

PERINTON TOWN BOARD MEETING
 1350 Turk Hill Road, Fairport, NY 14450
 Wednesday, May 28, 2014

PRESENT: Michael G. Barker Supervisor
 Joseph H. LaFay Councilperson
 Peg S. Havens Councilperson
 Steven C. Van Vreede Councilperson
 Ciaran T. Hanna Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Tom 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; Kevin Spacher, Finance Director; T.C. Lewis, Planning Board.

Supervisor Barker called the meeting to order at 8:00 pm and introduced the Board and staff present.

Councilperson Havens made a motion, seconded by Councilperson Van Vreede, that the minutes of the Town Board meeting of May 14, 2014 be approved as submitted by the Town Clerk.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
 Nays: None
 Unanimously Approved

**APPROVE NYS FILING REGULATIONS
 STANDARD WORK DAY AND REPORTING**

Supervisor Barker stated that the Office of the NYS Comptroller requires that the standard workday of elected and appointed officials of the Town be certified within 150 days of taking office. The regulation also requires the establishment and certification of terms of office for each official.

Councilperson LaFay put forth the following resolution, seconded by Councilperson Van Vreede:

BE IT RESOLVED, that the Town of Perinton hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer’s Time Keeping System (Y/N)	Days/Month (based on Record of Activities)*
Elected Officials					
Supervisor	Michael G.Barker	7/day	1/1/14-12/31/15	N	21.7
Town Clerk	Jennifer A. West	7/day	1/1/14-12/31/15	N	21.7
Town Council	Ciaran T. Hanna	6/day	1/1/14-12/31/17	N	21.7
Town Council	Stephen C. VanVreede	6/day	1/1/12-12/31/15	N	21.7
Town Council	Joseph H. LaFay	6/day	1/1/12-12/31/15	N	21.7

Town Council	Margaret S. Havens	6/day	1/1/14-12/31/17	N	21.7
Town Justice	Michael H. Arnold	6/day	1/1/14-12/31/17	N	21.7
Town Justice	Thomas A. Klonick	6/day	1/1/12-12/31/15	N	21.7
Appointed Officials					
Town Attorney	Robert M. Place	6/day	1/1/14-12/31/15	N	21.7
Town Engineer	Robert Kozarits	7/day	1/1/14-12/31/15	Y	
Town Assessor	Nicholas Morabito	7/day	10/1/13-9/30/19	Y	
Receiver of Taxes	Jennifer A. West	7/day	1/1/14-12/31/15	Y	
Commissioner of Public Works	Thomas C. Beck	7/day	Indefinite-pleasure of Town Board	Y	

*Town officials are given credit for the same Town Holidays as Town Employees

On this 28th day of May, 2014

I, Jennifer A. West, clerk of the governing board of the Town of Perinton, of the state of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 28th day of May, 2014 on file as part of the minutes of such meeting, and that the same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of five members, and that five of such members were present at such meeting and that five of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto

Set my hand and the seal of the

TOWN OF PERINTON

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna

Nays: None

Unanimously approved.

**DECISION
REZONING REQUEST
BUSHNELL'S BASIN
COMMERCIAL AND RESTRICTED B TO
MIXED USE DISTRICT ZONING**

Supervisor Barker stated that the Town of Perinton is proposing to rezone 21 properties (approximately 16.11 acres) in the Hamlet of Bushnell's Basin to Mixed Use Zoning District zoning. He added that 14 properties are currently zoned Commercial and seven properties are currently zoned Residential B.

The following SEQRA resolution was offered by Councilperson LaFay, seconded by Councilperson Hanna:

WHEREAS, the action is a proposed rezoning of land, which in itself, is an administrative activity that will not physically alter Bushnell's Basin; and

WHEREAS, the proposed action only expands the possible land uses in accordance with the Town's 2011 Comprehensive Plan; and

WHEREAS, individual properties will be subject to SEQRA when they are proposed to be developed in accordance with the proposed zoning; and

WHEREAS, there were no potential project impacts identified in Part 2 of the Full Environmental Assessment Form associated with the rezoning proposal; therefore be it

RESOLVED, that this Type 1 action will not result in any significant adverse environmental impact.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved.

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

WHEREAS, the proposed rezoning complies with the findings and goals of the 2011 Town of Perinton Comprehensive Plan, which identifies Bushnell's Basin as an appropriate area for Mixed Use; and

WHEREAS, the proposed rezoning furthers the existing zoning patterns by limiting the possibility of large-scale retail development, and keeping intact the intimate and rustic character of Bushnell's Basin, while strengthening the nature of the hamlet; and

WHEREAS, the Town has met with the owners and tenants of the prospective properties on December 5, 2013, to inform them of the Town's proposal and receive their input and support; and

WHEREAS, a public hearing on the rezoning was held before the Town Board on April 9, 2014, and the matter was referred to the Planning Board, Conservation Board, and Historic Architecture Commission; and

WHEREAS, the Planning Board, the Conservation Board, and the Historic Architecture Commission have provided letters of support for the rezoning; and

WHEREAS, the Planning Board is given the authority to increase buffer areas that border residential districts beyond the standard 50 feet, where appropriate; therefore be it

RESOLVED, that the 21 properties identified in the application be rezoned to Mixed Use District zoning.

#	ACRES	TAX_ID	ST_NBR	GIS_ST_NAM	MUNI	CURRENTLY_ZONED
1	0.12	179.09-2-1	604	Pittsford Victor Road	Pittsford, NY 14534	Commercial
2	0.85	179.09-2-10	589	Pittsford Victor Road	Pittsford, NY 14534	Residential B
3	0.31	179.09-2-11.1	2	Thornell Road	Pittsford, NY 14534	Residential B
4	0.1	179.09-2-2	610	Pittsford Victor Road	Pittsford, NY 14534	Commercial
5	0.29	179.09-2-3	616	Pittsford Victor Road	Pittsford, NY 14534	Commercial
6	0.42	179.09-2-4	624	Pittsford Victor Road	Pittsford, NY 14534	Commercial
7	2.3	179.09-2-5	623	Pittsford Victor Road	Pittsford, NY 14534	Residential B
8	0.3	179.09-2-6	613	Pittsford Victor Road	Pittsford, NY 14534	Residential B
9	0.58	179.09-2-7	605	Pittsford Victor Road	Pittsford, NY 14534	Residential B
10	1	179.09-2-8	597	Pittsford Victor Road	Pittsford, NY 14534	Residential B
11	0.8	179.09-2-9		Pittsford Victor Road	Pittsford, NY 14534	Residential B
12	4.2	179.10-1-3	649	Pittsford Victor Road	Pittsford, NY 14534	Commercial
13	0.3	179.10-1-39	751	Pittsford Victor Road	Pittsford, NY 14534	Commercial
14	1.02	179.10-1-4	665	Pittsford Victor Road	Pittsford, NY 14534	Commercial
15	0.25	179.10-1-40	747	Pittsford Victor Road	Pittsford, NY 14534	Commercial
16	0.25	179.10-1-41	741	Pittsford Victor Road	Pittsford, NY 14534	Commercial
17	0.42	179.10-1-42	735	Pittsford Victor Road	Pittsford, NY 14534	Commercial
18	0.5	179.10-1-43	725	Pittsford Victor Road	Pittsford, NY 14534	Commercial
19	0.25	179.10-1-44	721	Pittsford Victor Road	Pittsford, NY 14534	Commercial
20	0.75	179.10-1-46	707	Pittsford Victor Road	Pittsford, NY 14534	Commercial
21	1.1	179.10-1-5	683	Pittsford Victor Road	Pittsford, NY 14534	Commercial
TOTAL	16.11					

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved.

DECISION
REZONING REQUEST
NORTH WASHINGTON STREET
RESTRICTED BUSINESS OR INDUSTRIAL TO
COMMERCIAL DISTRICT ZONING

Supervisor Barker stated that the Town of Perinton is proposing to rezone four properties (4.77 total acres) On North Washington Street to Commercial District Zoning. The four properties are 333, 347, 355 and 359 North Washington Street. He added that the new zoning would match the Town of Pittsford zoning (C2- Commercial) for the adjoining properties directly to the west and would better fit the development along North Washington Street and Panorama Trail. Additionally, Dick Ide Automotive purchased 347 North Washington Street. This property currently features a single family dwelling and detached garage, but it has been vacant for many years. Dick Ide is proposing to convert the property into an area for overflow vehicle storage. Supervisor Barker stated that under the Town of Perinton code, this use is only permitted in Commercial District zoning.

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

WHEREAS, the proposed rezoning of land and proposed use of 347 North Washington Street is consistent with the predominant character of the existing built landscape; and

WHEREAS, the proposed rezoning of land and proposed use of 347 North Washington Street do not affect any wetlands or other protected environmental features and natural resources; and

WHEREAS, the proposed rezoning of land and proposed use of 347 North Washington Street will not result in a substantial increase in traffic above present levels; and

WHEREAS, the proposed rezoning of land and proposed use of 347 North Washington Street received a recommendation by the Conservation Board for a negative SEQR declaration, dated May 27th, 2014; therefore be it

RESOLVED, that this action will not result in any significant adverse environmental impact.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved.

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

WHEREAS, the proposed rezoning received unanimous support from the Conservation Board, at its meeting of May 20, 2014; and

WHEREAS, the proposed rezoning received unanimous support by the Planning Board at its meeting of May 21, 2014; and

WHEREAS, the new zoning would match the Town of Pittsford's zoning (C2- Commercial) for the adjoining properties directly to the west, and will fit the development along North Washington Street and Panorama Trail; therefore be it

RESOLVED, that the four properties identified in the application be rezoned to Commercial District zoning.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved.

DECISION
SPECIAL USE PERMIT
347 N. WASHINGTON STREET, LLC
DICK IDE VOLKSWAGEN

Councilperson LaFay put forth the following resolution, seconded by Councilperson Havens to approve the issuance of a Special Use Permit to 347 N. Washington LLC:

WHEREAS, the proposed use of 347 North Washington Street received a letter of support from the Conservation Board, dated May 27th, 2014; and

WHEREAS, the proposed rezoning received unanimous support by the Planning Board at its meeting of May 21, 2014; and

WHEREAS, the use will fit the development along North Washington Street and Panorama Trail; therefore be it

RESOLVED, that the special use permit be issued for the allowance of motor vehicle sales at 347 North Washington Street.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved.

AUTHORIZE PAYMENT
TOWN AND COUNTY AND SCHOOL TAX BILLS
HESS PROPERTY – FAIRPORT ROAD
TAX ID #152.11-1-32

DPW Commissioner Beck stated that as part of the O'Connor Road Relocation project the Town acquired several small parcels of land on Fairport Road. In May of 2013 the Town closed on the acquisition of the Hess property located on Fairport Road, later sold a portion of the property to Anthony DiPrima and the property taxes were apportioned appropriately at the closing.

In September of 2013, a school tax bill was issued for the property and in January of 2014 a Town and County Tax Bill was issued on the property. Commissioner Beck added that due to the manner in which the property had been acquired, and subsequently a portion sold by the Town, the ownership change had not been made on assessment records at the time the above referenced tax bills were issued. Consequently, the bills were sent to Hess and never paid.

Commissioner Beck requested that the Town Board authorize the payment of both bills, which total \$9,667.25, to allow development of the CVS to move forward.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the payment of the School and Town and County bills for tax account #152.11-1-32.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved.

AUTHORIZE DISBURSEMENT
AUCTION PROCEEDS FROM THE SALE OF SURPLUS DPW EQUIPMENT

DPW Commissioner Beck stated that the Highway and Sewer Departments submitted 13 pieces of equipment to be sold at the Municipal Equipment auction, which took place in May 2014. Commissioner Beck is requesting that \$106,672.50 of the \$116,672.50 in proceeds be deposited into the Highway Department Capital Reserve Account, \$3,600.00 in proceeds be deposited into the Sewer Equipment Capital Reserve Account and the remaining \$5,850.00 be deposited in the General Fund.

Councilperson Havens made a motion, seconded by Councilperson Hanna to authorize that the \$116,672.50 in proceeds from the May 2014 Municipal Equipment auction be deposited into the Capital Reserve Accounts as outlined by Commissioner Beck above.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved.

AUTHORIZE CLOSURE OF CAPITAL PROJECTS
DPW ROAD CONSTRUCTION, CHARDONNAY CONNECTOR
AND JEFFERSON AVENUE SEWER

Finance Director Spacher stated that there are three capital projects which are completed and may be closed. They are the DPW Road Reconstruction project, the Chardonay Connector Project and the Jefferson Avenue Sewer Project. Director Spacher also requested that the remaining balances be transferred to the appropriate Capital Reserve Fund.

Director Spacher also requested that the Pedestrian Bridge Project remain open as there is minor work left to do. He stated that the cash balance is currently \$1,165,370.22 and that the remaining work can be completed for approximately \$100,000. He requested that the Town Board approve the transfer of \$1,000,000 from the project back to the Capital Reserve for Sidewalks, which was the source of the money.

Councilperson LaFay made a motion, seconded by Councilperson Hanna to close the three capital projects (DPW Road Reconstruction project, the Chardonay Connector Project and the Jefferson Avenue Sewer Project) and transfer the remaining funds from these projects to the appropriate Capital Reserve Fund and to transfer \$1,000,000 from the Pedestrian Bridge Project to the Capital Reserve for Sidewalks.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved.

APPROVE RESOLUTION SUPPORTING MASON ROAD SIDEWALK PROJECT

DPW Commissioner Beck explained that the DPW is preparing an application that will be submitted to the Transportation Alternatives Program (TAP) that seeks grant funds to design and construct a sidewalk on Mason Road. He added that the amount of the grant being applied for is \$948,611 and that the grant requires a 25% match from the Town (or \$237,611).

Councilperson Havens asked whether a partial grant might be awarded and Commissioner Beck stated that he did not think so as there are limited funds and it is a very competitive program. He did add that we would partner with the Fairport School District on this grant to strengthen the application. This grant has folded in the "safe

routes to school” program and the construction of sidewalks would provide a safer walk along Mason Road to Ayrault.

Commissioner Beck stated that the grant application requires proof of support by the local governing body. Councilperson Hanna made a motion to support the following resolution, which was seconded by Councilperson Van Vreede:

WHEREAS, the New York State Department of Transportation is offering funding under the Transportation Alternatives Program (TAP) for alternative transportation projects; and

WHEREAS, the Town of Perinton’s Mason Road sidewalk project to provide alternative transportation connections between the hamlet of Egypt, residential neighborhoods, two regional trails and Fairport High School qualifies under the TAP funding program; and

WHEREAS, Perinton’s Mason Road sidewalk project is high priority for the Town;

NOW THEREFORE, BE IT RESOLVED, that the Town of Perinton Council enthusiastically supports the submission of the TAP grant application by the Supervisor;

BE IT FUTHER RESOLVED, that the Town hereby commits to providing 25 percent of the costs to design and construct the Mason Road sidewalk project.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously approved.

AUDIT APPROVAL

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay that Audit #5 for May 2014 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

MAY AUDIT

General Fund	174,547.23
Town Outside of Village	156,426.26
Recreation	73,477.63
Highway General Repair	25,724.70
Highway Snow & Miscellaneous	51,637.63
Joint Sewer	63,368.35
Debt Service Sewer	137.00
Bushnell’s Basin Fire Protect Dist	4,772.63
Fairmont Hills Maint Dist	320.00
O’Connor Rd Relocation Proj	122,567.23
Indian Valley Sewer Project	<u>114,453.41</u>
	\$787,432.07 Total

The above items were numbers 93349-93591.

MAY MANUAL 1

General Fund	188,642.55
Town Outside of Village	29,716.63
Recreation	35,288.08
Highway Snow and Miscellaneous	99,769.53
Joint Sewer	57,215.29
Midlands Lighting Dist	453.08
Lake Lacoma Lighting Dist	17.35
Meadows Lighting Dist	490.93
Deer Run Lighting Dist	1675.87
Misty Meadows Lighting Dist	<u>122.45</u>
	\$413,391.76Total

The above items were numbers 93319-93323, 93326, 93330-93331, 93342-93347.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna
Nays: None
Unanimously Approved

Residents from the Brook Hollow neighborhood came before the Town Board to discuss their ongoing problems with flooding in their neighborhood. They also expressed concerns over letters they received from the Town Assessor's office. One of the neighbors stated that the neighbors are beginning to organize and have discussed hiring counsel to help them with their flooding concerns. Supervisor Barker stated that the Town is working diligently to get answers and has contacted the DOT, DEC and Corps of Engineers. One gentleman suggested that a committee be formed including residents, Town Board, DPW Commissioner and DPW Staff to facilitate communications and get a game plan together to work with State and Federal agencies.

Supervisor Barker stated that he would like to be the point person with the Brook Hollow neighbors. He has been working with Assemblyman Mark Johns and Senator Ted O'Brien's offices to get the culvert cleaned out, to figure out what is happening and what the path forward might be. One resident said that she has spoken with Mr. Richard Lord, Chief of Mitigation Services for NYS (Division of Homeland Security) and that he has been very helpful. Commissioner Beck stated that he reached out to him also. Commissioner Beck stated that he would like to meet with the residents of the 11 homes on Brook Hollow and handed out his card with contact information. He requested the emails of all of the residents and promised a meeting in the next few weeks. He also suggested that something is happening upstream from this neighborhood and stated that the canal, Mill Creek and the Genesee River are being theorized as possible sources of the surge of water. Commissioner Beck also relayed a story about another town in NYS, Sidney, that received good home appraisal values after going through a similar flood situation.

The following residents were in attendance and spoke before the Town Board:

Michael O'Leary, 18 Brook Hollow Road
Stacey McDonald, 14 Brook Hollow Road
Bob Panter (father of Brook Hollow resident)
Mrs. Murphy, 17 Brook Hollow Road
Colleen and Mark Peters, 20 Brook Hollow Road

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 9:05 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk