

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, August 28, 2019

PRESENT:	Ciaran T. Hanna	Supervisor
	Peg S. Havens	Councilperson/Deputy Supervisor
	Seana L. Sartori	Councilperson
	David Belaskas	Councilperson

ALSO PRESENT: Joseph H. LaFay, Esq., Town Attorney; Jennifer A. West, Town Clerk; Jeffrey Myers, Commissioner of Recreation and Parks; Michael Doser, Director of Code Enforcement and Development; Brian Dick, Finance Director; T.C. Lewis, Ethics Board/Codes Committee.

Supervisor Hanna called the meeting to order at 7:30 pm and introduced the Board and staff present.

Supervisor Hanna began the meeting with the Pledge of Allegiance.

Councilperson Havens made a motion, seconded by Councilperson Sartori, that the minutes of the Town Board meeting of August 14, 2019 be approved as submitted by the Town Clerk.

Ayes: Hanna, Havens, Sartori, Belaskas  
Nays: None  
Unanimously Approved

The following transcript was provided by Rhoda Collins, Court Reporter Forbes Court Reporting Services, LLC:

COUNTY OF MONROE  
TOWN OF PERINTON

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PERINTON TOWN BOARD MEETING  
AUGUST 28, 2019  
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A TRANSCRIPT OF THE PERINTON TOWN BOARD MEETING HELD AT  
PERINTON TOWN HALL, 1350 TURK HILL ROAD, FAIRPORT, NEW YORK  
ON AUGUST 28, 2019 AT 7:30 P.M.

SUPERVISOR: CIARAN T. HANNA

COUNCILMEMBERS:  
PEG S. HAVENS  
SEANA L. SARTORI  
DAVID P. BELASKAS

TOWN ATTORNEY: JOSEPH H. LAFAY  
TOWN CLERK: JENNIFER A. WEST

ALSO APPEARING: JASON R. KENNEDY, COMMISSIONER OF PUBLIC WORKS,  
MICHAEL S. DOSER, MPA, DIRECTOR, C.E.D.  
JEFFREY MYERS, DIRECTOR OF PARKS AND RECREATION  
BRIAN D. DICK, DIRECTOR OF FINANCE

SUPERVISOR HANNA: Good evening, everybody, welcome to the August 28, 2019, Town Board meeting. First thing I would like to do is introduce the staff. We have quite a table over there. We have Lori Stid and Melanie Davison, who is our Deputy Town Clerk; Mitch Pritchard, who is our Communications Director; we have Brian Dick who is our Finance Director; our Commissioner of Recreation and Parks is Jeff Myers; our Director of

Code Enforcement and Development is Mike Doser; we have Jason Kennedy our Commissioner of the Department of Public Works; and Joe LaFay our Town Attorney.

At this table we have to my right, Jennifer West and she is our Town Clerk. To my left is Deputy Supervisor Peg Havens, and our Town Board Members Seana Sartori and David Belaskas. I am Ciaran Hanna the Town Supervisor. I would like to, first of all, I want to make sure we don't have any other staff members in the audience. We don't, we're all set -- we have Jeff Nutting our Recreation Supervisor, I'm sorry. We are going to start with the Pledge of Allegiance.

The first item on the agenda this evening is the approval of the Town Board minutes for the August 14, 2019 Town Board meeting. You should have received and reviewed the minutes and I will entertain a motion to accept as is. Moved by Peg, seconded by Seana. Is there any discussion? Seeing none, all those in favor signify by saying aye.

ALL COUNCIL MEMBERS: Aye.

SUPERVISOR HANNA: All those opposed? That item carries.

The next item is the audit. You should have also received the audit reports from the Director of Finance and you should have reviewed them by now. Are there any questions for the Finance Director? Seeing none, I will accept a motion to accept those as is. Moved by Dave, seconded by Seana. Is there any discussion? Seeing none, all those in favor signify by saying aye.

ALL COUNCIL MEMBERS: Aye.

SUPERVISOR HANNA: All those opposed? That item carries.

#### TOWN BOARD PROCLAMATIONS

The next item on the agenda is Town Board proclamations. So I have a little story here, many of you are aware of it, but I'm going to repeat it because it bears repeating. On June 10, 2019, a group of regular pickleball players showed up at our community center gymnasium to play, certainly on a weekly basis, probably more, daily basis. Just prior to beginning play one of the players suffered a heart attack and collapsed on the floor. One of the other players that he plays with who happened to be a cardiac nurse, moved to assist him. Our staff was notified of the emergency and they sprang into action. Mike Clark, Paul Kelly, and Laura Silins arrived on the scene and assessed the situation and found that the gentleman was not breathing and he had no pulse.

Mike immediately started chest compressions while Laura performed rescue breaths, and Paul retrieved the AED that was available. As a 911 call went out, it just so happens that two of our CED staff, our code enforcement staff, Deputy Director Greg Seigfred and Zoning Officer John Overacker, they both happen to be members of the

Fairport Fire Department. They heard the call come over 911 and John, he is the assistant chief over at the fire department, they both went over to assist as well.

As Paul hooked up the AED, oxygen was set up as well and one shock was applied from the AED. That was unsuccessful and Mike continued with compressions. The second shock was applied and his heart returned a rhythm and he began to breathe on his own. The compressions at that time stopped and secondary assessments began.

At this point the EMTs from Perinton Ambulance showed up and transported the patient to the hospital. Now all this happened, you have to realize that Perinton Ambulance is literally right next door and all this happened before Perinton Ambulance could get in the door. This is how quickly these people responded.

I am happy to report that the gentleman is now fine. He's looking forward to returning to his regular pickleball schedule. This was a wonderful case of our community working together to save this gentleman. Our rec staff, our CED staff, fire personnel, ambulance corp, and even our residents, that cardiac nurse she did a wonderful job. They all had significant roles in literally bringing this man back to life.

I want to recognize and also thank Jeff Myers and Jeff Nutting, they always stress the importance of training and the training in this case was just so key. The staff handled the situation calmly and they were very effective in what they did. I'm so proud of all who were involved and acted so quickly to ensure a positive outcome. So as a result I would like to invite Mike, Laura, John, and Greg up here to accept some proclamations. Unfortunately Paul couldn't be here this evening, he's currently drilling with the National Guard out of town, so I would like to thank him for his service there, but Jeff will make sure he gets his proclamation. I'd like to bring all of you up here and we will present some proclamations.

Okay, first of all, I would like to read the proclamation: The Town of Perinton gratefully acknowledges the quick, levelheaded, and professional response from, fill in the blank, in an emergency situation this summer at the Perinton Community Center. Extensive knowledge, expertise, and ability to remain calm in order to identify exactly what actions needed to occur were integral in a positive outcome for one of our community members.

We are honored to have, fill in the blank, as a loyal and devoted member of our staff and we do proudly proclaim that this 28th day of August, I the year of 2019, as, fill in the blank, day in the Town of Perinton.

So I do appreciate it and we are going to start over here with Laura. Laura, thank you very much and congratulations and we are officially Laura Silins Day in the Town of Perinton. Thank you so much.

John Overacker, congratulations, thank you

very much and congratulations for the John Overacker Day in the Town of Perinton. Greg Seigfred, Greg, thank you very much and congratulations on it officially being Greg Seigfred Day in the Town of Perinton. Last but not least, Mike, congratulations, thank you so much and congratulations on it being Mike Clark Day in the Town of Perinton.

#### PRESENTATION: RED RIBBON CAMPAIGN

The next item on the agenda is the presentation of the Red Ribbon Campaign. I would like to invite Debra Tandoi to address the Board this evening. Debra is a Developmental Asset Coordinator for the Fairport Perinton community. She chairs the Chemical Prevention Advisory Community, or CPAC. She has invested countless hours, days, months, years to the youth of our community. She does an absolutely terrific job and we are so fortunate to have her working with our kids. We really do appreciate it and she is here in regards to this year's Red Ribbon Campaign so take it away, Debra.

DEBRA TANDOI: Okay, thank you. And thank you for the opportunity to come before our community. The Chemical Prevention Advisory Council is in its 31st year. We are actually the only surviving council in New York State when we started back in 1988. So we are proud of what we do, and we're a working partnership with parents, school, community law enforcement, and our goal is to really focus on healthy lifestyles wellness for everyone in our community but especially focusing on our youth. We meet every month at Fairport High School and everyone is always welcome to attend our meetings. We meet the second Tuesday of every month from 8:00 to 9:30 in the morning in the high school from September to June. We have law enforcement updates from the police chief as well as Deputy Todd Thurston who is the Zone A crime prevention person.

We have school updates and mainly this year our number one issue is vaping. I'm sure you all hear that a lot. If you haven't heard about opioids, now the new thing is vaping. So we actually have a huge crisis at the high school level where we collect buckets a day of vapes. And so we work on that and educate everybody about the problems with it.

Our community updates, we have Mike Clark and Jeff Nutting join us and tell us what's going on within Perinton and how we can all work together to have our youth healthy.

And our students reports, when we began the Developmental Asset Initiative we invite students to be part of every important committee and we have 11 students that come down and share information with us. The number one thing that they say is they believe parents are naive to what their children are doing and that they see as the huge problem.

We have lots and lots of presentations, I have

listed them all for you so you have that information. We also are part of the opioid awareness night that was held in the town in October. We worked with the Town and they had Recovery NOW do a remarkable presentation, very powerful with Sheriff Baxter here. It was a pretty good turn out and thank you to the Town in being proactive to bring that information to our community.

As far as our prescription drug drop off, Fairport is the number one location that is taking in drugs, and the misuse of prescription drugs is second only to marijuana use as our nation's most commonly used illegal drug. So it was back in 2010 when we worked with Assumption Church, they sit on our committee, and we worked with the police department to think of a way to start getting drugs off the street. We were one of the very first prescription drug drop off places.

And from 2010 to 2019, we've collected 21,000 pounds of prescriptions that we've gotten off the street, which is 10.5 tons -- amazing when you think of a little prescription bottle -- by over 7,000 people that have come to the Fairport Police Department to drop them off. They now have two disposal places right inside of the police department and anyone can come and drop off prescriptions Monday through Friday, 8:00 to 4:00.

Also, the Fairport Police have had nine overdose situations right in the village and the use of Narcan has become so prevalent that it resulted in only one death. The Narcan though is becoming an issue in that they are beginning to see 3, 4, 5, 6 times that they've brought people back with Narcan. At the county level we have 548 overdoses with 82 being fatal. We have learned that those that are selling heroin are now also selling Narcan with the heroin and telling them that if they get in trouble make sure somebody is with them and they will be able to be brought back from that horrific scene.

We also have all our information on our school district website. And if you go there you'll see CPAC is listed, we have a video on there, How Does Addiction Happen, which is actually done and paid for by a Fairport/Perinton couple that lost their son to an opioid overdose. So it is really worth watching, they did a fabulous job with that.

In 2019, we did our youth risk behavior survey, we do that every two years to see how our youth are doing. The number one thing that went up is the use of E-Cigs and it's amazing to learn that 63 percent of youth that use an E-Cig does not know it contains nicotine. And it is now causing so many lung problems and other issues and they are getting it because they like to see all that smoke and get it for the flavor not realizing that it has become a way to get everyone so addicted to nicotine because the cigarette industry really had to make up what they were losing in cigarette sales. We were at the Canal Days and we handed out a lot of information, June 1st and 2nd, right on Main Street.

And then last but not least you probably know us most by our Red Ribbon Campaign. So if Paige would like to come up? Paige Meuwissen is our winner for this year's Red Ribbon logo. This is what she drew as a 5th grade DARE student. This is going to be printed on 8,500 red ribbons which will be worn by all our student and community members throughout the Red Ribbon week which is October 20th to 26th. We want to congratulate you, because that's a big deal, Paige, thank you very much.

SUPERVISOR HANNA: I want to congratulate Paige as well and present her with this plaque on winning the well designed ribbon for the Red Ribbon week. Congratulations, it's a wonderful design.

PAIGE MEUWISSEN: Thank you for this recognition. I had a lot of fun designing the red ribbon for this year.

DEBRA TANDOI: Thank you. So with all that being said, anyone who ever has any questions on that we have all of our information on our website and I've given you all a packet. Feel free to contact any of us, we always have at least 40 people sitting around our table including our Supervisor, law enforcement, Mayor, everyone comes out to support the efforts that we put into this. And the way that we are able to fund our Red Ribbons is it is an annual town tradition so I am requesting that you would go ahead and approve the red ribbons for 2019 so we can have those all through the community.

SUPERVISOR HANNA: Before we do that, I do want to thank you again for all you do, Debra. You do so much for our community, it's terrific. I will say it's been interesting sitting at the CPAC table every month. What I find fascinating is you have some high schoolers, probably maybe six or seven high schoolers there at any one given meeting, and it amazes me how open they are. They will sit there and talk. And it's funny you them as watch some of the adults talk, and they kind of smirk. They know that the adults, while that table is very well educated about this kind of thing, they are not really as well educated as we think we are. And it's amazing to me because they are very open and they will share any number of things with the group. It is tremendously helpful and it's a very interesting group, and I think that our community benefits greatly. Thank you very much.

DEBRA TANDOI: And it's because of that commitment that we've survived when you think of everyone in the whole state that's folded but us. And it is because everyone comes every month and focuses on this. Because the issues aren't going away, sadly, so thank you all.

SUPERVISOR HANNA: Thank you, Debra. Now, I'll entertain a motion to appropriate \$1,500 for the cost of the Red Ribbon Campaign. Moved by Peg, seconded by Dave. Is there any discussion? Seeing none, all those in favor signify by saying aye.

ALL COUNCIL MEMBERS: Aye.

SUPERVISOR HANNA: All those opposed? That

item carries.

APPROVE PROVISIONAL APPOINTMENT OF REAL PROPERTY APPRAISER

The next item on the agenda is to approve a provisional appointment for a real property appraiser. We have our Town Assessor Wayne Pickering here. Wayne, would you like to come up?  
WAYNE PICKERING: Wow, that is two great acts to follow.

SUPERVISOR HANNA: You better make it good, Wayne.

WAYNE PICKERING: I would like to ask the Town Board to please approve the provisional appointment of David M. Harrison as real property appraiser for the Town of Perinton into the assessment office. He will be replacing well, we had Carolyn retire from the town last April, so we do have a current opening in the office. Dave will be taking her place for the time being until another position opens up where another real estate appraiser will be leaving in retirement.

So Dave will be hired on provisionally. He will have to take the real property appraiser civil service test when it is offered at some point next year. And hopefully he will be able to take the test and finish on the civil service list and be reachable. Did give you a full memo explaining everything. Do you have any other questions I can answer?

SUPERVISOR HANNA: Any questions for Wayne? No, all right. For that I will entertain a motion to move the provisional appointment of real property appraiser David Harrison. Moved by Seana and seconded by David. Is there any discussion? Seeing none, all those in favor signify by saying aye.

ALL COUNCIL MEMBERS: Aye.

SUPERVISOR HANNA: All those opposed? That item carries. Thank you, Wayne.

WAYNE PICKERING: Thank you.

PUBLIC HEARING CONTINUATION  
LOCAL LAW #4 OF 2019  
SECTION 208-23  
KEEPING OF ANIMALS

SUPERVISOR HANNA: The next item on the agenda is a Public Hearing continuation for Local Law Number 4 of 2019, Section 208-23 Keeping Of Animals. At our April 24, 2019, Town Board meeting we opened a Public Hearing on the Local Law Number 4 and based upon the input of the Public Hearing at that time the Board decided to review the local law and left the Public Hearing open. This evening we will continue the Public Hearing in regards to the rewritten Local Law Number 4 of 2019.

Jen, do we have proof of publication of the affidavit proposed?

MS. WEST: Yes, the legal notice was published in the August 15, 2019, Eastside Post, affidavit of posting was the same thing.

SUPERVISOR HANNA: Thank you. The Town Board members should have in their packets information and documentation for the proposed changes. I would now ask our Code Enforcement Director Mike Doser to present the most recent changes of this law.

MICHAEL DOSER: Thank you, Mr. Supervisor. This is a continuation as the Supervisor stated of the spring 2019 Public Hearing on Local Law Number 4, Chapter 208-23, Keeping Of Animals. And I will run through a brief history of this here.

So this is the time line, this is how we got here. Codes committee reviewed a proposal for essentially keeping of bees and chickens on residential properties under five acres. They reviewed that on January 31st, had enough merits to go to the Town Board, the Town Board made an order for a hearing on March 27th, of this year. There was a Public Hearing on April 24th, and many of you might have been there. The Town Board discussed this at its workshops on May 22nd, and July 24th, and there has been ongoing stakeholder input throughout the process. And so now we have a continuation of a Public Hearing tonight.

So speaking of the Public Hearing on April 24th, we received a lot of good feedback, and from both sides of the issue. So it did prompt us to reexamine the code and ultimately the Town determined that the most appropriate approach to allow the keeping of honeybees and chickens on residential properties on five acres or less is with the acquisition of a special use permit from the Zoning Board of Appeals.

It's important to note the prior proposal simply allowed the keeping of bees and chickens on a property as a property right and certain bulk area requirements without having to have been met. And this is a little bit different approach that we feel is a fairly good compromise.

So the current code, and I will read the top line here: No animals, birds, fowl, or poultry shall be housed or kept on any nonfarm residential premises except customary household pets. What this basically means is that only dogs and cats are allowed on residential properties less than five acres. The Town has always allowed bees and chickens living on a farm premises which the Town defines as any parcel five acres or more where agriculture occurs.

So right now under the current code if people are keeping honeybees or chickens on their property of less than five acres they are technically not compliant. So tonight we're proposing an avenue that will allow those animals and perhaps future uses of those animals that our Zoning Board of Appeals and ultimately get approved and functioning in the town.

So here's the proposed code and it's really fairly simple. The underlined areas were changed here and some of the references to pets. It says: No animals shall be housed or kept on any nonfarm residential premises except customary household pets or animals that have been approved by special



permit by the Zoning Board of Appeals in accordance with Section 208-54.

So if you want to be a beekeeper or chicken keeper on a property less than five acres what do you have to do? You have to pursue a special permit with the Zoning Board of Appeals.

Now, the Zoning Board of Appeals has a lot of experience with special permits. They approve customary home occupation, special permits, they also approve temporary activity permits, and a number of other permits. And they utilize Section 208-54 of the Town Code to judge whether it's appropriate to have those special permits, whether they should be approved or not.

So before approving they would want to know the following: That the use will not effect neighbors or neighborhood character; that the use risk will be mitigated so safety will not be adversely affected; they will want to know that the use is in general harmony with planning and zoning; and they will also want to know the use is suitable with adequate facilities.

And they will be looking at 208-54. This is just a paraphrase to a number of criteria they utilize, but 208-54 is the part of the code where they would judge the appropriateness of a use, in this case bees and chickens or other non-customary animals on properties five acres or less.

So overall this is a compromise, as I said before Zoning Board of Appeals would examine applicants and applications through this prism of current standards in 208-54 which Board members use to evaluate, and in this case Zoning Board members, use to evaluate all special permits that go before.

They would judge each application on a case-by-case basis to determine whether the use is suitable for the property and whether the applicant has taken necessary precautions to mitigate any issues.

And with that, I'm happy to put up any questions.

SUPERVISOR HANNA: Very good, thank you, Mike.

We will start with questions from the Board. Does anyone on the Board have any questions for Mike?

COUNCILMEMBER SARTORI: I do, Mike. At one of the last meetings we had we talked about education being an important component of this. I know specifically for myself I personally am allergic to bees so I have a huge reservation about this code in the first place. People that carry Epipens, I've gone into anaphylactic shock and had to use my Epipen. I personally would not want to live next door to a beekeeper.

However, I understand the importance of bees and I have educated myself, spoken to beekeepers, read everything I can, reviewed other codes. What has the Town done to address that education component?

MICHAEL DOSER: In terms of what we expect from applicants who would apply for a special permit to have bees and chickens or other non-customary animals, we would not accept an application without a certificate indicating that

the people have taken some type of class for the animals, a specific class either from the Rochester Beekeepers or a Cooperative Extension, or there are some other online classes that are through Coursera or Udemy that would be appropriate. And we're reviewing those course offerings.

So to be clear, if somebody just wakes and says I want to have chickens on my property and a property is less than five acres and they want to apply for a special permit, we are going to be looking to see whether they have taken a class or we will require them to take the class before we accept any permit or any application rather for a special permit for this particular use.

COUNCILMEMBER SARTORI: Thank you.

COUNCILMEMBER HAVENS: I have a question, with regard to the notice to neighbors surrounding an area particularly if you were to say for a beekeeper, how would neighbors in the close proximity be aware of the fact that the special permit was being requested and what's the process for that?

MICHAEL DOSER: Good question. We always have a notice of application sign on lawns or on properties rather when there's any type of application before any of our Boards so that's one thing you will see the Town of Perinton red and white notice of application, please call our office to find out what that is.

Second, and this is something we started in the last few years with our Zoning Board of Appeals for residential area variances. We will notify by mail residences that are within 100 feet of the property line of the particular application that's, you know, in question. So they will get a notice of application at the property that's applied for the special permit, and we will also notify neighbors within 100 feet buffer of the property line north, south, east, west, the entire property line, they will be notified.

So they will be notified that there is a Public Hearing that will be the opportunity -- it's very important people understand -- that will the opportunity for the neighbors from the neighborhood to come out and speak their minds on that particular application. That's one reason we felt that having a special permit process with the Zoning Board of Appeals would be a good opportunity for specific neighborhoods to evaluate this kind of use.

COUNCILMEMBER HAVENS: Thank you.

COUNCILMEMBER BELASKAS: So, Mike, Section 208-54 of the code, it is already existing in the code, so now you'll just be applying that to -- the Zoning Board will be applying that section to a beekeeper application.

MICHAEL DOSER: That is correct.

COUNCILMEMBER BELASKAS: And that section of the code also allows for the inspection of a customary home occupation of a fire inspection. So this level of review is pretty consistent with what we do in the town now and with our customary home occupation.

MICHAEL DOSER: Yes, that's accurate with customary home occupations we typically do a fire safety inspection. We are working on a process whereby with this particular use we would do some type of operation inspection. We working on it and it would be an operation inspection where somebody's been trained, knows particular animal specific issues.

COUNCILMEMBER BELASKAS: Thank you.

SUPERVISOR HANNA: Is there any other questions from the Board for Mike? Seeing none, let's resume the Public Hearing. Is there anyone who wishes to speak tonight in the audience who wishes to speak tonight at the Public Hearing? Elizabeth.

ELIZABETH AGTE: Thank you for letting me speak. I appreciate the work that's been going on but I have some reservations about this. My name is Elizabeth Agte, I live at 18 Towpath Trail and I'm a dedicated responsible beekeeper for six years. My neighbors and others who found out about me through the press rely on me for help with bees and wasps. I investigate when my neighbors call and I talk to them about differences between the two.

I make house calls when people have honeybees in their barns, swarms in their trees, or are thinking of putting a hive in their backyard. I give presentations at Earth Day events and the Girl Scouts. I'm enrolled in the Cornell master beekeeping program and I refill my EpiPen prescription every year, not for me but for whomever might need it.

So when it comes to new animal code I have skin in the game. I've been in this game for a year now. For those who don't know me, I was cited for having backyard bees last year, September 6th. There were weeks of confusion as I tried to understand why I was being told I could not have bees, when I had been told six years ago that I could. Other beekeepers shared similar experiences. I was told I was not allowed to know who my accuser was for their protection, while I have none.

After being told flat out only my only option was to get rid of my bees, ultimately I was told I could file for a variance. I filed but before that hearing took place I was contacted by the town attorney who said the town decided to go another route and change the code to allow beekeeping. Whether this was due to the many phone calls and letters, or the article in the newspaper, I don't know. At that point I was eager to be working with the Town instead of operating as adversaries. The uneven handling of my situation and the misconceptions by Town officials about raising bees has been distressing. I began providing the Town with the best practices guidelines used by towns and cities across the country and I was willing to put in as many hours as needed to help this be an open process instead of an unbalanced war. Town leadership changed hands in January and the backyard bee code shifted as well. What we

were presented with at the April Public Hearing were more hurdles. The code did not adopt any of the best practices guidelines we provided that listed property line setbacks, direction of hive entrances, number of hives, abundant available water sources, and so on. Anyone with an acre of land could be a beekeeper without question, but someone who was trained and experienced would have to apply for a special permit if they had a residential lot of less than an acre, which is what most homeowners have in Perinton.

Tonight this new version of the code simply clarifies the code that is currently in place and does not have the earmarks of having consulted a beekeeping expert. In extreme frustration I have to ask why. Why was this code crafted without an expert at the table? I don't know a single master beekeeper who thinks that requiring every beekeeper in Perinton to have to go through the cumbersome special permit process is the best way to assure that beekeepers in our town are qualified and intend to be good neighbors.

That process as I understand it requires a beekeeper to apply for a permit, pay a fee, submit 12 copies of their supporting materials, have a sign posted in their yard for two weeks, have Board members come visit the site, and appear before the Zoning Board to plead their case. That feels like a lot of government when much less would do a much better job.

What are the qualifiers that the Zoning Board of Appeals intends to use to accept a person as a backyard beekeeper and who crafted them? If they're operating from a checklist they don't fully comprehend there's a strong likelihood that a backyard beekeeper will be turned down capriciously.

Though backyard beekeepers are overwhelmingly considerate as neighbors it is a concern that they must go to a higher level of scrutiny for having bees than someone who wants a dog or a swimming pool, both of which have much higher incidents of unintentional accidents and death. Considering that the Town is already well aware of the abundance of backyard beekeepers within the town limits, why is the Town being stubborn about best practices guidelines such as the ones used in Buffalo? Why drag each and every beekeeper in for a special permit hearing that is for all intents and purposes conducted almost in private resulting in ultimately mountains of paperwork and perhaps uneven dispatch.

As we know from the last Public Hearing there's a lot of misinformation and apprehension about people keeping beehives in their backyards. It's August and I'm sure anyone who goes outside right now knows that yellow jackets are making a nuisance of themselves everywhere. My husband and dog and I have been stung this summer, meanwhile not a single honeybee pesters us and I have three hives in my yard.

I strongly believe that every citizen needs to feel the comfort of protection, but what

protections does a backyard beekeeper have from a neighbor who wants to have jurisdiction over the beekeeper's property simply because they don't like them.

We have been concerned and unhappy at the lack of transparency with the development of this code. We maintained a willingness to be involved and to offer to help craft a useful code, but we've had the door shut in our face. I was personally promised updates, involvement in the process, and information about this meeting. Those promises weren't not delivered. Unanswered e-mails, information withheld and notes from the working meetings leading up to this hearing weren't provided. Only the notes from the first hearing which was for a different code than this one, and one letter of support are on file.

I know that the volumes of letters sent pertaining to the April hearing was impressive. Why aren't all those letters on file? I was told the Town Board decided on this code based on a discussion with people from both sides and yet the beekeepers in this town do not know who our representative was.

This is not acceptable government. We deserve better, we deserve transparency in a government that remembers that every day they work for us. With respect to this code the Town has failed. I am disappointed in the lack of leadership demonstrated here and after an entire year we're right back at square one. Beekeepers and their bees are valuable resources and yet Town officials seem poised to criminalize our activity if we don't go along with this broken public meeting proposed tonight. We need to go back to the drawing board until we get it right. Thank you.

SUPERVISOR HANNA: Thank you. Would anyone else like to speak this evening? Yes, sir.

TOM SIMBORA: First of all, my wife apologizes she's a much better speaker, saner of the two. My name is Tom Simbora I'm over on 16 Aconbury Drive. I'd like to thank the Town Board, I work with government in Walworth in Ontario and I have to say we spent a lot of time on this issue. And I think you guys have done a great job, quite frankly.

I only have two comments. First of all, in response to the previous speaker, and well said, but you do realize that you have been in violation of the code all this time as it was originally written. And basically what this is is a redefinition of code and I think it was a reasonable compromise to both sides, my own feelings.

Just as a point of contention, I'm not sure how valuable this is but when it says customary household pets, it might be a suggestion for clarification, I know this sounds dumb but the term customary has what you might want to say, as defined by New York State or whoever higher authority. And I just think the idea that polling your neighbors before a permit is issued is certainly a fair and republican way to do it. If

your neighbors don't care, you get the variance, the permit, that's great. If I put a deck on the back of our house I can't do it willy nilly, I have got to get a code, go before the Zoning Board and do it.

So, again, I want to say thank you to the Board and thank you for listening to both sides of this and hopefully it will get resolved.

SUPERVISOR HANNA: Thank you very much. Is there anyone else who would like to speak this evening? Yes, sir.

NATHANIAL JONES: Good evening, thank you for your time. My name is Nathaniel Jones and I live at 749 Moseley Road. In 2015 an incredible campaign showed up on minidogo for a product called Flow Hive, from Australia. After reviewing the code I determined within reason if I could keep bees in Perinton I make a decision to make a contribution and setting me on a path that has been an expensive, but rewarding experience in beekeeping. I did this knowing full well that my girlfriend, now my wife, was anaphylactic to bee stings. Despite her allergies she supports me and exercises appropriate caution.

From January to March 2016, I completed a course in beekeeping offered by the Ontario Finger Lakes Beekeepers Association in Canandaigua. During this class I placed my first order for my first two colonies. These colonies were so strong that within a couple of weeks after receiving them at the end of April they had both swarmed.

I successfully captured both swarms, bringing my total count to four hives. I had planed only enough spaces for three hives which backed up at my parents' house at 33 Wincanton Drive, which backs up to the Garnsey Road Arboretum. In order to accommodate the fourth hive I had to quickly figure out what to do with it. I was lucky enough to find out my great aunt and uncle had land in Livonia and they were happy to host a hive.

Last spring my aunt and uncle informed me they were considering selling their property. I was back to only my parents' house again. I was putting together an offer to purchase the property when they decided they were not going to sell it after all. However, the itch was there and my wife and I started seriously shopping for a property. We made an offer for our home at 749 Moseley in July and closed at the end of October.

During the whole process I knew nothing of the trouble brewing until David Andreatta's article was published by the Democrat and Chronicle exactly a week after our closing. During my three years of beekeeping up to that point I had heard no complaints of any kind regarding bees in Perinton. That includes my hives which are fairly close to a reasonably well-utilized walking path on a minimally maintained section of Garnsey Road Arboretum.

I would think the lack of complaints would be a good indicator that if the Town wants to codify the keeping of bees, that the people keeping bees must be doing something right and should be

involved in the process. I don't know the best solution, but requiring a special use permit from the Zoning Board of Appeals seems a bit extreme. It is my opinion that neither iteration of the amended law truly included the effected parties in the development process. This is especially true of this iteration which just appears to be a rehashing of the current law. Yes, it has that little bit of clarification about the Zoning Board of Appeals, and I don't believe it took any of the public input provided in April into consideration. I urge you to table this amendment and create a working group tonight that includes beekeepers and non-beekeepers to draft a common sense amendment and a set of policies for beekeeping in the town. I understand this is not this is not the normal procedure, but this is very much a case where experts need to be involved. Again, thank you for your time.

SUPERVISOR HANNA: Thank you. Do we have anyone else who would like to speak this evening? Yes, sir.

BRUCE MELON: Good evening, my name is Bruce Melon, I live at 114 Edgemont Road in Rochester, New York. I am here as a former Perinton resident but currently living in Rochester. I'm honeybee keeper and live on an eighth of an acre lot. I have four hives. The code enforcement officer is well aware I have hives and he has chosen, and he apparently has latitude, to ignore it. Yes, it is codified in New York State code, but it's lacking entirely in Rochester's code as well. So he doesn't seem to be having a problem of my keeping of hives. He is aware of my knowledge and my experience with the hives and he has been satisfied with that in an informal basis rather than have to formalize it within the city code.

Looking at this situation, it seems like the Town is putting the cart before the horse in some respects. Tonight we're seeing a zoning code section rewrite requiring special permits for honeybee keepers and those wanting to keep chickens and other animals. But holding a Public Hearing on such a change really should require the Town to have already published purposed things regarding beekeeper qualifications if any, whether approval by neighbor is expected or not, whether existing beekeepers are grandfathered in requiring those prerequisites.

What are the expectations and guidelines for beekeepers and beekeeping? I question the Zoning Board of Appeals knowledge base for making appropriate approvals and denials. I mean, looking at 208-54, those four bullets that I saw up on the slide are very subjective. And I have seen -- well, I am president of the neighborhood association in my neighborhood as well and I attend regularly zoning board hearings, and really the Zoning Board of Appeals at least in Rochester can go either way because of such latitude allowed based upon the issues of the day and how they feel that day. It is very unpredictable.

That's why we really need guidelines written

down and developed by not only Town officials but the beekeepers in the town that exists right now as well as some experts. And there are experts that are willing to come to the table and help develop those things. We need to know who is involved in developing the above and include people.

These aspects need to be discussed at a few open meetings, not just some workshops that the Town officials attend. Open meetings, and they need to include master beekeepers and local beekeepers instead of behind closed doors. We need to bring in beekeeping knowledge and we don't want to have beekeeping knowledge appear from the Zoning Board where the input is being questioned. That's a lack of transparency and leaves residents with a certain amount of suspicion I don't think you really want to have out there.

So I really think that you've got to establish the bar for beekeeping before you can enact such a code or keeping of chickens or the like. Don't pass the buck onto the Zoning Board of Appeals because the ZBA is not going to be able to develop it any better than anyone else. And I would be suspicious of the ZBA developing the code or guidelines as they go.

I recommend not voting on this issue tonight and not closing this hearing until you have had such time to develop the underlying factors that are needed for beekeeping and the keeping of chickens. I really recommend that because I think everyone will feel better about the process and you will not have the fights that you are having right now in terms of the adversarial approach happening right now. Thank you.

SUPERVISOR HANNA: Thank you. Yes, ma'am.

AUDREY SEVER: Hi, I'm Audrey Sever I used to live on Mile Point Road in Fairport, I most recently moved to Rush, New York where I can have all the bees I want. But I've been keeping bees for about six years in Perinton and you might want to go back to that first line and the first thing that Mr. Doser showed. There is no exclusion to bees and I think several of us prior to keeping bees for the town asked the Town if it was okay and there was no problem with that.

So I would like to clarify that and ask if there's any grandfathering in for the current beekeepers in the town?

MICHAEL DOSER: Well, I would say that, no, there would not be any grandfathering in. You have to apply for the special permit. It does seem like a lot of the people who spoke today are experts. I would think that if you are a master beekeeper it would be relatively easy for you to get your special use permit from the Zoning Board of Appeals.

You can't grandfather a use in that is not -- that was not formerly in compliance. It's not a use that was ever in compliance, therefore we can't grandfather that in. That's how that would work.

SUPERVISOR HANNA: Is there anyone else that would like to speak? Yes, ma'am.

JESSICA SLAYBAUGH: Hi, I'm Jessica Slaybaugh,



I live at 17 Falcon Lane West in Perinton. I have been a resident for 15 years and I am not a beekeeper but I am an environmentalist. I am the chair of the Rochester Regional Group of the Sierra Club. I felt I needed to come here and say that I can't say it any better than the other people that came before me, but looking at this it seems pretty -- I don't sense that you talked to, as others said, that you talked to any experts. This feels as somebody else said, very subjective. So if you are letting neighbors weigh in, you're letting people who don't know anything about beekeeping, don't know anything about telling the difference between a yellow jacket that stung them and the honeybee that was just swarming around the flower. You let that person have the power to say, no, my neighbor can't have bees. Because they don't understand, they don't have the proper education.

So I'm just wondering, what is plan there? Are you letting one person determine, no? Would be one of my questions. Because really I just want to say this and I will go and step down, if you could clarify that I would appreciate it. But honeybees are one of the most important species on the planet, period, And they are facing danger. If they go away, we do. Almost all life on the planet goes if bees go.

While it seems like this is just a little town, who cares if the backyard beekeepers can't keep their bees? It sets a precedent. And this sort of thing people see this happen in one town and it happens in another town, and another town, and another town. I don't want to see that happen. I would like for Perinton to step up and support these beekeepers. They are not harming anybody, and they're doing something very, very beneficial for the environment. Thank you.

SUPERVISOR HANNA: Thank you. Is there anyone else who would like to --

A PERSON IN THE AUDIENCE: Can Mike answer that question?

MICHAEL DOSER: What is the question?

A PERSON IN THE AUDIENCE: So a neighbor says, I don't want to have bees within the 100 foot barrier of the beekeeper who is a well-qualified beekeeper. How is that issue resolved? How is that dispute resolved? Who on the Board makes that decision?

MICHAEL DOSER: Yes. This code is largely about notifying the public. We get calls everyday where people are wondering why people can have honeybees and hives in their backyard. Maybe not everyday, but it is a common phone call.

And so, you know, I appreciate the expertise of a lot of the experts who spoke today, but this is really an opportunity to go to the Zoning Board of Appeals and have your neighbors be there as well. And maybe they support and maybe they don't, but it's an opportunity for both sides to be heard and for the Zoning Board of Appeals to judge whether it is something that meets the criteria under 208-54 of the Town special permit

requirements.

A PERSON IN THE AUDIENCE: But 208-54 really deals with decks and fences and garages and hot tubs and swimming pools and those types of things. And now we're entering into another whole different dimension where I don't know where people's complaint was with their neighbor.

MICHAEL DOSER: 208-54 provides criteria by which the Zoning Board of Appeals members would measure an application in front of it -- or in front of them rather, for determining whether it's okay to have a special use permit. That seems to me that's a logical approach. And like I said, this is a compromise, the Town has always supported bees and chickens, you just have to have five acres or more. We have an agricultural plan that we put together several years ago that supports farming activity. So this is an attempt to compromise with both sides.

A PERSON IN THE AUDIENCE: The Town of Perinton basically, it's just residential properties. No one -- the majority of people, maybe five percent have five acres or more let alone a working farm. But you didn't answer the question of a neighbor who says, I don't want this person to have bees because I don't like bees. You're going to have that situation arise by this notification process and there's going to have to be a means for arbitrating that. I'm not hearing the process for arbitrating that.

You're using the standards that were used for construction, that's really a lot of things that the Zoning Board deals with. So now we're going to have a new area of expertise that's required.

MICHAEL DOSER: I guess I disagree with that. The Zoning Board of Appeals -- I'm not going to get into the qualifications of our Zoning Board of Appeals, but this seems like the logical step to proceed. Otherwise, I guess the reality is that we wouldn't proceed with this kind of opportunity for bees and chicken keeping in the Town of Perinton on properties less than five acres, and we'd have to start enforcement.

MR. LAFAY: Mike, if I may. A neighbor's comment is a factor that the Zoning Board would take into account. It would not be dispositive one way or the other, just like any other thing. If you are putting up a garage or a deck or something like that, how's the view for the neighbor? It is something they would take into account, but if you came in said, I don't like bees, Zoning Board's: Thank you for your comment. But they would also weigh it, if that makes sense. Does that help?

A PERSON IN THE AUDIENCE: It does make sense, but I'm looking for reassurance that that is indeed the process and that's how the process --

MR. LAFAY: That is the process the Zoning Board has to go through.

A PERSON IN THE AUDIENCE: You're saying that but he's not saying that.

MICHAEL DOSER: Joe is the Zoning Board of Appeals attorney --

COUNCILMEMBER SARTORI: Can I just comment,

Mike? As a former chair of the Zoning Board of Appeals, I was on the Zoning Board of Appeals for 10 years. We have had plenty of applications in front of us, where neighbors did not like whatever was before the Board. As Joe said, it was a factor but it's definitely not dispositive. We have granted many applications where someone didn't like what someone was doing on their property. It's your private property, we weigh that, we weigh the code and we educate ourselves on the issues before us. So I don't think that's going to be, you know, something that's going to not grant the permit.

A PERSON IN THE AUDIENCE: I'm glad to hear that.

COUNCILMEMBER BELASKAS: The other thing that I would add as well, it's not just construction of decks, fences, and hot tubs, it's also customary home occupations that the Zoning Board of Appeals reviews as well. So I kind of look at customary home occupation very similar to a beekeeper operation.

Not necessarily the same operation, but the same way to look at it. With a customary home occupation, what that really is is a car coming in to park in a driveway and go in a house and do their business. We require those folks to come in for a special use permit, and the fire inspection. So if you look at that compared to a beekeeper, on the face of it to me it would be neighbors would have less visibility into that compared to a bee where it's all exterior, if you will.

A PERSON IN THE AUDIENCE: Can I just say, the visibility thing is really important because on the property you can live right next door and not realize that there are bees in those hives. They are not swarming in the air like, you know, like a cloud of bees. Most people walk by and say, I didn't even see bees. It's not like a wealth of bees on the neighbor's property or on the flowers. It's very difficult to tell they are even there.

You see the boxes, but it is very difficult to even see the bees. They can fly a great distance to find forage and that means they're not hanging out in your yard or your neighbor's yards.

COUNCILMEMBER BELASKAS: And that's my point. Even with a customary home occupation where it's not visible by anybody, we require those folks to come in for Zoning Board approval.

A PERSON IN THE AUDIENCE: The majority of beekeepers that I know of in the town have been beekeepers. So would you then say, I don't want you to fly a drone in your backyard, even though those are a hobby of yours, an incidental hobby, and now it's going to be regulated by the Town.

MICHAEL DOSER: A drone? Is that --

A PERSON IN THE AUDIENCE: I'm comparing bees to drones. I suppose some may find it funny, but let's take it a different way. Let's say you have a garden and you're selling tomatoes on the side of road. Do you need a special permit for that? You don't have five acres and I bet and I'm going back to the first line, bees have never been regulated

in the town.

MICHAEL DOSER: Well, I don't think I've ever seen a tomato sting anybody. We do allow garden stands without a permit, but this is somewhat different. This impacts -- and if you were here on April 24th, this impacts a large number of neighbors, or can impact a large number of neighbors. And there was passion on both sides on April 24th, so we have attempted to create this compromise. Ultimately I would imagine that, you know, it's something that's not going to make everybody happy, probably most are unhappy.

SUPERVISOR HANNA: Is there anyone else who would like to speak this evening?

JAMIE MEUWISSEN: Good evening, my name is Jamie Meuwissen, I live at 24 Erie Crescent in the Village of Fairport, Town of Perinton. I won't bother echoing a lot of the sentiments that we've heard tonight that I think have been great presentations for why the Board should probably reconsidering or at least table the proposed change of the proposed code that we are talking about tonight. But I think that a couple things that have been said tonight really support the fact that this issue is an opportunity, it's an opportunity for the Town to actually get ahead of the curve and be proactive. We know there are a lot of beekeepers already practicing in the Town. Mike, you said yourself that there are a lot of people who may have concerns about it, so as a government I think being a public servant myself, I think our job is to look for right sized solutions, and take into account public opinion and all sides of an issue. And it sounds to me like maybe that we haven't spent enough time discussing that and taking into account all of the view points on this, and coming up with a right sized solution. It seems like if the current proposed code were to go forward that it sets up a very difficult and potentially contentious position for the Zoning Board of Appeals members. I just became a member of the Zoning Board of Appeals for the Village of Fairport and I'm not sure -- I definitely don't have the expertise myself to know that I would be confident in making these decisions on a one-off basis.

So I urge the Board to think about continuing to discuss this issue and think about a wider solution that's not just a Zoning Board of Appeals putting these in front of the Zoning Board of Appeals on a one-for-one basis, but a more comprehensive change to the zoning code that might incorporate the news that you've been hearing and take into account any others that may not have been heard yet.

If the proposed code does go forward, I think that it would be important for the Town to explain how they propose to ensure that the Zoning Board of Appeals decisions are consistent. And also how those decisions are made with the appropriate level of expertise to weigh any evidence or claims that are brought before them either for or in opposition to a particular beekeeping operation.

I don't know myself the backgrounds of the current Zoning Board of Appeals members, but if you are going to require beekeepers to possess a certification in order to keep bees, do Zoning Board of Appeals members possess that same type of certification to be able to adjudicate on an application that's before them or would they bring in experts to be able to do that, so the decisions that are being made are fair and consistent.

One question I will leave with is, what efforts were made to examine codes in other towns where beekeeping is allowed? And maybe there are conditions or qualifications, and would it be possible to, again, if this issue is tabled and further considered maybe look at additional best practices both close by and across the State at what other towns and cities are doing.

I think that, again, going back to this idea that this is a widespread issue, bee populations are declining and from an environmental perspective I think we really need to look at or think about what kind of a widespread social benefit and environmental benefit that this could offer. And the Town of Perinton could, again, like I said progressive and ahead of the curve in thinking about that and providing a way that individuals who are highly motivated to keep bees.

It takes a lot of education and a lot of work, and no doubt a lot of money and time invested to do this. It is really providing a service for our community. It's not without some risks. There is an education aspect of it, but I think as Elizabeth said I believe that swimming pools and even people who have dogs next door pose a certain level of risk. So we can have a bigger conversation about weighing the costs and benefits of that. I think, again, the Town of Perinton could really be ahead of the curve on that if we pause and take a broader look and try to accommodate all of the interests at the table rather than presenting it or leaving it up to the Zoning Board of Appeals on a case-by-case basis. Thank you.

MICHAEL DOSER: Thank you. Yes, sir.

TOM SIMBORA: Tom Simbora, I live on 16 Aconbury. How does several of you reference the environment? I don't mean any disrespect, but according to the Post article New York is about 3 or 4 percent behind other states on this issue. It's not going to fix it. It's a wonderful thought, we have a very vocal minority coming out in favor of bees. We walked four weekends in a row, a number of us about ten of us in all, we went to different parts of Perinton just to talk to people. And we just walked, knocked on the doors, took people out for a drink. We said: How do you feel about it? Overwhelmingly people said: We don't want it. I don't want the bees, I don't want the chickens next door. Is it scientific? No.

Are they informed? Absolutely not.

I think the point is that as a taxpayer I want to know if there's bees next door. And if I don't want them I should have my voice. I don't want to be overridden by somebody with all the experts.

Because, again, as a taxpayer and a grandfather of two anaphylactic kids there's no way in hell I would let you do that.

And I think we have approximately 4,700 kids in the community, that's just by numbers, they could be very well be anaphylactic. There's a risk involved. You can't say there's no -- and, yes, I get all of that. But I think at the end of the day we have to respect the people we elect that came up with a solution. If you have a solution, bring it to them, but the bottom line is it's never going to please everybody.

But the beekeepers, with all due respect, you're a small group of people. If you are keeping bees you are already in violation, but that's not my point. My point is simply you guys have a job to do, you're all doing it, came up with a solution, if you've got a better idea, bring it to these people who take care of it.

So, again, this is an extraordinary amount of time to talk about one small issue. We have bigger issues in the town. But thank you very much.

BRUCE MELON: I'd like to be brief again, if I could.

SUPERVISOR HANNA: Were you brief last time?

BRUCE MELON: Okay, brief this time. Bruce Melon, in the City of Rochester. Some things were brought up after I spoke the first time at length. Like other individuals in the town they got approval basically from their town verbally without it being in writing to go ahead and do their beekeeping operations. I have, I only have four hives, a couple resource hives, I easily spent \$4- to \$5,000 on my investment in that operation, and that's a hobby. And I'm concerned about not grandfathering a number of existing beekeepers which could number between 50 and 100, that you have dragging in here into the Zoning Board of Appeals as you find them, because they're going to be hiding as best they can to avoid having to go to the ZBA process. You need to consider those people and how you are going to handle those and the economic repercussions you're going to force upon those people.

SUPERVISOR HANNA: Thank you. Would anyone else like to speak this evening? No? Okay. Thank you very much.

With that I would like to close the public forum. Just a few comments on my part, this has been a long drawn out process. Some of you may not have been involved until recently, but throughout this process we've received e-mails, and we've received letters, and we've received articles in the mail, and they have been in support and they have been not in support of it.

I've reviewed well over 70 e-mails, excluding articles and what have you. We have spoken, contrary to opinion, we have spoken with bee people. We've spoken with Monroe County Ag Specialist Bob King. We have spoken with Walter Nelson from the Cornell Cooperative Extension. We have spoken with Pat Bono from Rochester Beekeepers, and we have spoken with others. We've

had Town Board members go out on their own and speak with individual beekeepers.

This isn't something that we have taken lightly, and done in the dark. It has taken this long for a reason. We have discussed at length in codes committee meetings, Town Board workshops, the last Town Board meeting on April 24th, went until probably 11:00 p.m. listening to both sides.

I met -- Elizabeth, I'm sorry that you don't think -- I met with you for an hour when you gave me a wonderful education on beekeepers. On the other hand, I also met with some wonderful people who presented me with hundreds of signatures who don't want bees. We have met with both sides, we've discussed both ways.

When we take into account the keeping of non-customary household pets, we have to recognize that this community while originally it was rural and agricultural, it has moved. It's moved to a residential community. And whether you like it or not, there are certain practices and certain hobbies that are more suited for agricultural and rural communities.

With all that in mind, I understand the plight of the honeybee, I do. I've learned an awful lot in this process. The honeybee is incredibly important, it plays an integral role and I want to thank you all for educating me on it. It has been certainly educational.

Currently as it stands our code has no provisions for keeping bees, it doesn't. So what we're trying to do now is we're trying to form a path for those who want to keep bees to be able to keep the bees.

It would be a path for a hobbyist who has kept bees before and hasn't had a problem. There's not likely going to be a problem with the ZBA if there never has been a problem. If you have four hives and no one has ever known that, chances are you're not going to have a problem with the ZBA.

This also places a premium on education. This would benefit the owner of the bees, it would benefit the owner's neighbors, and it would benefit the bees themselves. Because I'm sure all of you know you would not want to have an uneducated beekeeper trying to keep bees. It's bad for the bees.

This also encourages those who -- it encourages people who are serious about beekeeping, yet it discourages people who may want to try beekeeping. It's discouraging. There's a bit of a process that they have to go through. If you really are not interested in keeping bees you're probably not interested in going through the process.

So this is a compromise, once again. As Mike has said numerous times, we've heard from both sides. It's a compromise, but it's a compromise that really provides a path forward for those who really are interested in keeping these pets.

I would like to thank all of you for attending. I would like to thank all of you -- I'm sure most of you were here at the April 24th,

meeting. We actually had more people for that meeting. I want to thank you all for your input throughout this process. I know I have learned a lot, I am sure my fellow Board members have learned a lot as well.

But it's a difficult situation and what we're trying to do is create a compromise with a good path forward. And those are my comments at this point. Does anyone else have any other comments?

COUNCILMEMBER SARTORI: I think I come from a different perspective than my fellow Board members because I do have a bee allergy. When this was first brought in front of us my first gut reaction was no bees. I'm never going to agree to bees. Since the forum that we had last time I took many, many, many hours and I educated myself and I watched YouTube videos, reviewed plenty of different codes in different states, including Buffalo, which is not a state, but Oregon, Ohio, and other codes. I've talked to people that I know that raise bees and chickens. I am terrified of bees. I have an allergy, I have been in anaphylactic shock, I carry an EpiPen and it is terrifying. I have learned so much that I don't have that fear that I once had. I support people that want to be beekeepers.

Elizabeth in particular, you actually serve as a role model. You have the knowledge and the experience, you are responsible. It would never be my intent to shut you down. Even as a former Zoning Board member I would take that into consideration. Most of the members there are members that I served with, they will too. I know them, I've served with them for 10 years. I don't think you're going to have any issues with the Zoning Board. I don't think anybody on a 3 foot or 4 foot acre is going to have an issue with the Zoning Board.

I think the only issue, the only thing that scares people, like myself, is an allergy. The gentleman next to you that said, what if your neighbor didn't like it. That's not going to make the Zoning Board say no. Plenty of neighbors leave the Zoning Board unhappy with the decision because we granted something that the neighbor didn't like. If there was an allergy that may be something that might be a consideration. It doesn't mean it's not going to be granted, but I support beekeepers. I understand the environmental aspects and the importance of the ecosystem, all of that. So I totally did a 180 based on my own knowledge and research into this issue.

I didn't take this lightly. I didn't dig my heels in. And I learned a lot about the placing of hives, the water supply, the boxes, three types of boxes, the use of a smoker, and why they swarm, and what to do when they swarm, and things like that. They are fascinating creatures. Just the whole way they can work within their napier, it is fascinating to me.

I'm still going to be scared on some level because I don't want to use my EpiPen. But my fear is not so much with honeybees, as it is with



obviously yellow jackets and wasps and hornets that continue to sting and are rip stingers.

So from my perspective who came in with and sided with the Epipen people, I kind of turned my thought process around and I would support that.

SUPERVISOR HANNA: Thank you, Seana. Any other comments?

COUNCILMEMBER HAVENS: I'll just echo what you said here, I think it was very well said and I think what we're trying to do here is to be available to provide a path going forward so that someone, Elizabeth, with your level of expertise will be able to get that approval, and then you are on solid ground and to be able to put some structure around it. So you can do it, you love it and you are great at it, clearly.

I understand the importance of bees. My great uncle is a beekeeper. I get it. But this, what we're trying to do is to provide some structure for going forward.

SUPERVISOR HANNA: Thank you, Peg. With that I'll entertain a motion for the change in Local Law Number 4, 2019, Number 208-23, Keeping Of Animals. Moved by David, seconded by Seana. Is there any discussion? Seeing none, all those in favor signify by saying aye.

ALL COUNCIL MEMBERS: Aye.

SUPERVISOR HANNA: All those opposed? That item carries. Thank you very much. If people would like to leave right now, we will give you a few minutes.

(There is a short pause in the proceedings.)

#### AUTHORIZE SUPERVISOR TO SIGN JCAP GRANT APPLICATION

SUPERVISOR HANNA: The next item on the agenda is to authorize the Supervisor to sign the JCAP Grant Application. I have a memo from Betsy our Senior Court Clerk. I'll read it: A JCAP was established in 1999 by the New York State Legislature to provide our State's courts with the resources necessary to fulfill our needs and the justice system. Perinton court has taken the necessary steps to begin the process of obtaining another grant for the 2019-2020 fiscal year.

I would respectfully request the Town Board resolution to allow the Supervisor to sign and complete the grant application. Thank you for your attention to this matter.

I will entertain a motion to authorize the Supervisor to sign the JCAP Grant Application.

Councilperson Havens made the following motion, seconded by Councilperson Sartori that the Town of Perinton authorizes the Town of Perinton Court to apply for a JCAP grant, up to \$30,000 in the 2019-2020 grant cycle.

Is there any discussion? Seeing none, all those in favor signify by saying aye.

ALL COUNCIL MEMBERS: Aye.

SUPERVISOR HANNA: All those opposed? That item carries.

AUTHORIZE HIGHWAY DEPARTMENT EQUIPMENT SURPLUS DECLARATION,  
SALE AND ACCEPTANCE OF PROCEEDS

The next item on the agenda is to authorize Highway Department Equipment Surplus Declaration, Sale and Acceptance of Proceeds, Jason.

MR. KENNEDY: Thank you, Supervisor. The Department of Public Works is requesting the Town Board declare a piece of highway department equipment as surplus, approve its sale to the Town of Aurora, and accept the proceeds from its liquidation. That piece of equipment is known as PER-70, it's a 2009 Crafco, Incorporated, Super Shot 125 DC Melter/Applicator. In layman's terms that's an asphalt crack sealing machine.

Town Board authorized the purchase of a new 2019 Crafco model, in the amount of \$68,922.66. At the Town Board meeting on June 12th. The 2009 model would typically be declared the old one that is as surplus and sold at auction, such as the upcoming Monroe County auction this fall.

However, the Town of Aurora has offered to purchase the machine for \$9,500. The average auction sale price for three similar model machines of varying age, condition, and runtime sold over the past two years is \$9,050. Our machine value is based on its overall condition, which is a testament to the professionalism and the quality of our department's fleet maintenance program.

We request the Board to declare reference equipment as surplus, authorize the sale to the Town of Aurora in the amount of \$9,500 and accept the proceeds, and in addition approve the deposit in the Highway Department's equipment capital reserve account. I thank you for your consideration.

SUPERVISOR HANNA: Thank you, Jason. I will entertain a motion to authorize the highway department equipment surplus declaration sale and acceptance of proceeds. Moved by Peg, seconded by Seana. Is there any discussion?

COUNCILMEMBER HAVENS: Just one comment to Jason, I do believe that at auction then you've got another X-percent that's taken off for the commission that goes back to action, so that would net out even less; is that correct?

MR. KENNEDY: That is correct. There's typically a 10 percent proceed to the auctioneer that we will avoid with this transition.

COUNCILMEMBER HAVENS: Thank you.

SUPERVISOR HANNA: Any other comments? Jason, just out of curiosity, how did the Town of Aurora find out we had a used crack sealer?

MR. KENNEDY: Certainly, Mr. Supervisor. They were talking to the Crafco sales representative, the distributor, who was aware all of the different municipalities that they serve and they had made mention that we had recently purchased a new one and had one that we anticipated auctioning at a later date. And they were familiar with our operation and the program manner in which we keep equipment, and then ultimately auction it. So they put them in touch with us and they reached out

directly, so we were happy to be able to accommodate them.

SUPERVISOR HANNA: Thank you. I asked because this isn't the first time. We've had another municipality approach us and want to buy our used equipment. I was just curious as to how they acquire the information. Thank you.

Is there any discussion? Seeing none, all of those in favor signify by saying aye.

ALL COUNCIL MEMBERS: Aye.

SUPERVISOR HANNA: All those opposed? That item carries.

#### AUTHORIZE SEWER DEPARTMENT EQUIPMENT PURCHASE

Next item is to authorize the sewer department equipment purchase, Mr. Kennedy again.

MR. KENNEDY: Thank you, Mr. Supervisor. The Department of Public Works is requesting an authorization to purchase a piece of equipment for the sewer department. That piece of equipment would be PT-110L, that would be a 2019 Generac RD030 protector series diesel generator in the amount of \$19,203.29. We would like to purchase that piece of equipment off the New York State Office of General Services contract PC66786, hazardous incident response equipment from Better Power, Incorporated in Rochester, New York. That's a similar procurement method as we have used with past generators. The generator will be installed at the Perinton Consolidated Sewer Districts' Country Downs West sanitary sewer pump station to provide on-demand emergency power. We did include funding in the Sewer Department's 2019 budget for the equipment line item 07.8120.0200. I respectfully ask for your consideration.

SUPERVISOR HANNA: Thank you, Jason. I will now entertain a motion to authorize the Sewer Department equipment purchase. Moved by Dave, seconded by Peg.

Is there any discussion? Seeing none, all those in favor signify by saying aye.

ALL COUNCIL MEMBERS: Aye.

SUPERVISOR HANNA: All those opposed? That item carries.

The next item on the agenda is our public comment period. Is there anybody left here that would like to speak? Gary.

GARY MCNEIL: I apologize for my attire tonight, I came straight from a baseball practice. So the last time I was here it was probably after the changes on our Town Board at the supervisor level. At that time I did ask the Town Board members if they would like to go on the record and provide their individual position on if they were in favor or against the trash trains bringing 2,000 tons of New York City and Albany waste to High Acres everyday.

The response I received was, this is not a deposition and nobody would be answering a question. I understand that. Considering the new members I'd like to ask again and give anyone an

opportunity that would like to answer that question a chance. Would you be willing to go on the record with their individual view of 2,000 tons of New York City and Albany garbage being dumped at High Acres on average any day?

SUPERVISOR HANNA: I will say that for the agenda, this is a public comment period. We invite the public to come up and comment. We've always had people come up and comment. Come on, go ahead and comment. Thank you very much.

GARY MCNEIL: Okay, I can respect that. I had two other questions, if anyone is willing to answer it and go on the record, I did have two other questions. One being, does anybody believe on the Town Board that continuing odors are isolated and only impact one neighborhood in Perinton?

And my third question, if you would like to write these down and answer them at some point during your tenure, whether or not each of you believe that trash trains and resulting volume have a direct correlation to ongoing odors, or if you think they are related to something else?

I have to be honest, by not answering those questions I think many of your constituents believe that you have to kind of assume that you are in favor of the New York City and Albany waste coming here. That you do believe the odors are still isolated, transient, and they only impact one neighborhood. And that you also all believe that the resulting volume from the trash trains do not have a direct correlation to the ongoing odors that the community is dealing with.

Those are three important questions obviously and to not get answers is kind of frustrating. We're still looking for someone to step up in a leadership role. I think it's going on two years so it's discouraging. You've provided no support to hundreds of your residents. We have been forced to seek legal counsel.

Obviously, we are hoping a judge will ultimately do the job that we feel the Town Board members and the previous supervisor and the current one have not done. There's no new CBA in place, Community Benefit Agreement. We have a new Town Board member that was appointed months ago that actually has deep roots with Waste Management and played a pretty large role in expanding the landfill and getting that approved.

We feel, or at least I feel that with all due to Mr. Belaskas, that someone who is directly responsible for the resulting situation that we are in should not have been placed on the Board in a way that he was. Decisions like that tell us, the residents, that either you simply don't care, you're unable to do your job, or the connections with Waste Management run so deep over the last several decades that the Town simply won't do anything.

I will leave here with just some facts so you have them. There were 154 complaints in July, in August through last night we've had 240 complaints, so it's a significant increase which is a major concern. And 38 of the 240 complaints have come

from Magnolia Manor, where I of course live. That's 15 percent of the complaints from this month. Kind of correlates to my question, my second question, does anybody believe still that this an isolated incident like we have heard the Town and Waste Management say, and the DEC, to that matter.

142 people have filed at least one complaint in the last three weeks, about 20 of them live in Magnolia Manor, which is again 15 percent. We have had complaints over the last several weeks, it's always based on the wind directions. I would hope you guys know, all the way down Aldrich over by the High School into the village when winds are from the east.

We've had days where there's been 70 complaints. It was pretty bad out, not one complaint came from Magnolia Manor that day because the winds were from the southeast, so the odors were pushed over towards the Country Downs, County Clare, down Whitney. Unfortunately again impacted the schools as teacher were preparing for their classes to come in next week. So I still have a daughter at that school, it's very discouraging.

In conclusion I wanted to let you guys know and take this opportunity to say that the odors are trending in a direction that's not good for us, for the community. Nothing has changed over the last two years since the odors really started to spike, 70 percent of the intake is still coming from the New York City trash trains. We hear them in the morning on certain mornings when they're being dumped. It's very loud for about an hour or two hours, and then the odors come based on where the winds are coming from.

So, you know, nothing has really changed from our perspective, except we've been forced to go the legal direction. Obviously we hope that the judge uses common sense in this case and protects residents in ways that the Town has failed. I think that's about it. I thank you for your time and I really appreciate it.

My name is Gary McNeil, 11 Golden Bell Court.

SUPERVISOR HANNA: Thank you. Would anyone else like to speak this evening?

Now, for clarification purposes I feel it's necessary to say this. I don't want to contradict the speaker, but in fact we have been working for the last year and a half and we have held Waste Management accountable. And I'm sorry that Mr. McNeil doesn't think the odors have gotten better, but in fact what we have forced Waste Management to do, what we had them put into place has, in fact, improved the odor problem.

And one more thing that I do have to say is, one of the facts that Mr. McNeil failed to point out is that the overwhelm majority of the filling in the last 12 months has been done in Macedon, which we have no control over, but that's for another day.

So with that I would entertain a motion to adjourn. Moved by Peg, seconded by Seana. Is there any discussion? Seeing none, all those in

favor signify by saying aye.  
ALL COUNCIL MEMBERS: Aye.  
SUPERVISOR HANNA: All those opposed? The  
item carries. Thank you very much.

End of Transcript

AUDIT APPROVAL

A motion was made by Councilperson Belakas, seconded by Councilperson Sartori that Audit #8 for August 2019 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

AUGUST AUDIT

General Fund	106,586.48
Town Outside of Village	174,555.48
Recreation	125,011.82
Highway General Repair	715,811.73
Highway Snow & Miscellaneous	84,396.47
Joint Sewer	34,451.31
B Basin Fire Protect Dist	1,572.10
Lake Lacoma Lighting District	24.41
Meadows Lighting District	485.44
Deer Run Lighting District	42.11
Faimont Hills Maint Dist	1,425.00
Wisteria Grove Maint Dist	1,325.00
Demolition	77,146.00
Mason Road Sidewalk	396,523.69
Sunny Brook SH WO et al Ext 65	4,710.00
Mason Rd & Red Barn Sewer	<u>23,294.10</u>
	\$1,747,361.14 Total

The above items were numbers 112523-112804.

AUGUST MANUAL

General Fund	110,881.42
Town Outside of Village	10,303.73
Recreation	37,793.07
Joint Sewer	12,379.80
Midlands Lighting Dist	446.25
Deer Run Lighting Dist	1,430.73
Misty Meadows Lighting Dist	<u>114.42</u>
	\$164,349.42Total

The above items were numbers 112502-112509, 112514-112516, 112518.

Ayes: Hanna, Havens, Sartori, Belaskas  
Nays: None  
Unanimously Approved

There being no further business before the Board and no further questions from the audience, a motion to adjourn at 9:15 pm was made by Councilperson Havens, seconded by Councilperson Sartori.

Ayes: Hanna, Havens, Sartori, Belaskas  
Nays: None  
Unanimously Approved

Respectfully submitted,

Jennifer A. West  
Town Clerk