

PERINTON TOWN BOARD MEETING  
 1350 Turk Hill Road, Fairport, NY 14450  
 Wednesday, January 9, 2013

PRESENT:	James E. Smith	Supervisor
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Stephen C. Van Vreede	Councilperson
ABSENT:	Patricia S. Knapp	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; Nicholas Morabito, Assessor; T.C. Lewis, Planning Board; Chris Fredette, Conservation 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 December 27, 2012 and 2013 Organizational Meeting be approved as submitted by the Town Clerk.

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

PUBLIC HEARING  
 AMENDMENT TO SECTION 208  
 OF THE CODE OF THE TOWN OF PERINTON  
 ITEMS RELATING TO AGRICULTURE

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 December 13, 2012; affidavit of posting was also December 13, 2012.

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 in 2012. 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 exempts agricultural structures from site plan approval. The proposed changes to Section 208 follow:

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 § 208-38 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.

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 LaFay, to refer the Code change to the Planning Board for their comment.

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

RECOGNITION - TIMOTHY OAKES  
AMERICAN PUBLIC WORKS ASSOCIATION AWARD

DPW Commissioner Beck stated that the local chapter of the American Public Works Association recently announced that our Town Engineer, Tim Oakes, has been awarded the Professional Manager of the Year Award for the Genesee Valley Region. Mr. Oakes has been our Town Engineer since 2004 and will be honored at an award dinner on January 30, 2013.

ORDER FOR HEARING  
CONSERVATION EASEMENTS 2013

Nicholas Morabito, Assessor, stated that the Town of Perinton began a Conservation Easement program in 1972 and each year property owners that wish to renew their existing easement as well as others that would like to enter the program must submit an application that is reviewed by the Perinton Conservation Board as well as the Monroe County Planning Department before being presented to the Town Board. This year there are four (4) easements seeking renewals of their agreement and three (3) new easement applications.

Assessor Morabito asked the Board to set a date for a Public Hearing to review the following proposed easements:

Conservation Easements to be renewed in 2013:

<u>Tax Map Acct #</u>	<u>Owner/Property Location</u>	<u>Acres</u>	<u>School/Yrs/Type</u>
167.13-1-1	Fannie N. DeMuth	23.25	Fairport/15/Farming

	Ayrault Road Fairport, NY 14450	
167.13-1-14	Fannie N. DeMuth	47.36 Fairport/15/Farming
167.13-1-16	127 Ayrault Road Fairport, NY 14450	4.65 Fairport/15/Farming
180.04-1-51.111	Howard and Janet Sharp 255 County Line Road Fairport, NY 14450	22.49Fairport/5/Conservation
195.01-1-34.2	Anthony Arena Victor Road Victor, NY 14564	69.85 Victor/6/Farming

New Conservation Easements in 2013:

179.13-2-40	John and Mary Ellen Haggerty 1 Oak Grove Ln Pittsford, NY 14534	1.4Pittsford/8/Conservation
179.13-2-41	Patricia A. Stahl 3 Oak Grove Ln Pittsford, NY 14534	.75Pittsford/5/Conservation
195.01-1-34.11	Anthony Arena 255 Daley Road Victor, NY 14564	43.33 Victor/6/Farming

A motion was made by Councilperson LaFay, seconded by Councilperson Havens, that February 13, 2013 at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY be set as the date, time and place for a Public Hearing to review proposed 2013 Conservation Easements.

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

ACCEPT CONSERVATION BOARD FINDINGS ON HIGH ACRES LANDFILL  
ANNUAL PROGRESS UPDATE

Michael Doser, Director of Code Enforcement and Development explained that the Perinton Conservation Board held a public meeting in October of 2012 to present its review on the High Acres 2010/2011 Annual Parkway Expansion Phase III Conditions Update. The Conservation Board is charged with this initiative each year as part of the Phase III Landfill expansion project approval agreement between Waste Management of New York and the Town of Perinton. Mr. Doser stated that the Conservation Board recommends that the High Acres 2011/2012 Annual Progress Update be accepted by the Town Board for the following reasons:

- Waste Management of New York (WMNY) to provide reports to the Conservation Board showing that noise levels emanating from the landfill do not exceed Part 360 standards; and
- WMNY to prepare and submit annual reports to the Town of Perinton summarizing the progress made in implementing the landscaping plan, and the wetland mitigation plans; and.
- WMNY will continue evaluating a comprehensive assessment that will allow the creation of hedgerow type ecotone.

Mr. Doser commended the Conservation Board for its fine efforts in reviewing the report's adequacy and providing guidance and input to WMNY. Supervisor Smith also recognized and commended the Conservation Board.

Councilperson LaFay made a motion, seconded by Councilperson Van Vreede to accept the Conservation Board's findings on the High Acres' Annual Progress Update.

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

#### APPROVE CHANGE TO THE MEMBERSHIP OF THE EGYPT FIRE ASSOCIATION

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

Removal from Rolls	Mr. Steve Bagley 82 Hogan Road Fairport, NY 14450
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Ayes: Smith, LaFay, Havens, Van Vreede  
Nays: None  
Unanimously Approved

#### AUTHORIZE TAX PAYMENTS

Supervisor Smith said that, in a memo dated January 7, 2013, Tax Receiver Karen Heim asked the Board to approve payment of the Town's portion of the 2013 Town & County tax bill for Time Warner Cable and approve payment of the 2013 Town & County property tax bills to the Perinton Receiver as follows:

A letter has been received from Time Warner Cable (TWC) advising that, pursuant to a franchise agreement between TWC and the Town of Perinton, TWC pays the Town of Perinton a fee for a special franchise to operate its cable television business in the public right-of-way. Section 626(1) of the Real Property Tax Law of the State of New York provides that the amount paid as a franchise fee (whether it is based upon a percentage of gross earnings or is called a license fee or is some other sum paid on account of a special franchise) is to be deducted from the taxes levied upon special franchise properties.

Pursuant to Section 626(2) of the New York Real Property Tax Law, TWC is requiring that the Town pay for the portion of Town taxes, in the amount of \$1,428.02 due on the 2013 County/Town bill.

In addition, the Town has tax payments on town property in the amount of \$14,831.71 due to Karen L. Heim, Town of Perinton Receiver.

A motion was made by Councilperson Havens, seconded by Councilperson Van Vreede, that the Supervisor be authorized to draw a check in the amount of \$1,428.02 to Karen L. Heim, Receiver, for payment of the Town portion of taxes due on the following Time Warner bills:

500.00-1-492	\$ 190.54
500.00-5-327./13	\$ 55.69
500.00-5-327./PE1	\$ 62.12
500.00-5-327./PF1	\$ 123.75
500.00-5-327./PR1	\$ 995.92

and that the Supervisor be authorized to draw a check in the amount of \$14,831.71, payable to Karen L. Heim, Receiver of Taxes, for 2013 Town and County taxes for properties owned by the Town.

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

APPROVE CHANGE WORK ORDER NO. 3  
COBBS LANE PEDESTRIAN BRIDGE PROJECT

DPW Commissioner Beck explained that they are in the process of closing out the Pedestrian Bridge project financially and that the contractor's work is completed. The DPW staff will finish the landscaping in the spring.

Commissioner Beck recommended the approval of Change Order No. 3 for this project, which relates to the removal of a portion of the old RS&E bridge abutment located on the north side of the canal. He added that the Town removed the above-ground portion of the abutment in the 1970's but the portion below ground was never removed and was in conflict with the location of one of the bridge piers. The cost of removing that portion of the old abutment was \$6,599.25. He further stated that also displayed on Change Order No. 3 are the dollar amounts associated with over and under runs of the itemized line items contained in the original bridge contract. Those result in a net \$13,326.51 credit to the Town and therefore the net amount of this Change Order is a \$6,727.26 credit to the Town.

Commissioner Beck summarized by saying that taking all three Change Orders into consideration, and the cost over/under runs, the total contract cost for construction of the bridge was \$1,709,460.03, which is \$2,056.28 below the original contract bid amount and \$518,085.26 below the budgeted construction amount.

A motion was made by Councilperson Havens, seconded by Councilperson VanVreede, that the above change work order be approved as recommended by Commissioner Beck. The Change Order is the result of a change in conditions and was not foreseen in the original plans.

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

AUTHORIZE SUPERVISOR TO SIGN  
VOLUNTEER BOARD TRAINING RESOLUTION

Supervisor Smith explained that in 2007 New York State enacted a requirement that the Town Supervisor sign a yearly resolution certifying that each Town Planning Board and Zoning Board member has completed four hours of training per year.

Councilperson LaFay proposed and Councilperson Havens seconded the motion that the Supervisor be authorized to sign the following resolution for each member of the Town Planning and Zoning Boards:

WHEREAS, effective January 1, 2007, all Planning Board and Zoning Board of Appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS, the legislative body of the Town is required to approve the activities that satisfy this training requirement; NOW THEREFORE, be it

RESOLVED, that the Town Board hereby approves the above identified training as being compliant with the State law training requirements.

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

**AUTHORIZE REJECTION OF ALL BIDS  
INDIAN VALLEY SEWER PHASE III AND AUTHORIZE REBID**

DPW Commission Beck stated that on December 18, 2012, bid were opened for the Indian Valley Sewer Phase III construction project. Eight bids were received, ranging from a low bid of \$2,376,656.80 to the high bid of \$2,999,208.00. Commissioner Beck further stated that it was discovered that the 1<sup>st</sup> and 2<sup>nd</sup> low bidders, as well as one of the other bidders, misinterpreted or missed the mobilization line item instructions included in the contract. The contract requires that the bid amount for the line item not exceed 1.5% of the contractor's base bid. The amount submitted by the low bidder for that line item equaled 4% of the bid, and equated to approximately \$52,000 and to place the low bidder on equal footing with the other bidders, it would be necessary to reduce their bid by the \$52,000 amount.

Commissioner Beck consulted with Town Attorney Place and determined that the most appropriate action for the Town to take with regard to this matter, in light of the fact that several bidders missed this item, is to reject all bids and re-bid the project. He stated that the mobilization item discrepancy will be clarified and any addendums will be included in the one specification document.

Commissioner Beck requested that the Town Board reject all eight bids for the Construction of Phase III of the Indian Valley Sewer Project and authorize re-bidding of the project.

Councilperson Havens made a motion, seconded by Councilperson Van Vreede, to reject all eight bids for the Construction of Phase III of the Indian Valley Sewer Project and authorize re-bidding of the project.

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

**APPROVE AGREEMENT WITH FAIRPORT PARTNERSHIP FOR A BETTER  
COMMUNITY AND AUTHORIZE SUPERVISOR TO SIGN AGREEMENT**

Code Enforcement and Development Director Doser stated that the Fairport Partnership for a Better Community (FPBC) is a non-profit community development agency that facilitates community development initiatives. The Town recently reached an agreement with FPBC on services to help strengthen Town marketing efforts, with an initial primary focus on Bushnell's Basin and the Fairport Road corridor.

Mr. Doser further stated that the FPBC's main objectives are:

- To be instrumental in enhancing the relationship between the Town and merchants in the Basin and the Fairport Road area
- To review existing Town plans for those areas and to provide recommendations and ideas about how the Town might meet the plans' objectives
- To review architectural elevations and rendering for projects proposed in those areas and provide comment and suggestions about how they fit within the Town's vision.

Mr. Doser requested that the Town Board approve a one year agreement for the FPBC to provide its services for \$11,000 during 2013.

Councilperson LaFay made a motion, seconded by Councilperson Havens to approve a one year agreement for the FPBC to provide its services for \$11,000 during 2013.

Ayes: Smith, LaFay, Havens, 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 December 2012 be approved.

Ayes: Smith, 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 8:25 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk