

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, April 10, 2013

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

ABSENT: James E. Smith Supervisor

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; T.C. Lewis, Planning Board.

Deputy Supervisor Knapp 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 March 27, 2013 be approved as submitted by the Town Clerk.

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

ORDER FOR HEARING
AMENDMENT TO SECTION 60 OF THE CODE OF THE
TOWN OF PERINTON
RESIDENCY REQUIREMENTS

Deputy Supervisor Knapp stated that the Town is proposing a code for employees. The proposed local law lists those employees that are required to be Town residents. Ms. Knapp further explained that because some residency requirements are incorporated into State law, a local law is required instead of just a simple Board resolution. She stated that there are no new directions proposed here, and that this is a codification of existing policy and keeps the Town in step with neighboring townships.

Deputy Supervisor Knapp further stated that elected officials are not included in this local law because State law is very clear that they must live in the jurisdiction for which they were elected.

Deputy Supervisor Knapp asked the Board to set a date for a Public Hearing to consider the following proposed changes:

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Chapter 60. RESIDENCY REQUIREMENTS

§ 60-1. Appointed Officers.

The following appointed town officers must be electors of the town at the time of his or her appointment, or as soon thereafter as may be practical, and must remain electors of the town throughout his or her term of office:

- A. Deputy Town Clerk
- B. Assessor
- C. Director of Finance
- D. Town Attorney
- E. Commissioner of Parks and Recreation
- F. Commissioner of Public Works
- G. Highway Superintendent
- H. Budget Officer
- I. Receiver of Taxes
- J. Planning Board Members
- K. Zoning Board of Appeals Members
- L. Assessment Review Board Members
- M. Historic Architecture Commission Members
- N. Recreation & Parks Advisory Board Members
- O. Environmental Conservation Board Members

§ 60-2. Other Appointed Officers.

All other appointed town officers need not be electors of the town at the time of appointment nor throughout his or her term of office, but they shall be required to maintain their primary residence within Monroe County or a contiguous county thereto.

§ 60-3. Effective Dates.

Any newly hired officer to whom §60-2 applies shall have 120 calendar days from the date of hire to relocate his/her primary residence in accordance with the requirements of this chapter. This local law shall take effect immediately upon filing with the Secretary of State as prescribed by law.

§ 60-4. Home Rule.

The provision in §60-2 permitting some appointed Town Officers to serve whether or not such person is a resident of the Town of Perinton and/or an elector of the Town of Perinton shall supercede the requirements of local residency set forth in §3, Subdivision 1, of the Public Officers Law of the State of New York and shall also supercede the requirement of being a local elector set forth on §23, Subdivision 1, of the Town of Law of the State of New York.

§ 60-5. Failure to Comply.

The failure of an officer to comply with the residency requirements of this chapter shall result in disqualification from office and employment and shall result in a vacancy in the office and position so affected.

T.C. Lewis, 14 Southcross Trail asked whether any Town employee would be in violation of this new law if it is approved and Deputy Supervisor Knapp stated that there would not be anyone in violation. Town Attorney Place added that the proposed code change would simplify the requirements, pull this information together in one spot and eliminate any issues.

A motion was made by Councilperson Van Vreede, seconded by Councilperson Havens, that 8:00 pm on May 8, 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: 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 March 2013 be approved.

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

There being no further business before the Board and no further questions from the audience, the Board adjourned at 8:10 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk