

**PROCEEDINGS OF A REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**May 24, 2016**

**Present:**

Mayor: Robert C. Corby (7:10)  
Trustees: Lili Lanphear  
Frank Galusha  
Alysa Plummer  
Margaret Caraberis  
Building Inspector: Floyd Kofahl  
Village Treasurer: Mary Marowski  
Recording Secretary: Mary Marowski

**CALL TO ORDER**

**Motion:** Trustee Lanphear made a motion, seconded by Trustee Galusha, to call the meeting to order at 7:00 PM.

**Vote:** Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried**

**BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE**

Mayor Corby asked if any of the Board members had a conflict of interest or had accepted gifts associated with any of the meeting agenda items. The Board members indicated that they had no conflicts of interest to report.

**GENERAL CODE RECODIFICATION – LORI ANN**

Ms. Shura, of General Code, presented and elaborated on a recodification proposal for the Board's review. She also stated that the online version will be updated at the same time. She presented a package regarding the current code and the changes that are anticipated. She provided a quote for the necessary services.

**LOCK 32 – SPECIAL PERMIT AMENDMENT INFORMATION – JOHN CLARK**

An amendment to the special permit is being sought by the owners of Lock 32 to include music at their establishment. The owner is proposing having music on Thursday thru Saturday evenings between 6 – 10 pm. They anticipate having a 3-4 member band playing. The bands will offer a broad spectrum of music for their patron's enjoyment. Mayor Corby indicated the location is isolated from a residential district. Trustee Caraberis expressed concern about the music projecting along the canal. Trustee Lanphear indicated that the music should be contained within the establishment, and they will request that the window be closed while the band is playing. The owner is concerned that the closed window will have a negative impact on business.

Janet Reynolds, Church Street – Expressed concern with this proposal, and she indicated that currently, with the Lock 32 windows open, the noise from the establishment deters people from enjoying the canal, and she stated that if music was added as well, it would affect the ambiance of the canal.

Jeff Bove, suggested that they coordinate with other bands, but stated that he doesn't want it to appear that the Village is dead.

Trustee Plummer indicated that they should inquire whether the owner intends to have amplified music, which would be louder and provide more of a concern. Mayor Corby indicated that when the applicant returns to the Board, it would help if the music would not be amplified. Trustee Lanphear requested that the applicant be specific about the type of music and the number of pieces, and she stated that it needs to

be contained. Trustee Galusha reinforced the need for the type of music and pieces. He also stated that the Board needed to be concerned with the walkability of the canal. Music should not be imposed upon residents or visitors. Trustee Plummer indicated that the Board currently has the ability to address noise issues. The Board discussed the impact of noise from the establishment. Mayor Corby stated that this type of ambiance is what the Village is trying to foster. The Board discussed possibly setting a decibel limit. Trustee Galusha made some suggestions to the applicant on options they could offer to the Board.

**Motion:** Mayor Corby made a motion, seconded by Trustee Galusha, to set a public hearing on July 12, 2016 at 7:30 PM for an expansion of the Lock 32 Special Permit for a music.

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried**

### **DKM BURGER INC. – SPECIAL PERMIT APPLICATION 18-20 SOUTH MAIN STREET, INFORMATION ONLY**

Rob Davis is proposing taking over the existing Salvatore's Pizza space and adjacent space as well to open a casual diner which will seat about 45 people. He anticipates he would be adding 10-12 jobs. He stated that he is hoping to add vibrancy to the location. He stated that he currently lives on Church Street and thinks there is a lack of places for consistent dining. The proposed restaurant would serve 3 meals a day and provide outside seating. They are currently reviewing the space to see the amount of seating available. Trustee Plummer questioned whether they will be proposing to serve wine and beer, and Mr. Davis indicated that they will request to serve wine and beer, but he indicated that he is willing to move forward with the project even if they are not allowed to serve liquor. Mayor Corby discussed with the owner his anticipated plan for the trash disposal. The owner indicated they are looking at a few options, and it will be either a dumpster or totes. Trustee Lanphear questioned the venting needed for the restaurant. Mayor Corby requested that the applicant provide the type of venting for the establishment. Trustee Galusha questioned the applicant about the parking plan. The owner stated that they have seven spots behind the establishment, and that there are often 35/40 spots available within the Village.

**Motion:** Trustee Plummer made a motion, seconded by Trustee Galusha, to set a public hearing on July 12, 2016 at 7:30 PM for the 18/20 South Main Street for a restaurant.

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried**

### **JANET REYNOLDS – CHURCH STREET**

Ms. Reynolds stated that her street in the Village is a residential street not a business district. The Special Use Permit is purposed for unique circumstances

She indicated that the Village is using the Special Use Permit process as a rule rather than an exception. She expressed her concern that here currently is too much traffic on Church Street. There should be an appropriate balance between businesses and residences. There are 11 businesses between Church Street and the four corners and more than half have a special permit. She expressed concern that the definition for the permit keeps expanding. The recent changes have not been within the general framework that the residents wanted for the Village. She also indicated that parking is not always available, and with anticipated changes in the Village, there will be even less available. She stated that she is concerned with the changes that have taken place one location at a time. Very active Churches in the Village and should be taken into consideration.

Mayor Corby expressed that the Board shares her concerns. The Board has tried to revise the Village Code to address these concerns. He further stated that the retail section in the Village has changed dramatically, and there is currently change from boutique type retail businesses. The Village does not have the parking to be able to handle a street of food. There are safeguards to protect businesses and

residents. Trustee Lanphear has expressed concern about losing the retail businesses on Main Street, and she proposed a comprehensive look be taken for a total picture. The general consensus is that there is a balance needed.

John Clarke, Lock 32 Brewing Company – Family owned business, stated that people have to eat, and retail businesses cannot compete with big box stores. Mayor Corby indicated that retail has been corporatized and online. Ms. Reynolds indicated there is successful retail business in the Village.

### **PROPOSED LOCAL LAW EAF & CAF FOR CHANGE TO THE APRB CODE**

The Board reviewed the (EAF) Environmental Assessment Form and the (CAF) Local Water Front Consistency Review forms. These forms were required for the proposed local law to change Section 210-61.C. (3) of the APRB code.

**Motion:** Trustee Lanphear made a motion, seconded by Trustee Plummer, to approve and authorize Mayor Corby to sign the EAF form.

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried**

**Motion:** Mayor Corby made a motion, seconded by Trustee Lanphear, to approve the CAF form.

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried**

**Motion:** Mayor Corby made a motion, seconded by Trustee Lanphear, to do a referral to the Planning Board to conduct the Local Water Front Consistency Review on the Proposed Local Law change to the section 210-61.C. (3).

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried**

### **ACTIVE TRANSPORTATION PLAN**

Resident John Limbeck set up a meeting with the Department of Transportation (DOT) to discuss traffic speed issues on State Street. Mayor Corby attended the meeting. Senator Nojay requested a letter from the Department of Transportation endorsing the proposed speed limit change from 30 to 25 miles per hour. Mayor Corby stated that it would be necessary to speak to Steve Ferranti to provide assistance in obtaining the necessary endorsement.

### **MEMBER ITEMS**

Trustee Plummer reported that she received an email from Ron Johnson, regarding the emergency evacuation zone along the CSX railroad and the impact on the 75 Monroe Avenue project. The Board discussed the safety issues and how to evacuate the project. Trustee Plummer related information from the recent Leadership Meeting, that the advocacy group Mother Out Front recently attended a School Board meeting expressing concern related to the Bakken Oil trains. The group is trying to deal with CSX and change the type of railroad cars used, as well as lowering the speed limits. Sutherland High School is going to be reviewing their existing evacuation plan.

### **PROPOSED ADMENDMENT OF CHAPTER 210-74.1 OF THE VILLAGE CODE**

Trustee Lanphear indicated that she is willing to take the proposed item to public hearing but on the condition that the only change she will consider is the allowed square feet allowed to be used by an applicant. She indicated the Board had very carefully considered the original local law. She also

indicated that 700 square feet would be acceptable. Trustee Caraberis agrees with Trustee Lanphear and she is also willing to change the square footage, but does not want to change the beer / wine.

The Board discussed the differences between 900 square feet and 700 square feet and the impact it would have on an establishment. Mayor Corby indicated that the 900 square feet requirement makes more sense, and it would not grandfather the existing establishments and would allow the additional footage needed for the new handicap bathroom requirements.

The Board discussed the difference between serving alcohol or only wine and beer. Mayor Corby spoke about the alcohol and the craft cocktails, and stated that he thought alcohol is alcohol. Trustee Galusha was in favor of the 900 square feet and not changing the beer and wine. Trustee Plummer agreed with Mayor Corby. Last week Rochester had the handcrafted cocktail revival.

The Board discussed the options for the public hearing for the proposed changes.

**Motion:** Mayor Corby made a motion, seconded by Trustee Lanphear, to send the proposed draft as written for a public hearing on the amendment of Chapter 210-74.1 of the Village Code.

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried.**

Janet Reynolds, Church Street, expressed continued concern, and stated that she wants the Board to focus and remember that this is a small Village.

**Motion:** Mayor Corby made a motion, seconded by Trustee Lanphear, that the Village Board be lead agency for the proposed draft as written for a public hearing on the amendment of Chapter 210-74.1 of the Village Code.

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried.**

## TREASURER’S REPORT

Village Treasurer, Mary Marowski, presented vouchers listed on Abstract #22 of 2015/2016 fiscal year for approval. A motion was made by Mayor Corby, seconded by Trustee Plummer, to approve payment of the vouchers listed on Abstract #22 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #22

• General Fund: (#732, #734-#738, #740-#757)	\$ 36,612.81
• Sewer Fund: (#731)	\$ 1,350.00
• Capital Improvements 2015: (#733, #739, #748)	\$ 4,932.09
Underpayment for Village Board Chairs	<u>\$ 400.00</u>
Total Vouchers for Approval:	\$ 43,294.90

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Plummer – yes, Caraberis– yes. Motion carried.

The Treasurer informed the Board that the Village had received the anticipated sales tax check of \$124,687.91.

The Treasurer provided a tentative fund balance for the end May 31, 2015 is \$242,873, which still needs to be reviewed by the Village Auditor and will be reduced by anticipated capital cost.

### **VILLAGE CLERK REPORT**

The Village Treasurer requested the Board approve a request from the following employees to carry over vacation time into the new budget year. Zach Bleier -7.5 hours, Brad Van Bortel - 14 hours  
Doug Yaeger - 24 hours, Floyd Kofahl - 24 hours.

**Motion:** Mayor Corby made a motion, seconded by Trustee Plummer, to approve the vacation carry over request for Zach Bleier, Brad Van Bortel, Doug Yaeger, and Floyd Kofahl.

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried.**

The Village Board reviewed the tax warrant for 2016-2017.

**Motion:** Mayor Corby made a motion, seconded by Trustee Galusha, to approve the warrant and authorize Mayor Corby to sign.

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried.**

The Treasurer reviewed the NYALGRO conference for 2016 and requested approval for the attendance of Sophie Bennett

**Motion:** Trustee Galusha made a motion, seconded by Mayor Corby, to approve the attendance of Sophie Bennett for NYALGRO Conference on June 5 through June 7, 2016, including the cost of registration, hotel, and mileage.

**Vote:** Corby – yes; Lanphear – yes; Galusha - yes; Plummer – yes; Caraberis – yes. **Motion Carried.**

### **HANDBOOK**

The Board reviewed the final questions needed for the new employee handbook. The Board agreed with the draft version of the Family Leave Act and agreed to a tuition amount of \$1,500.

### **BUILDING INSPECTOR UPDATE**

- Mr. Kofahl informed the Board that when he issues a certificate of occupancy, he will be following up with the Village Board so that they are aware of new businesses as they open. He will in addition inform the Board when a business has closed or has a fire.
- Mr. Kofahl reviewed with the Board the recent fire that happened at the Towpath Bike Shop and the damage that was inflicted. The smoke and damage has also closed the adjoining business for a few days.
- The inspector informed the Board that property maintenance notices were sent to properties that were in need of grass mowing, and he reviewed the upcoming parade route and made an additional effort to notify those in that area as well.
- The Board discussed contracting out the necessary lawn mowing. The Village Code needs to reflect additional service fees for the administrative charges related to the mowing. He is also working with the Village Attorney to add that the properties only need to be notified once a year.

## **EXECUTIVE SESSION**

Motion Mayor Corby, seconded by Trustee Plummer, to enter executive session for a personal matter.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Plummer – yes, Caraberis– yes. Motion carried.

Motion Mayor Corby, seconded by Trustee Lanphear, to exit executive at 9:45 PM.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Plummer – yes, Caraberis– yes. Motion

## **ADJOURNMENT**

Motion Mayor Corby, and seconded by Trustee Plummer, to adjourn the meeting at 9:47 PM.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Plummer – yes, Caraberis– yes. Motion carried.

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Mary Marowski, Recording Secretary