

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
February 12, 2013 – 7:00 PM

Present

Mayor: Robert Corby
Trustees: Tim Galli
Lili Lanphear
Lorie Boehlert
Trip Pierson
Treasurer: Mary Marowski
DPW: Doug Yaeger
Building Inspector: John Limbeck
Attorney: Jeff Turner – arrived at 7:30 PM
Recording Secretary: Anne Hartsig

CALL TO ORDER

A **motion** was made by **Mayor Corby, seconded by Trustee Lanphear** to call the meeting to order at 7:00 PM.

Vote: Corby – yes, Galli – yes, Lanphear – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

TREASURER’S REPORT – MARY MAROWSKI

Ms. Marowski presented vouchers listed on Abstract #016 of 2012/13 fiscal year for approval. A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to approve payment of vouchers listed on Abstract #016 in the amounts stated below and to charge them to the appropriate accounts.

Abstract #016 – 2012/13

General Fund (#422-#423, #434-#463):	\$17, 601.05
Sewer Fund (#449, #455):	\$ 161.29
Canal Improvements (#433)	<u>\$ 568.00</u>
Total vouchers for approval:	\$18, 330.34

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

Other Business:

- A budget meeting will be held on February 21st.

DPW REPORT – DOUG YAEGER

- The crew has been busy cleaning up from the snow storm last weekend. Trustees noted that some concrete blocks and benches near the pavilion on Schoen Place were hit. Mr. Yaeger said the storm left slippery surfaces and slush so at times, it was difficult to maneuver the equipment. Trustees asked that the crew be less careless.
- Five more benches have been refurbished. They will be put back in place in the spring.
- Town crews have plowed the snow from the Burdett parking lot into the back yards of houses on Washington Avenue. The fence has been knocked down. Speculation was that repairs to the fence may be on hold because the lease for the lot expires in October. It is not known at this time if the owner will renew the lease with the Town and Village.
- The Department has been conducting maintenance on all of the vehicles.
- The light fixture at the Heatherhurst/Jefferson Road intersection is sometimes on and sometimes off. It is an old style and the head needs replacing. Mayor Corby instructed Mr. Yaeger to use 75 watt metal halide bulbs when the fixture is replaced.

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- A back-up camera has been installed on the largest truck. The order came with an additional camera. Mr. Yaeger was instructed to purchase one more monitor for \$145 and install the extra camera in the new truck that will be purchased.
- The Schoen Place project should be finished before the PGA in August as it is scheduled for early July. Most work will take place in the late evening hours to minimize disruption for business owners.
- Trustee Pierson stated that he had traveled to several other municipalities last weekend during the snowstorm. He said snow removal in the Village of Pittsford was the best compared to the other localities. He received unsolicited compliments and praise about the service of the DPW.
- Trustee Galli mentioned icy conditions along the towpath near the pavilion. Mr. Yaeger said he has been salting the area every day. Mayor Corby said that the Canal Corporation will be revamping the towpath next year. He said the area near the pavilion should be sloped so that the water draining off the copper roof will leach toward the canal.

PROVISIONAL APPOINTMENT

A **motion** was made by **Trustee Galli, seconded by Trustee Boehlert**, to appoint Doug Yaeger to the position of Provisional Superintendent of Public Works subject to obtaining information regarding union status.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

BUILDING INSPECTOR'S REPORT – JOHN LIMBECK

The Board of Trustees reviewed Mr. Limbeck's written report with him. The report is on file at the village office. Portions of the discussion included the following:

- Mr. Limbeck would like to meet individually with Trustees Lanphear and Pierson, PZBA Chairperson Remegia Mitchell, and APRB Chairperson Paul Zachman.
- Mayor Corby said the display of signs on properties for pending applications including PZBA, Trustees, and APRB would be helpful as a notification tool. Mr. Limbeck will move forward with obtaining signs for that purpose. Attorney Turner said a published legal notice is not needed unless there is a public hearing involved.
- Mr. Limbeck met with the owner of the gas station on Monroe Avenue about a number of violations. The pile of tires has been removed. Tires will now be placed on the property for removal the night before they are to be picked up. The owner was instructed to put license plates on an unlicensed trailer that has been stored on the property.
- Mr. Limbeck noted that several of the staff will meet to determine what types of GIS services would be helpful. He will then schedule an appointment with Michelle Debya at the Town to ask that these services be implemented.
- Temporary signs at Embrasse Moi were discussed. Mayor Corby said the signs do not have approval and must be removed. It is illegal to have commercial signs in the State right of way. The owner will be working with the Chamber of Commerce on a sign proposal to present to the Board of Trustees.
- The Village Bakery at 5 State Street was discussed. There are more seats and staff members than were originally approved for that business. In addition, the village landscaping that was removed during the renovation was never restored. Vehicles are parking on the sidewalk. Trustee Pierson said the owner needs to adjust the number of seats. Attorney Turner said he may need to seek a variance. Mr. Limbeck will look at the Planning Board minutes of December 2012 to gain some background about the violations. He will then write a memo to the Board of Trustees.
- Mr. Limbeck has been inspecting construction projects at the Parker House, 73 South Main Street and at homes at 10 & 12 East Jefferson Road.
- Mr. Limbeck has been contacted about the possibility of a restaurant at the former Wahl's Ice Cream building at 45 Schoen Place.

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- Mr. Limbeck will investigate fee schedules in use by other municipalities to see if Village fees are in line. It was noted that building permits for new residential roofs and driveways could be added to the fee schedule. Mayor Corby said the fee for APRB applications should remain reasonable so residents are not discouraged from submitting applications.
- Board members thanked Mr. Limbeck for the great job he is doing in his new position.

PROFESSIONAL SERVICE PROPOSAL

The Board of Trustees received a proposal for professional services from KCI Engineering of NY to act as Dedicated Building Inspector and Code Enforcement Officer for the 75 Monroe Avenue, Westport Crossing project. Village Building Inspector John Limbeck is employed by KCI Engineering and would oversee this project as an employee of that company. Mayor Corby checked with legal counsel at NYCOM and was told there would not be a conflict of interest. All agreed that it would be more efficient to have a single point of contact to review this project. Mayor Corby said he fully endorses the proposal. This would be a developer paid expense. Trustees agreed that that Mr. Limbeck will keep a daily log, itemize his hours and tasks, and organize and manage data in a satisfactory manner. A **motion** was made **by Mayor Corby, seconded by Trustee Lanphear**, to accept the proposal of KCI Engineering of NY to act as Dedicated Building Inspector and Code Enforcement Officer for the 75 Monroe Avenue, Westport Crossing project pursuant to the scope of services and the fees and payments specified on the proposal dated February 8, 2013.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

NON-MUNICIPAL USE PERMIT REQUEST – PITTSFORD REGATTA

A **motion** was made **by Mayor Corby, seconded by Trustee Boehlert**, to approve a request for a non-municipal use permit to hold the Pittsford Regatta event scheduled to run Saturday and Sunday, May 25 and May 26, 2013 on and along the bank of the Erie Canal in the Village of Pittsford with the following conditions:

1. the applicant shall contact the Monroe County Sheriff's Department, the Pittsford Fire Department, the Pittsford Fire Marshal, Kelly Cline and the Pittsford Volunteer Ambulance **in writing** prior to the event;
2. the applicant is required to provide the Village with a copy of a Certificate of Liability Insurance naming the Village of Pittsford as additional insured on a primary and noncontributory basis. (The certificate must reflect a \$1,000,000 single limit of liability for bodily injury and property damage;

The applicant is also required to submit a copy of the actual endorsement of the insurance policy. The endorsement document must list the policy number and set forth the Village of Pittsford as an additional named insured;

These certificates must be current and on file in the Office of the Village Clerk prior to the event;

3. the applicant shall agree to encourage participants and observers to park at the Pickle Factory and/or behind the commercial buildings on Schoen Place;
4. the applicant shall agree to notify business owners at the Pickle Factory, 1 Grove Street, and # 24, #30 and #40 Grove Street prior to the event.
5. Due to the amount of trash generated by this event in past years, the Board requests as a condition of approval, that the applicant supply a 10 to 12 yard dumpster on the Village DPW property during the event.

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6. Due to the amount of graffiti resulting from the event in past years, a condition of approval is that Pittsford Crew agrees to paint or otherwise repair any damage, markings or graffiti that occurs in the village during the event as a result of their own team members or any other participatory team members.
7. The Board of Trustees requests that the applicant coordinate the location of the “potties” and the location of the dumpster with Doug Yaeger, the DPW Acting Superintendent.
8. If Pittsford Crew plans to allow vendors at this event, each vendor must apply to the Board of Trustees 90 days prior to the regatta.

As in past years, the Board of Trustees has budgeted for and has agreed to contribute \$1000 for the rental of portable toilets, one of which will be handicap accessible. It is the understanding of the Board that Pittsford Crew will be responsible for ordering these toilets and removing them at the conclusion of the event.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

GREENLIGHT NETWORKS UPDATE

Attorney Turner has spoken with a representative from Greenlight Networks. A bond issue will be resolved and a contract will be drawn up. The subject will be placed on the next Board of Trustees meeting agenda.

PUBLIC HEARING - SALVATORE’S PIZZA SPECIAL PERMIT REQUEST

Applicant Greg Dillingham explained that he addressed the PZBA and the APRB regarding his proposal to open Salvatore’s Pizza at 18 South Main where Guys Pizza is currently located. He explained the differences in the interior layout, seating, and type of exhaust system that exists and what he intends to install. Members discussed supply deliveries, pizza deliveries, parking, outside seating, number of employees on the largest shift, and trash receptacles.

Proof of the legal notice below having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Galli**, to open the public hearing.

“Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at meeting on Tuesday, February 12, 2013 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Greg Dillingham for a Special Permit to allow the operation of Salvatore’s Pizza, a carry out restaurant which will operate as a pizzeria, in the building located at 18 South Main Street, Pittsford, NY, which location is in a B-1A District, pursuant to Chapter 210-74 A (2), Special Permit Uses in B-1, B-1A, B-2, B-4 and M-1 Districts.”

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

Janet Reynolds, 35 Church Street: Ms. Reynolds stated that life was easier for Church Street residents before Guys Pizza existed at 18 South Main Street. She noted the number of unscreened totes, the early hour that the garbage is collected, the supply delivery tractor trailer trucks that do not follow the conditions of approval, the pizza drivers who are not known for their safe driving skills, and the fact that Church Street is used as a cut-through street. These conditions, a result of the pizza business, make it unpleasant for Church Street residents.

Ms. Reynolds said she was glad to hear that the new owner would take trash off site but she is concerned about the extended hours that are being requested and the larger exhaust fan that is planned. The fan may

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create more noise and more odors for the residents to endure. She said the Board of Trustees approves more and more restaurants which are not a good thing for the residents.

Pauline Riley, 26 Church Street: Ms. Riley stated that Church Street took a downfall when ESL opened. She said ESL caused an increase in traffic on Church Street. She said the Board of Trustees may approve this application with conditions but no one will enforce the conditions.

Mayor Corby said there has been a change in enforcement personnel so residents should see a big difference. He suggested that Ms. Riley let the village office know if she does not see a change. Trustee Pierson noted that Church Street residents have every right to be upset that conditions were not being enforced.

The Clerk noted there had been no written comments or phone calls submitted either for or against this application. There being no one further wishing to speak for or against this application, a **motion** was made **by Mayor Corby, seconded by Trustee Pierson**, to close the public hearing.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

Trustee Galli read conditions of approval that were listed when Guys Pizza was granted a special use permit in 2011. Members discussed those conditions and some changes that could be made for this application. Trustee Galli suggested that if the Board decides to approve this special permit, the same sort of conditions could be utilized. Members agreed. Therefore, a **motion** was made **by Trustee Galli, seconded by Trustee Pierson** to approve a special permit to allow the operation of Salvatore's Pizza at 18 South Main Street noting that the application conforms to §210-74 B. (3) (a)-(h) of the Village Code and with the conditions listed below:

1. Trash will be orderly and contained at all times.
2. If usage results in more than three totes including a grease receptacle outside the building, totes **MUST** be screened. There shall be no more than four (4) totes including the grease receptacle. Screening must be approved by the APRB.
3. Screening for the exhaust hood, signage, and venting for HVAC must also be approved by the APRB.
4. Supply deliveries to the business must be completed by 7 AM and deliveries must take place from South Main Street. Delivery trucks may not use or block Church Street.
5. Employees may not park in the municipal parking lot (Burdett lot) or on Church Street. There shall be no double parking or hazard light parking. Every effort will be made to have employees park in remote spots to leave the spaces adjacent to the building available for patrons.
6. Outdoor seating will consist of two tables with three seats per table. The tables shall be positioned as close to the building as possible and off the public right of way. Tables may be in place from April 1st through November 1st.
7. Outdoor tables and umbrellas shall be secured from the wind for safety purposes and there shall be no advertising on the umbrellas.
8. Salvatore's Pizza will be responsible for maintaining the Village trash receptacle in front of the building and will provide additional receptacles if required.
9. This special permit shall be reviewed 12 months from the opening of the business.
10. There will be no tractor trailer parking or delivery on Church Street in conformance with weight limit code restrictions in 195-30. Schedule V: Trucks Over Certain Weights Excluded.

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Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**
This decision was filed in the Office of the Village Clerk on February 12, 2013.

TRAFFIC IMPROVEMENT DISCUSSION – 3750 MONROE AVENUE

Mayor Corby reported that the owners of the 3750 Monroe Avenue building purchased an adjacent lot to use as a parking lot. It consists of approximately 30 acres. The space will become corporate headquarters for a call center. There will be approximately 1500 parking places at this location. A new traffic light at Woodland Road is being proposed. This light along with the existing traffic light at 3750 will create longer gaps in traffic coming into the village and should slow the traffic down. Four lanes of traffic will be decreased to three lanes and a median will be installed. All of these improvements should slow traffic into the village. Mayor Corby will be meeting with Paul Schenkel, Steve Ferranti, and representatives from the DOT at 9 AM on February 22nd. He asked Trustee Galli to attend this meeting as well.

PRIVATE MEETING

The Board of Trustees entered into a private meeting to seek the advice of legal counsel which is a matter made confidential by Public Officers Law § 108 (3).

CODE OF ETHICS – CONTINUED REVIEW

The Village Clerk will email the latest version of the draft Code of Ethics to Attorney Turner. He will make some revisions and the discussion will continue at the next meeting.

DOT UNDERTAKING FORM

The Village received a letter from the State DOT which said that the undertaking on file is no longer valid due to changes in the form and content of the form. An undertaking is a method of indemnification pertaining to work performed within the NY State right of way under valid highway work permits. A copy of the updated 2012 version of the undertaking was included with the letter and was reviewed by Attorney Turner.

Attorney Turner found the undertaking agreement to be satisfactory. However, he said before signing the document, the Village should verify that our insurance policy covers this risk. The Clerk will forward the document to the insurance agent for verification. A **motion** was made by Mayor Corby, seconded by Trustee Pierson to authorize Mayor Corby to sign the undertaking agreement subject to verification of insurance from the Village's insurance agent.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

JCO BOARD ROOM REQUEST

The Board of Trustees received a request from the American Legion Post to use the JCO Room on the 4th Wednesday of the month for their Post meeting. A **motion** was made by Mayor Corby, seconded by Trustee Pierson, to approve this request.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

BOUGHTON AVENUE RESIDENT COMPLAINT

Board members received a complaint about cars left on village streets during a plowable snow event. The resident wants cars that are left overnight to be ticketed and towed. Mayor Corby reported that he talked to the resident.

PORTABLE OUTHOUSE REQUEST

The Village Board received a request from a Schoen Place merchant to relocate the portable outhouse on Schoen Place from the RG&E right of way to a location nearer the towpath. The Board researched this request last year and a sketch for an enclosure was drawn. The NYS Canal Corp had restrictions about

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how close to the path the enclosure could be. Board members concurred that having an outhouse so close to the path would not be a good location due to the nature of the structure and to the odors that would emanate from it. Doug Yaeger will be asked to research other outhouse vendors. Mayor Corby will walk to Schoen Place to look at other possible locations. He will talk to Mr. Ament, the merchant who wrote the letter.

SUPPORT FOR STATE ASSEMBLY BILLS A.88 AND A.824

Mayor Corby received a proposed resolution of support for bills A.88 and A.824 regarding mandatory bank notification to municipalities of contact information of property managers or other parties responsible for upkeep and maintenance of foreclosed or abandoned properties. Mayor Corby reported that NYCOM was endorsing this legislation. A **motion** was made **by Mayor Corby, seconded by Trustee Pierson**, to adopt the following resolution in support of Assembly Bill A.88 and Assembly Bill a.824.

RESOLUTION #1 OF 2013

Support for NYS-Contact Information for Vacant Structures

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A. 824, currently pending would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Village of Pittsford Board of Trustees supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the Village of Pittsford hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Village of Pittsford support the passage of said Bills.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

MEMBER ITEMS

- Trustee Galli reminded others that employee performance evaluations were due in January. Members agreed they would be completed by the next Board of Trustees meeting.
- Trustee Boehlert did some research on flower baskets and found a vendor who will make baskets for less money and who will have the flowers ready before Memorial Day. This vendor has supplied baskets for Fairport and Macedon as well as other municipalities. Board members would like baskets on every pole in the business district and on Schoen Place since they will be less expensive than prior years. The type and color of flowers will be determined at a later date.
- The Chamber of Commerce will have a meeting to review the 2012 Candlelight Night Event.

MINUTES

Corrections for 9/11/12 minutes

The Board of Trustees agreed to clarify a statement attributed to Mayor Corby which he said didn't accurately reflect his position. The statement follows comments made by Alysa Plummer during the September 11, 2012 meeting. The clarified statement is as follows: *Mayor Corby said the biggest concern was to get a project that fits the character of the village. He said the reason the property was originally rezoned was because the Town was entertaining proposals to put a 750,000 foot strip retail*

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plaza or an office park in that location which would have been a huge traffic generator and would have had a detrimental effect on Main Street. He said the Board picked the lowest traffic generator use possible. He said the Board spent an exhaustive amount of time on compatibility issues and the planning board looked at the demographic issues regarding the 20% increase in the village population. Mayor Corby said in all the time the Board has taken, the first concern has been the historic quality of the village and the quality of life of the residents who live in the village. He said all of the Board members live in the village and all have tremendous concern about the long lasting impacts both positive and negative of this project.

January 17, 2013: A **motion** was made **by Mayor Corby, seconded by Trustee Pierson**, to approve these minutes as submitted.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

January 22, 2013: A **motion** was made **by Mayor Corby, seconded by Trustee Pierson**, to approve these minutes as submitted.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

January 28, 2013: A **motion** was made **by Mayor Corby, seconded by Trustee Galli**, to approve these minutes as submitted.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

January 31, 2013: A **motion** was made **by Mayor Corby, seconded by Trustee Lanphear**, to approve these minutes as submitted.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

ADJOURNMENT

A **motion** was made **by Mayor Corby, seconded by Trustee Boehlert**, to adjourn the meeting at 10:20 PM.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

Anne Z. Hartsig, Recording Secretary