

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES

June 9, 2015

PRESENT

Mayor: Robert C. Corby
Trustees: Lili Lanphear
Frank Galusha
Alysa Plummer
Margaret Caraberis (absent)
Town Fire Marshall: Kelly Cline
Recording Secretary: Mary Marowski

CALL TO ORDER

Mayor Corby made a **motion**, seconded by Trustee Galusha, to call the meeting to order at 7:09 PM.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Plummer – yes Motion Carried

BOARD MEMBER – CONFLICT OF INTEREST DISCLOSURE

The Board of Trustees individually stated that they did not have any conflict of issues with any of the agenda items being presented for discussion at this meeting.

WESTPORT CROSSING – LANDSCAPE MEDIAN IMPROVEMENTS-Continued discussion

Present for Westport Crossing: Chris DiMarzo, Bryan Powers, and Frank Pavia, attorney for the client.

Attorney Pavia stated that based on Judge Ark's mandate, Trustee Galusha should recuse himself from any deliberation regarding tonight's discussions due to his involvement and participation with the Friends of the Village of Pittsford. Trustee Galusha replied that he has no conflict with items being presented. He further reiterated that he is not a participant or is involved with said group. Attorney Pavia specified that Judge Ark, of the New York State Supreme Court, identified Trustee Galusha as having a conflict of interest and, therefore, he should not act on any decisions regarding Westport Crossing.

Additionally, Attorney Pavia requested that Trustee Plummer, while not held to the same mandate by Judge Arc, but on the same basis, is subject to the same issues as Trustee Galusha. Therefore, Pittsford Canalside Properties is requesting that she would recuse herself based on those facts. Trustee Plummer stated that she is currently not part of the Friends of the Pittsford Village, and, has not been part of this organization for a number of years. She has not signed any affidavit and has never testified on their behalf. She further stated that common ground existed with members of this organization with respect to building something on the occupied site. The concerns that Trustee Plummer previously raised were those noted by other community members.

EXECUTIVE SESSION

Motion: Mayor Corby made a motion, seconded by Trustee Lanphear to enter into executive session for the purpose of attorney/client privilege.

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

Motion: Trustee Lanphear made a motion, seconded by Mayor Corby, to re-enter regular session at 7:20 PM.

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

Mayor Corby stated the Pittsford Canalside LLC perception is not accurate, and, does not reflect the record. Trustee Plummer stated that counsel disclosed that there have been a number of disparaging letters written by Mark IV's firm in the past to create a false record and therefore, the Village of Pittsford is on the record for revealing such facts based on counsel.

Mayor Corby began discussions regarding the landscape median improvement plans. The DOT has accepted the landscape plan based on the criterion that was presented to PCP's consultant on April 16. Doug McCord, Village consultant, has also reviewed the plans, and, is in agreement with the revised landscape plan. As noted from the April 28 discussions with the Trustees, Mayor Corby has meet with Dave Gering, of the DOT, regarding their requirements.

- Referring to drawing 7H, all parties agree with tree lilacs. The DOT is agreeable with this change. Due to a smaller species that is selected to be planted, Mayor Corby asked that the number of trees be doubled from what is depicted on the plans. The DOT agrees with this change.
- Mayor Corby stated the village has a policy of requiring granite curbing on all streets over concrete curbing. The referenced drawing has concrete curbing. The Village is requiring the installation of granite curbing. DOT is agreement with this recommendation.

There was concern raised by Chris DiMarzo that the Trustees approval was in regards to the landscaping not with regard to the structure, and that this is not village property. Mayor Corby stated that according to the maintenance agreement, this would be village property, and the village would be responsible for the curbing, therefore, having jurisdiction in this matter.

- The sidewalk is not viable because it is too narrow for being maintained by a sidewalk plow. The DOT agrees. In addition, the sidewalk concrete needs to be continuous over the driveway entrances. It is a village and DOT policy. This would be a condition of any approval given.

Mayor Corby recommends tabling this item until a revised design is submitted. Mr. Powers stated that the plan in review reflects these revisions. On the site plan, it depicts the concrete across the entry and a sidewalk ramp going into the median that is flush with the median. The expressed concern is the 90-degree radius turn of the plow. Pittsford Canalside Properties has a design addressing this issue but it did not make this plan. Pittsford Canalside Properties would like to meet with Scott Harter to discuss his comments regarding the plan.

Mayor Corby recommends tabling this item until a meeting with Scott Harter, Village engineer, and Mark IV can be arranged to discuss the details of the most recent drawing. Chris DiMarzo interjected the main purpose for the Trustees is to review the median/landscaping plans on Monroe Ave. It has

nothing to do with what the planning board had previously approved, or the specific wishes of the board on the sidewalk. He further stated this site plan item has been previously approved. A waiver from the Trustees for granite curbing has previously been received when Mark IV received the special permit and granite curbing was required only at the entry. Mayor Corby stated that Mark IV has not received an approval of a special permit for this particular project. They had for a previous project. Mr. DiMarzo questioned if the village was creating a fake record. Mayor Corby stated that was not the case. Improvements in the Village right-of-way are village improvements and comments will be shared with the DOT.

Motion: Mayor Corby made a **motion to TABLE** this item pending a meeting with Scott Harter. Trustee Lanphear seconded the motion.

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

(Attorney Pavia would like a transcript of this record.)

CANAL CORPORATION CONTRACT – AUTHORIZATION FOR SIGNATURE

Mayor Corby informed the Board that he has reviewed New York State contract #C010305 for the “Erie Canal Bicentennial Commemoration Pavilion” project. The contract is valid from May 1, 2015 and terminates December 31, 2016. It contains an optional four one-year time extensions. The project will cost approximately \$100K, which will be funded by a state grant of \$50K and \$50K matching funds of local monies. For the 2015-16 fiscal year, the Board will focus on the design portion of the pavilion. Construction is anticipated to begin in fiscal year 2016-17.

Motion: A motion was made by Trustee Lanphear, seconded by Trustee Plummer, to authorize Mayor Corby to sign the contract.

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

PLANNING BOARD TRAINING

A proposal from F-E-S Associates, for \$1,600, has been received and reviewed by the Board. Training will be a single four hour session, to include a general introduction and overview of the Planning and Zoning Board functions, board makeup and membership, responsibilities (regulatory & advisory), conducting meetings, notices, minutes and record keeping, site plan review, special permits, SEQR review, and case studies.

Motion: Trustee Lanphear made a motion, seconded by Mayor Corby, to accept the proposal written by F-E-S Associates for the purpose of Planning Board Training.

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

PUBLIC HEARING PROPOSED LOCAL LAW, MEMBERSHIP PLANNING/ZONING BOARD

Legal Ad states:

“Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, June 9, 2015 at 7:30 p.m. at 21 North Main Street, Pittsford, New York. The Board will be considering A Local Law Amending The Village of Pittsford Code With Respect To The Service Of Alternate

Planning and Zoning Board Members, And To Allow At Least One Member Of The Planning Board And Zoning Board of Appeals To Reside Outside Of The Village Of Pittsford.”

Trustee Plummer stated that including the Town in the Village’s search for an additional board member is a positive step towards increasing resource options. She also stated that the mandatory role of the alternate member appeals to her.

Motion: Mayor Corby made a motion, seconded by Trustee Lanphear, to open the public hearing regarding the addition and inclusion of an additional member to the Planning and Zoning Board.

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

Janet Reynolds – 35 Church Street

Mrs. Reynolds questioned what the criterion for selecting a new board member was, and the reasoning to include the Town. She stated that she preferred the search to be limited to the village.

Mayor Corby stated that the reason the alternate was limited to the town was due to prior years planning initiatives. There have been a number of people in the town who are interested in the village because it is the center of the greater Pittsford community. These individuals have a valid interest in the village and its’ issues. He further stated that the criterion has not changed. The village follows New York State law that recommends a diversity of representation on the planning board.

Trustee Plummer reiterated that the change was not about criteria for people, but rather language that is clarifying the authority of the use of alternates.

John Limbeck – 62 State Street

Mr. Limbeck stated that alternate members need to be actively involved. He hopes that the board would have a process in place to keep an alternate informed as they are a huge part of the board. Alternates are generally not at every meeting. They need to be aware of what is going on with applications so they can step in and help make decisions. A non-village resident does not have the same vested interest in the village for maintaining the character of the village as that of a village resident. He prefers to keep the alternate member as a village resident.

Susan Shaw – 127 Woodland

Ms. Shaw states that she sees no difference between the Village and the Town and feels this is an excellent idea. She has grown up in Pittsford and does not discern between the two entities.

No further comments were voiced.

Motion: Mayor Corby made a motion, seconded by Trustee Lanphear, to close the public hearing.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Plummer – yes Motion Carried

The Board concurs that members need to be engaged in order to be effective. An 'alternate' can be an active participant to the board and can help create a quorum when the need arises. Training is extended to them as well. Ideally, the composition of the board would include members from the village and one member from the business community who lives in the town. The Board of Trustees encourages the chairperson to include alternates in decision-making.

Motion: Mayor Corby made a motion, seconded by Trustee Galusha to approve Local Law #7 regarding alternate board members.

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

PROPOSED LOCAL LAW “SPECIAL PERMIT” continued

Legal Ad states:

“Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, March 24, 2015 at 7:30 p. m. at 21 North Main Street, Pittsford, New York to consider the adoption of a local law to amend village code section 210-74 Special Permits Uses.”

“This hearing has been adjourned until June 9, 2015 at 7:30”

Mayor Corby stated that additional input is needed from the business community and residents. A review of the whole Code is necessary. This portion of the Code is 15 years old. The village has seen significant growth in the restaurant business over the years and the Code has been effective. Trustee Galusha stated that both residents and businesses are subject to the Code that defines zoning.

Motion: Trustee Galusha made a motion, seconded by Trustee Lanphear, to approve amending §210-74 governing Special Permits.

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

DPW REPORT

- The Boughton Avenue sidewalk project was completed on June 6.
- Flowers are up. Ms. Bennett will be watering the flowers Monday through Friday. The crew will water on the weekends.
- June projects include catch basin repairs and surface treating Rand Place between Jefferson Road and South Main Street.
- Fifteen new trees have been planted.
- Farmer’s Market banners are up.
- Jim Edwards is removing a dead tree on Elm Street and one on Jackson Avenue.

Mayor Corby mentioned that a blocked catch basin on the east corner of the south end of Sutherland Street needs cleaning. Additionally, there is dead tree on Washington Avenue near Mrs. Hollowell’s. There is a very tall elm tree with a lot of dead wood up high on the corner of Washington and Lincoln by Newcomb’s house. Jim Edwards should be notified to access the tree. Trustee Lanphear also mentioned

that there is a tree at the end of Jackson that is half fallen. Mr. Yaeger stated he would add both of these trees to the list and contact the appropriate parties needed.

Mr. Yaeger stated that he needed authorization to hire a seasonal worker for his department. Lynne Sassenhausen has been chosen to assist the DPW over the summer. She will work 40 hours per week, at \$10.00 per hour and is available June 29 through August 28. The Board approves the hiring of Lynne Sassenhausen.

BUILDING INSPECTOR REPORT

Mrs. Kline submitted the following list of activities:

- 34 Monroe Ave: Framing, plumbing and sprinklers have been inspected. Porch and garage changes have been approved by the APRB.
- Northfield Common: The roof was replaced on the topiary building. Discussions were held with Charlie Fox regarding stair replacement on one of the rear buildings. The stairs are not visible from the public way and will to be replaced in like material. Mr. Fox will also be replacing a couple of roofs on his State Street properties with like material.
- Messners Flooring has submitted plans for solar panels on the roof. The installer is confident these panels will not be visible from Monroe Ave.
- Yotality: Mrs. Kline informed the manager that the garbage can should not be attached to the utility pole.
- Saha Med Grill: In a conversation with the manager, Mrs. Kline stated that garbage needed to be picked up on a regular basis, and that he had 24 hours to get the dumpster emptied. Any additional garbage found outside the dumpster would result in an appearance ticket. Additionally, all recycling needed to be moved into the enclosure within the week.
- 31 East Jefferson Road: A permit was issued for the replacement of the front stoop and patio conditional on the APRB approval of the rails.
- Label 7: Mrs. Kline spoke with the owner regarding the alcohol consumption activity outside of the fence area. Any further complaints could affect their special permit.
- Canal Lamp Inn: The village has not received a business plan as of this date. The owner needed to be in compliance by June 15, 2015.
- Lock 32: A complaint was received regarding people sitting on the edge of the windows or exiting through them. This behavior should not be allowed. If additional complaints come in, either the windows will need to remain closed or a barrier constructed. This is a safety concern. The Board instructed Mrs. Kline to send a letter to the owner to remind him that the canal area is family oriented and that this issue should be promptly resolved.
- Austin Park: Mrs. Kline is proceeding with footer inspections.
- Buffalo Bills: A temporary zoning permit is anticipated for the use of Sutherland High School's parking lot during the Bills camp that begins July 31. The banners should be placed on the cast iron poles in the business district.
- Mrs. Kline is researching the temporary banner (Pittsford Salon Coming Soon) on the Wiltsie Crump building.

- Pickle Factory: There is an internal renovations project being conducted and a dumpster is on the premises.
- Zombie house on State Street, which is owned by the bank, needs to have the grass cut and debris removed.

VILLAGE CLERK REPORT was tabled until the July 14, 2015 Trustee meeting.

CONTINUED DISCUSSION ON APRB CODE CHANGES

Mayor Corby would like to modify the definition of ‘public way’ in the APRB section of the Village Code (§210-60 A1). He stated that this follows the premise of the legal prescription allowing review of historic properties. The current language says, “The APRB shall have the power to pass upon such activity before a certificate of approval is granted provided that the APRB will only pass on the exterior features of a building or structure as are visible from a public street or waterway.” The inserted language would add “from the public street, park, or other public or private property open to the general public or waterway.” This will cover the RGE right-of-way, Pittsford Farms Dairy, Weis (formerly Burdette) Parking lot, and all village parks.

Motion: Mayor Corby made a motion, seconded by Trustee Plummer, to go to public hearing on July 14, 2015, to modify the language of Village Code §210-60 A1 as presented.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Plummer – yes Motion Carried

MEMBER ITEM – PLANNING/ZONING BOARD APPOINTMENTS

Motion: Mayor Corby made a motion, seconded by Trustee Galusha, to appoint **Susan Lhota** to the Planning and Zoning Board to fill the expired term for the period of 2015-2020.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Plummer – yes Motion Carried

Mayor Corby stated that is appointing **Heather Erwin** to the Planning and Zoning Board to fill the unexpired term for the period of 2015-2019.

No vote needed due to the unexpired term.

MEMBER ITEM - URNS

Trustee Plummer questioned the cost of the urns. She stated that we received an invoice from Bristols to pay \$500 per urns. There are four urns, and five billed. Trustee Lanphear stated that she would contact Tom Sanna regarding the charge. This invoice has been withdrawn from the abstract for payment.

TREASURER’S REPORT

The following **vouchers** were presented for approval.

Vouchers for approval – Abstract #1

(All of this abstract is for 2014-15)

- General Fund (A): (#1-#11,#13-#17, #19-#20): \$45,996.12
- Sewer Fund (G): (#4, #14, #18): \$ 2,746.11

- Capital Fund – Chairlift (HF): (#12): \$ 7,250.00
Total Vouchers for Approval: \$55,992.23

The voucher for Bristols for \$2,029.92 (#1) is being withdrawn pending verification of charges with Tom Sanna.

In a briefing of the bills, it was stated that the litigations bills total \$251K for the fiscal year. The regular attorney billing came in under budget.

This abstract contains bills that Mark IV is responsible for reimbursement. However, Mr. DiMarzo has taken issue with these bills and is therefore not paying them pending further information to support these bills. As part of the current arrangement, the village is paying them upfront and requesting reimbursement. Mayor Corby stated that all of John Steinmetz’ billing regarding the site plan review is wholly and legitimately chargeable back to the applicant, Pittsford Canalside LLC.

Motion: Mayor Corby made a motion, seconded by Trustee Plummer to approve the vouchers as amended and to charge them to their appropriate accounts.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Plummer – yes Motion Carried

Vouchers for approval – Abstract #2
(2014-15 Expenses: \$ 1,606.03; 2015-16 Expenses: \$45,513.83)

- General Fund (A): (#21-#22, #24-#34): \$44,432.86
 - Sewer Fund (G): (#23): \$ 2,687.00
- Total Vouchers for Approval: \$47,119.86

Motion: Mayor Corby made a motion, seconded by Trustee Plummer, to approve the vouchers as submitted and to charge them to their appropriate accounts.

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

Budget Transfers for fiscal year 2014-15 were presented for approval.

Motion: Mayor Corby made a motion, seconded by Trustee Plummer to approve the budget transfer as submitted.

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

A brief review of the May 2015 (FY 2014-15) books, budget impact items, the cash flow statement, and fund balance statement were shared with the Board.

Motion: Mayor Corby made a motion, seconded by Trustee Plummer, to appropriate \$25K to the Sewer Repair Reserve as budgeted and to make the necessary book entries.

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

BENCH REQUEST

A **bench** request from the Pittsford Baha’i Community was presented to the Board. The business is requesting permission to install a bench at a location to be determined by the Trustees.

Motion: Trustee Plummer made a motion, seconded by Trustee Lanphear to approve the installation of a bench at the Phoenix Building located at 4 South Main Street.

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

EAGLE SCOUT PROJECT

Trustee Lanphear stated that an Eagle Scout was interested in refurbishing Bob's Park on S. Main Street near the Pittsford Dairy. It was suggested to name the park "**Auburn Line Park**" in commemoration of the railroad lines that once traveled this area. It would be an interpretive park illustrating the railroad line's history. Mayor Corby recommended an interpretive plaque in the park that would match others that have been placed along the canal. In reference to history, Mayor Corby stated that the stonewall within the park had been built by Jarvis Lord, which was his private railroad siting. The Eagle Scout will also solicit Lowe's and Home Depot for a possible landscape grant. The Board agreed on holding off on any monies pending the outcome of the Eagle Scout's accomplishments.

EXECUTIVE SESSION

Motion: Mayor Corby made a motion, seconded by Trustee Lanphear, to enter into executive session regarding a personnel issue.

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

Motion: Mayor Corby made a motion, seconded by Trustee Lanphear, to leave executive session

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

There being no further business, the meeting had adjourned at 9:15 p.m.

Mary Marowski, Recording Secretary