

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
January 10, 2012 – 7:00 PM

Present

Mayor: Robert C. Corby
Trustees: Paula Sherwood
Lorie Boehlert
Trip Pierson
Tim Galli
Attorney: Jeff Turner
Treasurer: Mary Marowski
Building Inspector: Skip Bailey
DPW: Doug Yaeger
Recording Secretary: Anne Hartsig

CALL TO ORDER

A **motion** was made by **Mayor Corby**, **seconded by Trustee Sherwood**, to call the meeting to order at 7:05 P.M.

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

DPW REPORT – DOUG YAEGER

Mr. Yaeger discussed the following with the Board of Trustees:

- The business district will be salted when the Village is called in to salt village roads and/or when weather conditions make it necessary to do so.
- Department members have been building trash can holders for the business district. They will eventually build new ones to hold the containers on Schoen Place.
- Six benches from South Main Street have been brought inside for the winter to facilitate snow removal. These benches will be cleaned and the legs will be painted over the winter months.
- Christmas decorations are being removed.
- Members of the department have been trying to keep up with the graffiti. On the bridges, it is worse than it has ever been. Members discussed the possibility of gates and/or guards with spikes. This will be discussed with the DOT.
- Mr. Yaeger will be attending a meeting on January 17th to learn about new FCC low band radio requirements, some of which go into effect this year.
- Mr. Yaeger has been getting quotes for the cost of light poles and installation for the west end of Schoen Place.
- A village resident tripped on a raised section of sidewalk on South Street at Locust. Mr. Yaeger said it appeared that a construction vehicle from 21 South Street may have backed over the sidewalk, causing it to crack. One section was driven into the ground and the other was left with a 3 inch lip. Mr. Yaeger will discuss this with Mr. Bailey and will obtain the name and contact information for the contractor.

TREASURER’S REPORT – MARY MAROWSKI

The Treasurer presented vouchers listed on Abstract #011 of 2011/12 fiscal year for approval. A **motion** was made by **Trustee Galli**, **seconded by Mayor Corby**, to approve payment of vouchers listed on Abstract #011 in the amounts stated below and to charge them to the appropriate accounts.

Abstract #011 – 2011/12

General Fund (#339-#352, #354, #356-#378):	\$17,587.64
Sewer Fund (#353, #368-#369)	\$ 1,647.11
Grant #C006861 (#355)	<u>\$ 1,276.35</u>
Total vouchers for approval:	\$ 20,511.10

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

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Other business:

- **Bank balances** were presented.
- The **Stormwater Coalition of Monroe County Grant** award to replace the Village Hall parking lot was discussed. This is a 25% matching grant. In kind services count towards the match. The project must be completed by May 31st of 2012. Members agreed that an extension will be required. Mayor Corby will call Paula Smith to discuss this.
- Technical support for village computers was discussed. A **motion** was made by **Mayor Corby, seconded by Trustee Galli** to approve a contract with **Integrated Systems** for a block of 25 hours of service at a cost of \$2250.00, for technical support for the village's computer network.
Vote: Corby – yes, Sherwood – yes, Boehlert – yes, Pierson – yes, Galli – yes. **Motion carried.**
- **Resolution #1 of 2012** was voted upon and passed as follows:

Resolution #1 of 2012: General Repair Reserve

Be it resolved that the Village of Pittsford, as part of its intention to increase funds to the General Repair Reserve by the adoption of the 2011-12 budget, and as allocated by that budget, would like to appropriate fund balance (A909) in the amount of \$23,460 to be added to the reserve for repairs (A882). These monies will also be reflected in the General Repair Reserve (A232R).

Be it further resolved that these monies, with approval of Trustee Galli, will be withdrawn from Canandaigua National Bank, Municipal Choice account (#1100084753) and moved to the certificate of deposit account (#1101348657) and the appropriate adjustments will be made on the books reflecting this transaction in the amount of \$23,460.

A **motion** was made by **Trustee Galli, seconded by Trustee Pierson** to accept Resolution #1 of 2012, a resolution to approve moving monies to the General Repair Reserve as written, and for the purpose as stated above.

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

- A schedule for **budget workshop** meetings was presented.
- **Schoen Place Grant #C006861** was discussed. Trustee Boehlert, Ms. Marowski, and Paul Schenkel met to discuss the revisions to 104 Contractors' original contract. Taking those revisions into account, the total out of pocket expenditure for the Village would be \$69,175.84. A **motion** was made by **Trustee Boehlert, seconded by Mayor Corby**, to accept 104 Contractors' revised contract in the amount of \$102,903.60 noting that the total out of pocket expenditure for the Village will be \$69,175.84.
Vote: Corby – yes, Sherwood – yes, Boehlert – yes, Pierson – yes, Galli – yes. **Motion carried.**

PROPOSED CODE REVISION FOR R-5

A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to hold a public hearing on January 24, 2012 at 8 PM to consider the adoption of Proposed Local Law #1 of 2012 to amend the R-5 section of the code as follows:

Local Law No. 1 of 2012 of the Village of Pittsford Amending
Section 210-19.2 (B) (3) (c) of the Village of Pittsford Code Relating to the R-5 District

Be it enacted by the Village Board of the Village of Pittsford, New York as follows:

Section 210-19.2 (B) (3) (c) of the Village of Pittsford Code for special permit review in the R-5 Zoning District under the Village of Pittsford Code is hereby amended to replace, in the second sentence thereof, the words "Village Planning Board" with "Village Board of Trustees." This Amendment shall take effect immediately upon its adoption by the Village Board of Trustees of the Village of Pittsford.

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

NONMUNICIPAL USE PERMIT – PITTSFORD LITTLE LEAGUE OPENING DAY PARADE

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The Village Board received a request from the Pittsford Little League for a nonmunicipal use permit to hold the annual Opening Day Parade on village streets. The parade is scheduled for Saturday, April 21, 2012. A **motion** was made **by Trustee Sherwood, seconded by Trustee Pierson**, to grant a nonmunicipal use permit to Pittsford Little League to hold their annual Opening Day Parade within the village as follows:

- The Board understands that the parade is planned to start at Pittsford Sutherland High School and will terminate at Bob Ford Field. It will follow the parade route stated in the request letter.
- A condition of the approval is that the organization will be responsible for obtaining police escort cars, fire trucks for the front and rear of the parade, and Fire Police at critical intersections.
- The organization is required to notify Pittsford Ambulance prior to this event.
- The following required insurance documents must be submitted to the Village Clerk prior to the event.
 1. A copy of a Certificate of Insurance naming the **Village of Pittsford** as additional insured. This certificate must contain the following words: **“The Village of Pittsford is named 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.
 2. A copy of the **actual endorsement** of the insurance policy. The endorsement document **must list the policy number and must set forth the Village of Pittsford as an additional named insured**. The words “on a primary and noncontributory basis” are not necessary on the actual endorsement.

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

NONMUNICIPAL USE PERMIT – PENN STATE STUDENTS

The Village Board received a request from Penn State students to “can” for donations to help raise money to help children with cancer. The students would like to “can” at several intersections on January 20-22nd. Following discussion, a **motion** was made **by Trustee Sherwood, seconded by Trustee Pierson**, to approve Penn State students to “can” in the Village of Pittsford as follows:

- Students may “can” at the intersection of Jefferson Road and Main Street only to avoid potential safety issues for pedestrians, drivers and participants.
- This approval comes with the conditions that participants do not “can” in the street itself and that they stay clear of crosswalks.
- The following required insurance documents must be submitted to the Village Clerk prior to the event.
 1. A copy of a Certificate of Insurance naming the **Village of Pittsford** as additional insured. This certificate must contain the following words: **“The Village of Pittsford is named 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.
 2. A copy of the **actual endorsement** of the insurance policy. The endorsement document **must list the policy number and must set forth the Village of Pittsford as an additional named insured**. The words “on a primary and noncontributory basis” are not necessary on the actual endorsement.

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

EVENT SIGNAGE

Members discussed the increase in demand requests for temporary event signs and the policy and process used to manage these requests. Members concurred that it would be beneficial to know when the Town of Pittsford plans to place event signs on the Four Corners since the Village Board prefers to have no more than two corners occupied at a time, with one sign per corner. Mayor Corby will write a letter to ask the Supervisor for a schedule of the dates for which Town event signs are needed so that conflicts with other groups can be avoided in the future.

PUBLIC HEARING – SPECIAL PERMIT – SUNNYSIDE YOGURT

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

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“Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, January 10, 2012 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Gene O’ Donovan, for a Special Permit to allow the operation of a self serve yogurt shop in the building located at 6 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, Sherwood – yes, Boehlert – yes, Pierson – yes, Galli – yes. **Motion carried.**

Mr. O’Donovan reviewed his proposal. Members talked about the proposed hours of operation and the need for the owner to monitor village trash receptacles in the vicinity of his business due to the take-out nature of his business. Mr. O’Donovan stated that there would not be any tractor trailer trucks making deliveries. Delivery trucks would be box trucks. Planning Board comments were submitted and discussed at the December 13, 2011 meeting. It was noted that the Planning Board had no unaddressed questions or concerns.

Village resident Janet Reynolds, 35 Church Street, said she would be concerned if Starbucks moved into the Great Northern Pizza building as has been rumored. Mayor Corby said there have been others interested in that space and there has been no verification that any business plans to occupy the space at this time.

There being no one further wishing to speak for or against this application for a special permit, a **motion** was made by **Mayor Corby seconded by Trustee Pierson**, to close the public hearing.

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

A **motion** was made by **Trustee Pierson, seconded by Trustee Galli** to approve the special permit application submitted by Gene O’Donovan to operate a self serve frozen yogurt shop at 6 South Main Street as follows:

1. This application meets the standards listed in §210-74.B. (3) a-h of the Village Code.
2. The hours of operation shall be from 10 AM to 11 PM. There may be fewer hours of operation during the winter months.
3. The Village Board of Trustees, when considering this approval, considered comments submitted to them from the PZBA following a presentation made by Mr. O’Donovan to that Board on 11/28/11.
4. This approval is granted with the condition that one or more Village trash cans in the vicinity of the business will be monitored by the business. The need to empty these containers will be addressed by the business owner.

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

The decision was filed in the office of the Village Clerk on 1/10/12.

TIME WARNER AGREEMENT

Trustee Galli reviewed the status of a proposed franchise renewal agreement between Time Warner Cable and the Village of Pittsford. He noted that the prior agreement expired and he has been in discussion with Time Warner regarding the terms of a new franchise agreement. He said the draft agreement he presented at this meeting has been agreed to by Time Warner. He said the next step is to hold a public hearing to consider approving the agreement. A **motion** was made by **Trustee Galli, seconded by Mayor Corby** to hold a public hearing at the January 24, 2012 meeting of the Board of Trustees to consider approving a franchise renewal agreement to provide cable television services between the Village of Pittsford and Time Warner Entertainment.

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

Members thanked Trustee Galli for the work he has done on this issue.

SEQR CONSULTANT & 1409 REVIEW

Members discussed the SEQR process and a 1409 Review regarding the proposed project at 75 Monroe Avenue. It was noted that Paul Lytle has been retained for the environmental portion of the process. Mayor Corby will call Mr. Lytle regarding the status of the SEQR process.

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UPWP (UNIFIED PLANNING WORK PROGRAM) GRANT

The Village was awarded a grant from the Genesee Transportation Council to conduct an active transportation safety study. Board members received a draft project document that includes, among other things, the objective, budget, process, and schedule. This topic will be discussed further at a later date.

SECTION 203 SICK LEAVE BENEFITS

This section of the handbook states that sick days cannot be used the day before or the day after vacation or a holiday. There have been recent incidents whereby an employee has been truly sick the day before or after a holiday. Sick time was not able to be used due to this policy. The Board of Trustees discussed this section and decided that it is in the handbook for a purpose and that it should stay in the handbook as written.

EXECUTIVE SESSION

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to enter executive session to discuss the employment history of a specific employee and also to discuss a matter of litigation.

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

Having taken no action, a **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to leave executive session and reenter the regular session of the meeting.

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

HEALTH CARE POLICY CHANGE

A **motion** was made by **Trustee Galli, seconded by Trustee Pierson**, to change the Village's health care policy regarding full time active employees who are on Medicare to include payment by the Village for the Medicare portion and the health care portion of that employee's policy, so long as the cost is equal to or less than the cost of the single health care policy that the Village offers to full time employees.

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

MEMBER ITEMS

- Mayor Corby will meet with Supervisor Carpenter to discuss the Burdett Parking lot lease.
- It was noted that employee performance appraisals are due. Members decided which trustee would be responsible for each employee's evaluation.
- The Teamsters 118 Union contract expires at the end of May. Negotiations should begin soon. Trustees decided that Mayor Corby and Trustee Boehlert will negotiate the new contract.

MINUTES

December 5, 2011 Special Meeting: A **motion** was made by **Trustee Sherwood, seconded by Trustee Galli**, to approve these minutes.

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

December 13, 2011 Special Meeting: A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to approve these minutes as amended.

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

December 13, 2011 Regular Meeting: A **motion** was made by **Trustee Sherwood, seconded by Trustee Boehlert** to approve these minutes as amended.

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

January 13, 2011 Budget Meeting: A **motion** was made by **Trustee Pierson, seconded by Mayor Corby** to approve these minutes as written.

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

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January 21, 2011 Budget Meeting: A motion was made by Trustee Pierson, seconded by Mayor Corby to approve these minutes as written.

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

February 4, 2011 Budget Meeting: Unapproved – lack of quorum.

February 18, 2011 Budget Meeting: A motion was made by Trustee Pierson, seconded by Mayor Corby to approve these minutes as written.

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

March 11, 2011 Budget Meeting: A motion was made by Trustee Pierson, seconded by Mayor Corby to approve these minutes as written.

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

March 18, 2011 Budget Meeting: A motion was made by Trustee Pierson, seconded by Mayor Corby to approve these minutes as written.

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

March 25, 2011 Budget Meeting: A motion was made by Trustee Sherwood, seconded by Mayor Corby to approve these minutes as written.

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

March 28, 2011 Budget Meeting: A motion was made by Mayor Corby, seconded by Trustee Sherwood to approve these minutes as written.

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

April 15, 2011 Budget Meeting: A motion was made by Trustee Sherwood, seconded by Mayor Corby to approve these minutes as written.

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

May 27, 2011 Budget Meeting: A motion was made by Mayor Corby, seconded by Trustee Sherwood to approve these minutes as written.

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

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 10:10 PM.

Anne Z. Hartsig, Recording Secretary