodated on a continuous sidewalk along the east side of the relocated O'Connor Road from Route 31F to the Perinton Park entrance and along the north side of Route 31F from the intersection with the relocated O'Connor Road to the existing O'Connor Road. The proposed sidewalk facilities and curb ramps will be handicap accessible in accordance with the requirements of the Americans with Disabilities Act Accessibility Guidelines.
 - f. **Bicycling.** The new 4 ft. shoulder will provide riding space for bicyclists along O'Connor Road. On Jefferson Avenue, bicyclists will be accommodated on the proposed 4.5 foot shoulder or 14-foot curb lane. On Route 31F, bicyclists will be accommodated by the existing 13-foot curb lanes.
3. The proposed public project is located in the Town of Perinton, Monroe County, New York. The project limits extend from the intersection of Jefferson Avenue and Route 31F on the west to the intersection of O'Connor Road and Route 31F on the east and along O'Connor Road from Route 31F to Landing View Lane to the north.
 4. The four alternatives and four subalternatives were considered for the realignment of O'Connor Road. The reasons for selecting Alternative 2 and Subalternative 2C and for rejecting the other alternatives include:
 - a. The No Build "Null" alternative was rejected because it would not address any of the project objectives.
 - b. The Traffic Signal Installation Alternative would not address the safety needs identified in the accident analysis. As a result it was deemed unfeasible.
 - c. The O'Connor Road Realignment Alternative was selected as the preferred alternative. This alternative meets all the stated project objectives, would reduce numerous non-standard and non-conforming features, and would improve traffic, accident, and safety concerns.
 - d. The Alternative on New Location was rejected as a feasible alternative due to the significant impact to local wetlands and the Thomas Creek floodplain, and the extensive property needs.

- e. The Traffic Signal Phasing Improvements Subalternative was rejected since the safety deficiencies would not be addressed.
 - f. The Symmetrical 3-Lane Section Subalternative would not provide an acceptable Level of Service and would require the construction of a non-conforming transition from the 4-lane section to the 3-lane section in the eastbound direction on Route 31F.
 - g. The Asymmetrical 3-Lane Section Subalternative would provide left-turning vehicle storage at the Route 31F/Jefferson Avenue/O'Connor Road intersection which would reduce vehicle conflicts. This alternative is considered feasible.
 - h. The Symmetrical 5-Lane Section Subalternative would provide left-turning vehicle storage at the route 31F/Jefferson Avenue/O'Connor Road intersection, however, the impacts to adjacent properties would be substantial, the number of potential vehicle conflicts would increase and the cost would be significant. This subalternative was rejected due to its substantial impacts.
6. The proposed project underwent a thorough and proper review in accordance with the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA). Town of Perinton and its consultant prepared a Draft Environment Assessment and expect a Finding of No Significant Impact from the Federal Highway Administration. As Lead Agency under SEQRA, the Town of Perinton determined the proposed project is classified as an Unlisted Action under the SEQRA, Part 617, Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR Part 617). The Town and its consultant prepared the Draft Short Environmental Assessment Form and the Town has determined the proposed public project will not result in any significant adverse environmental impacts and has issued a Negative Declaration for the project.
 7. Pursuant to 49 U.S.C 303, the Town of Perinton has evaluated the Section 4(f) lands located within the project area and has determined the project meets the criteria for application of *Final Nationwide Section 4(f) Evaluation and Approval for Federally-aided Highway Projects with Minor Involvements with Public Lands, Recreation Lands, and Wildlife and Waterfowl Refuges*.
 8. It is hereby concluded that the proposed public project will have, among other things, the following effects upon the residents of the locality:
 - a. Access to adjacent parcels not be significantly impacted. Driveways will be maintained during construction, except for temporary closures of entrances as required by construction activities.
 - b. Traffic will be maintained on-site throughout the construction and no significant delays to the traveling public are expected.
 - c. The impact to local businesses is not expected to be significant during construction activities due to the proposed traffic control scheme which will maintain access and mobility through the corridor with only temporary delays due to short term lane and driveway closures.
 - d. No police, fire, or ambulance facilities are located within the project corridor. The Fairport Fire Department and the Perinton Volunteer Ambulance service indicated to the Town of Perinton that the proposed traffic control scheme would not have a significant impact on emergency response times.
 - e. The proposed public project is expected to have a positive effect on highway, traffic, and public safety by addressing the safety, operational, and geometric deficiencies, enhancing access management on Route 31F, and correcting pedestrian mobility and ADAAG deficiencies.
 9. The Perinton Town Clerk is hereby authorized and directed to prepare a brief synopsis of the foregoing determination and findings, such synopsis to include those

factors set forth in Eminent Domain Procedure Law §204(B), and, further, such synopsis to state that copies of the determination and findings will be forwarded upon written request without cost.

10. The Perinton Town Clerk is further hereby authorized and directed to publish the aforementioned synopsis of the foregoing resolution in at least two (2) successive issues of an official newspaper designated by the Town of Perinton and in at least two successive issues of a newspaper of general circulation in the Town of Perinton.
11. The Perinton Town Clerk is further hereby authorized and directed to serve, by personal service or certified mail, return receipt requested, a notice of the aforementioned brief synopsis upon each assessment record billing owner (as that term is defined in Eminent Domain Procedure Law §103(B-1) or his or her attorney of record whose property may be acquired, such notice to:
 - a. include the information required by Eminent Domain Procedure Law §204(B)(2); and
 - b. state that copies of the determination and findings will be forwarded upon written request without cost; and
 - c. state that pursuant to Eminent Domain Procedure Law §207, such individual shall have thirty (30) days from the completion of the publication of the aforementioned brief synopsis in the newspapers as aforesaid, to seek judicial review of the Town of Perinton's determination and findings relating to the proposed public project; and
 - d. inform such individual that, under Eminent Domain Procedure Law §207 and 208, the exclusive venue for judicial review of the Town of Perinton's determination and findings relating to the proposed public project is the appellate division of the supreme court in the judicial department where any part of the property to be condemned is located.

Adopted:

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

APPROVE APPOINTMENT
ANIMAL CONTROL OFFICER

DPW Commission Beck stated that he is recommending the appointment of Perry Stolt, Jr. to the position of Animal Control Officer. This position has been vacant since Larry DeWitt's retirement in March and handled on a part-time basis by Todd Farley and Perry Stolt. Mr. Stolt is currently a part-time animal control officer (over 5 years experience) and Sewer Department employee.

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede to approve the appointment of Perry Stolt, Jr. to the position of full-time Animal Control Officer at an hourly rate of \$[] effective June 11, 2012.

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

AUTHORIZE DEPOSIT OF AUCTION PROCEEDS
TO CAPITAL RESERVE FUNDS

Commissioner of Recreation and Parks Myers stating that the Recreation and Parks Department submitted 13 pieces of equipment to be sold at the Municipal Equipment auction, which took place on May 13, 2012. Mr. Myers stated that the Parks Department submitted 8 items to the auction and Recreation submitted 5 items. He further stated that the Department goal was to receive \$28,570 for these thirteen items and on May 23rd, the Department received a check for \$35,032.50 for the items. Mr. Myers is requesting that \$33,547.50 in proceeds be deposited into the Capital Reserve for Parks Equipment Fund and \$1,485.00 be deposited into the Capital Reserve Account for Community Center Equipment Fund.

Councilperson Van Vreede made a motion, seconded by Councilperson Knapp to authorize that the \$35,032.50 in proceeds be deposited into the Capital Reserve Funds as outlined by Commissioner Myers above.

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

APPROVE WAGE STEP INCREASE
RECREATION SUPERVISOR

Commissioner of Recreation and Parks Jeffrey Myers stated that Recreation Supervisor Jeff Nutting is slated to receive a wage step increase in July. If approved, Mr. Nutting's salary would move from \$[] to \$[] effective July 9, 2012. Commissioner Myers stated that Mr. Nutting is well deserving of this increase as he has done a phenomenal job with his present duties and taken on much more with the coordination of Bicentennial activities. This increase is part of Commissioner Myers's 2012 budget.

Councilperson Knapp made a motion, seconded by Councilperson Van Vreede to approve the wage step increase resulting in a new pay rate of \$[] for Jeff Nutting effective July 9, 2012.

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

APPROVE INVOICE PAYMENT

Supervisor Smith stated that the Town Board has a memo from Community Services Coordinator Barb Clay regarding an invoice that did not get into the last monthly audit. It is for Rene's Café (which is a small Perinton business) and Ms. Clay did not want to wait until the June audit to pay them.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the invoice payment to Rene's Café in the amount of \$1,035.00.

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

APPROVE SENIOR LIVING COUNCIL APPOINTMENT

Supervisor Smith stated that the Town Board appoints two individuals to represent Perinton on the Senior Living Council and Councilperson Knapp is one of those representatives. Kim Zeck has been the second representative for the last several years and Debbie Ellis has agreed to replace her at this time.

Councilperson Knapp, made a motion, seconded by Councilperson LaFay, to approve Deborah Ellis as a Perinton representative to the Senior Living Council.

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

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of May 2012 be approved.

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

Linda Isaacson Fedele, 2650 Turk Hill Road, stated that an article in the June 13, 2012 New York Times said that the DEC's review of comments on its proposed hydrofracking regulations is almost complete, therefore, permitting for drilling is expected to begin as early as late summer or early fall. She stated that once permitting begins she believes that it will become much more difficult for the Town to protect itself. Ms. Isaacson Fedele further stated that the CAPP (Citizen's Alliance for a Pristine Perinton) organization understands that Town Attorney Place has made recommendations for changes to the Town Zoning Code to protect the Town from fracking. She asked the Town Board what the next steps would be to get the Zoning revisions in place and the timing for such potential changes. Supervisor Smith stated that he has received the recommendations from Attorney Place and that the next step will be to get this to the Conservation Board for their input regarding the proposed Law. After that, it will probably come before the Town Board to set a Public Hearing date. The goal would be to have this wrapped up by Labor Day.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:45 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk