

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, November 13, 2013

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; Kevin Spacher, Director of Finance; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks.

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 October 23, 2013 be approved as submitted by the Town Clerk.

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

PUBLIC HEARINGS

Supervisor Smith called the following Public Hearings to order and asked the Clerk for proofs of publication and affidavits of posting. Proofs of publication were given in the Fairport ER Post on October 17, 2013; affidavits of posting were also October 17, 2013.

Finance Director Spacher gave an explanation of the contract amounts and the resultant tax rates for each district. Supervisor Smith asked if there were questions from the audience.

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

A motion was made by Councilperson Knapp, seconded by Councilperson Van Vreede, that the Supervisor and the Town Board members be authorized to sign the following contracts, and that the Supervisor be authorized to adjust the contracts to reflect any changes in insurance liability clauses:

AMENDMENT #3 TO THE CONTRACT BETWEEN THE
BUSHNELL'S BASIN FIRE PROTECTION DISTRICT
THE BUSHNELL'S FIRE ASSOCIATION AND
THE TOWN OF PERINTON

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign amendment #3 to the contract for fire protection between the Town of Perinton, the Bushnell's Basin Fire Protection District, and the Bushnell's Basin Fire Association,

Inc. to provide for the payment of \$790,788.00 per year instead of \$775,549.00 per year as previously provided. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2015.

AMENDMENT #2 TO THE CONTRACT BETWEEN THE
EGYPT FIRE PROTECTION DISTRICT,
THE EGYPT FIRE DEPARTMENT AND
THE TOWN OF PERINTON

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign amendment #2 to the contract for fire protection between the Town of Perinton, the Egypt Fire Protection District and the Egypt Fire Department for the payment of \$656,114.00 per year instead of \$643,470.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2016.

AMENDMENT #2 TO THE CONTRACT BETWEEN
THE PERINTON FIRE PROTECTION DISTRICT
THE VILLAGE OF FAIRPORT
THE FAIRPORT FIRE DEPARTMENT
AND THE TOWN OF PERINTON

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign amendment #2 to the contract for fire protection between the Town of Perinton, the Perinton Fire Protection District, the Village of Fairport and the Fairport Fire Department for the payment of \$880,096.00 per year instead of \$863,136.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2016.

AMENDMENT #2 TO THE CONTRACT BETWEEN
THE TOWN OF PERINTON, THE
FOREST HILLS FIRE PROTECTION DISTRICT,
THE TOWN/VILLAGE OF EAST ROCHESTER AND
THE EAST ROCHESTER FIRE DEPARTMENT

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign amendment #2 to the contract for fire protection between the Town of Perinton, the Forest Hills Fire Protection District, the Town/Village of East Rochester and the East Rochester Fire Department for the payment of \$157,918.00 per year instead of \$165,514.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2016.

AMENDMENT #3 TO THE CONTRACT FOR
THE PERINTON VOLUNTEER AMBULANCE CORP, INC.

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign an amendment to the contract for ambulance protection service between the Town of Perinton and the Perinton Volunteer Ambulance Corps, Inc. for the payment of \$160,000.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2014.

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

Nays: None

Unanimously approved

PUBLIC HEARING
DEBT SERVICE APPORTIONMENTS AND
ASSESSMENT FOR IMPROVEMENTS

Supervisor Smith called the Public Hearing to order and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on October 17, 2013; affidavits of posting were also October 17, 2013.

Finance Director Spacher presented the information relative to the Debt Service Apportionment and Assessment for Improvements. Supervisor Smith asked for questions from the audience. There being none, and all those wishing to be heard having been heard, the Public Hearing was closed.

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede, that the Board approve the amount due and to become due for principal and interest during the calendar year of 2014 upon sewer bonds and bond anticipation notes issued by the Town of Perinton for construction of improvements. The Board has further determined the amount to be charged during the calendar year 2014 for the operation and maintenance of said improvements and has completed its assessment rolls for and in connection with said debt service apportionment and assessment for maintenance and operation of said improvements as follows:

SEWER DISTRICTS

Perinton Consolidated Sewer District No. 8 and extensions thereto.

The said expenses for such improvements will be apportioned and assessed upon such lots or parcels of land in said District and extensions thereto in proportion to the amount of benefit which the improvement shall confer upon the same, and will be levied and collected at the same time and in the same manner as other town charges.

FIRE PROTECTION DISTRICTS

Bushnell's Basin Fire Protection District, Egypt Fire Protection District
Forest Hills Fire Protection District,
Perinton Fire Protection District

The fire protection districts provide services by contract with Bushnell's Basin Fire Association, Inc., Egypt Fire Association, Inc., not-for-profit corporations, the Village of Fairport and the Town/Village of East Rochester. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

LIGHTING DISTRICTS

Lake Lacoma Lighting District, Meadows Lighting District,
Midlands Lighting District, Misty Meadows Lighting District
Deer Run Lighting District

Lake Lacoma and Meadows Lighting Districts provide services by contract with Rochester Gas & Electric Corporation. Misty Meadows Lighting District

and Midlands Lighting District provides service by contract with Fairport Municipal Commission. Deer Run Lighting District provides service by contract with Fairport Municipal Commission and Rochester Gas & Electric Corporation, for their respective franchise areas. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

PERINTON AMBULANCE DISTRICT

Perinton Ambulance District contracts with Perinton Volunteer Ambulance Corps, Inc., a not-for-profit corporation, to provide financial assistance including compensation insurance under the Volunteer Ambulance Workers' Benefit Law to enable it to provide an emergency medical service and a general ambulance service to sick or injured persons within the boundaries of the district which are the entire Town of Perinton including the Village of Fairport. The expense of such contributions are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

PARK MAINTENANCE DISTRICTS

Fairmont Hills Park Maintenance District
Wisteria Grove Park Maintenance District

Whereas no public monies are extended for the maintenance of the improvements in the park maintenance district, the expenses for such maintenance by the Town of lawns and plantings within the maintenance areas of the Fairmont Hills and Wisteria Grove Park Maintenance Districts will be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

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

Nays: None

Unanimously approved.

SEWER RENT ORDINANCE

Supervisor Smith called the Public Hearing to order and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on October 17, 2013; affidavits of posting were also October 17, 2013.

Finance Director Spacher reviewed the Sewer Rent Ordinance. There were no questions from the audience. All those wishing to be heard having been heard, the Public Hearing was closed.

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

A motion was made by Councilperson Van Vreede, seconded by Councilperson Havens, that the Board approve the following change in the Town Code regarding amended sewer rent charges as follows:

§ 171-5. Amount of rents.

Effective January 1, 2014 and until hereafter changed by ordinance or local law adopted by the Town Board, annual sewer rents are hereby established and imposed as follows:

A. Upon all property within the boundaries of Perinton Consolidated Sewer District No. 8 and extensions thereto, Seventy-Six Dollars (\$76.00) per chargeable unit.

B. Upon property outside of said Perinton Consolidated Sewer District No. 8 and extensions thereto the rent shall be the sewer rent per chargeable unit duly established under S155-5A above plus a surcharge of ten per cent (10%) of said annual sewer rent.

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

Nays: None

Unanimously approved

**ORDER FOR HEARING
SALE OF TOWN-OWNED PROPERTY**

Supervisor Smith stated that at the October 9, 2013 Town Board meeting, the Board authorized the listing of the DeWitt property located at 2112 Turk Hill Road. The property was listed for \$199,000 and includes a home and 2.75 acres of land. The Town has received a cash offer for \$200,000 which includes a few contingencies. The septic system will be repaired by the Town prior to the sale and the buyers have been notified that the Town may use the Town-owned adjacent land for Parks & Recreation uses in the future.

Councilperson Havens made a motion, seconded by Councilperson Van Vreede to set a Public Hearing for December 11, 2013 to consider the sale of the Town-owned property located at 2112 Turk Hill Road.

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

Nays: None

Unanimously approved

ADOPTION OF THE 2014 TOWN OF PERINTON BUDGET

Supervisor Smith reported that a public informational meeting on the 2014 budget was held on October 9, 2013 and a Public Hearing was held on October 23, 2013. The total amount to be raised by taxes is to be \$7,935,820.00.

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

WHEREAS, this Town Board has met at the time and place specified in the Notice of Public Hearings on the Preliminary Budget for 2014, and the Town Board heard questions and comments upon items in the Preliminary Budget,

NOW, THEREFORE, BE IT RESOLVED, that this Town Board does hereby adopt such preliminary budget as the annual budget of the Town for the fiscal

year 2014, and that such budget as so adopted be entered in detail in the minutes of the proceedings of this Town Board, and,

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall prepare and certify, in duplicate, copies of said Annual Budget as adopted pursuant to Section 202-a of Town Law and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Monroe County Legislature, and

BE IT FURTHER RESOLVED, that the Town Clerk of this Town be authorized to place a Notice of Adoption of said 2014 budget in the official paper of the Town of Perinton.

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

Nays: None

Unanimously approved

APPROVE CONTRIBUTION TO SENIOR LIVING COUNCIL

Supervisor Smith stated that the Town of Perinton, Village of Fairport and Perinton Churches Housing provide annual financial support for the Senior Living Council, an organization which provides services for Perinton's senior citizens. Among the services provided are housing at Rose Hollow and the Senior Options for Independence (SOFI) program.

SOFI provides services for Perinton and Fairport senior citizens which help them stay in their own homes and maintain their independence. Elderbus is another valuable service provided by the Senior Living Council to Perinton seniors that can no longer drive. Supervisor Smith also pointed out that the proceeds from Crafts Bits and Pieces supports the operation of SOFI and Elderbus.

A motion was made by Councilperson LaFay, seconded by Councilperson Havens, that the Town Board approve funding of \$6,500 as its contribution to the Senior Living Council for 2013-2014 and that the Board amend the 2013 Town Budget by increasing the appropriation in the Programs for the Aging by \$6,500 and increasing the revenues from Rental of Real Property by \$6,500.

Councilperson Knapp abstained from voting, as she is Vice-President and Secretary of the Senior Living Council.

Ayes: Smith, LaFay, Havens, Van Vreede

Nays: None

Abstain: Knapp

Approved

ANNOUNCE END OF PERMISSIVE REFERENDUM PROPERTY ACQUISITION

Supervisor Smith announced that the time of Permissive Referendum for the expenditure of monies for the Town's acquisition of the Hewes property on Turk Hill Road has expired.

2014 UNDERTAKING
RECEIVER OF TAXES AND ASSESSMENTS

Supervisor Smith reported that, as required by Section 25 of Town Law, the Town Board annually approves the bonding of the Receiver of Taxes and Assessments. He asked that the Board do so for the year 2014.

The following resolution was offered by Councilperson Van Vreede, seconded by Councilperson LaFay:

WHEREAS, Karen L. Heim, residing in the Town of Perinton, County of Monroe, State of New York, has been duly appointed to the office of Receiver of Taxes and Assessments of the Town of Perinton, New York, and

WHEREAS, under Section 25 of Town Law, said Receiver of Taxes and Assessments is required to execute and file an official undertaking, and the amount of such undertaking having been fixed by the Town Board of the Town of Perinton, in the manner provided for by law, in the sum of \$1,000,000, for faithful performance of her duties,

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Perinton approves the continuation of policy #104421086 held by Travelers Casualty and Surety Company of America, to provide bonding for Karen L. Heim, Receiver of Taxes and Assessments, and Susan B. Frykholm, Deputy Receiver of Taxes and Assessments and directs that this resolution and the bond be filed in the office of the Town Clerk.

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

APPROVE DEPOSIT OF PROCEEDS
FROM MUNICIPAL AUCTION – SEWER DEPARTMENT

DPW Commissioner Beck stated that the Sewer Departments submitted one piece of equipment (2004 F550 Super Duty truck with a 9' Fisher plow) to be sold at the Municipal Equipment auction, which took place on October 12, 2013. Commissioner Beck is requesting that the \$11,700 in proceeds be deposited into the Sewer Equipment Capital Reserve Account.

Councilperson Knapp made a motion, seconded by Councilperson Havens to authorize that the \$11,700 in proceeds from the October 12, 2013 Municipal Equipment auction be deposited into the Sewer Equipment Capital Reserve Account as outlined by Commissioner Beck above.

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

APPROVE TEMPORARY EASEMENT RELEASE
1304 & 1292 FAIRPORT ROAD

DPW Commissioner Beck stated that as part of the Right-of-Way acquisition phase of the O'Connor Road Re-alignment project, the Town was given a temporary easement on 1304 Fairport Road (formerly 7-11) in order to enter the property and construct new curbing as well as mill and pave a small portion of the existing parking lot. He further stated that the intent of the temporary easement was to ensure that multiple ingress/egress access points would be made available from the Friendly's parking lot through the 7-11 parking lot to the new alignment of O'Connor Road. Now that the 7-11/Friendly's property is in the approval process for redevelopment, the

temporary easement is no longer necessary and can be released back to the property owner.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the release of the temporary easement located at 1304 & 1292 Fairport Road back to the owner (Mr. Anthony DiPrima).

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

APPROVE HIRING OF SUBSTITUTE CROSSING GUARD

Supervisor Smith stated that the Board has a memo from Barb Clay requesting that Mirella Smith, 4 Falcon Lane East, be appointed as a substitute crossing guard for the Town of Perinton. Ms. Smith is available to work any sites but will substitute primarily at the Lincoln/Eaglehead intersection when needed.

Councilperson Knapp made a motion, seconded by Councilperson Havens to approve the appointment of Mirella Smith as a substitute crossing guard for the Town of Perinton.

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

APPROVE CHANGE TO THE MEMBERSHIP OF THE EGYPT FIRE ASSOCIATION

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

Removal from Rolls

Mr. Jeremy Lindauer, Jr.
1 Waycross Road
Fairport, NY 14450

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

EXECUTIVE SESSION

Supervisor Smith asked for a motion for the Board to adjourn to Executive session to discuss the employment history of a particular individual.

Councilperson Knapp made a motion, seconded by Councilperson Van Vreede to adjourn to Executive Session following the regular Board meeting.

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

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of October 2013 be approved.

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

There being no further business before the Board and no further questions from the audience, the Board adjourned to Executive Session at 8:20 pm.

EXECUTIVE SESSION

EXECUTIVE SESSION: No actions were taken by the Board in Executive Session. The Board reconvened to Regular session at 9:20 pm.

The meeting adjourned at 9:20 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk

