

**PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES**  
**December 13, 2011 – 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.**

**GENE O'DONOVAN – INFORMATION ONLY**

Mr. O'Donovan described his proposal to open a self-serve frozen yogurt shop in the village. This will require a special permit. After talking with Mr. O'Donovan at their November meeting, the PZBA submitted comments to the Board of Trustees regarding this proposal. The comments will become part of the record. Board members briefly discussed plans for trash, hours of operation, and number of employees.

Mr. O'Donovan said his goal is to open the business before the end of winter. He will submit an application for a special permit, notice will be published, and a public hearing will be held. The date of the hearing will depend upon the date the application is submitted.

**TREASURER'S REPORT – MARY MAROWSKI**

The Treasurer presented vouchers listed on Abstract #010 of 2011/12 fiscal year for approval. A **motion** was made by **Trustee Galli**, seconded by **Trustee Sherwood**, to approve payment of vouchers listed on Abstract #010 in the amounts stated below and to charge them to the appropriate accounts.

<b>Abstract #010 – 2011/12</b>	General Fund (#339-#368):	<u>\$59,207.59</u>
<b>Total vouchers for approval:</b>		<b>\$ 59,207.59</b>

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

**Other business:**

**Bank balances and the 2012 assessment ratio** were presented. The renewal of the **computer services contract** was discussed. No decision was made. The Treasurer presented a copy of the executed **CDBG 2009 grant contract**, a copy of the 3<sup>rd</sup> quarter **Monroe County Sales Tax Distribution** letter, and a copy of a **Certificate of Deposit from RG&E** for an account security deposit. **Fiscal Year 2011/12 Budget figures** as of November 30, 2011 were presented. A schedule for fiscal year 2012/13 budget workshop meetings was discussed. Ms. Marowski will compile a tentative meeting schedule for distribution and review.

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**DPW REPORT – DOUG YAEGER**

The following topics were discussed:

- The department used a sidewalk grinder to remove serious heaves in the sidewalks. Mr. Yaeger will call the DOT to remind them to fix the section of sidewalk on South Main Street that the DOT broke while doing some work.
- The department completed the leaf pick-up for this season. They are continuing to pick up brush.
- Drinking fountains on Schoen Place have been turned off and winterized.
- All Christmas decorations are up.
- The Port-a-Potty behind the Coal Tower has been picked up for the winter.
- Mr. Yaeger provided a report about the condition of the storm drain pipe at 28 Monroe Avenue. A camera revealed that the pipe has some deteriorated spots that will need to be monitored. However, the flooding problem in that area was caused by a plugged catch basin rather than storm pipe collapse. He suggested routine cleaning and using the camera every year to monitor the condition of the pipe.
- Mr. Yaeger provided a chart showing the yearly DPW employee cost for specific jobs.
- The sweeper needs some new parts and repairs. The labor will be done in-house. If the money is in the budget, Mr. Yaeger was told to order the parts. Board members asked Mr. Yaeger to sweep the streets one more time this year. Mr. Yaeger will make a schedule for next year so that the streets are swept once a week.
- Members discussed future icy conditions on the sidewalks. Mr. Yaeger noted that ice melt is very expensive, although it will not harm pets and it is not as messy as salt. Mayor Corby said he is in favor of using ice melt in strategic spots in the Four Corners area. It was noted that using ice melt during non-working hours would require over time. Village resident Chris Seibert added that replacing brick sections of the sidewalks with concrete would help prevent ice build up because the sidewalks could be sloped to drain correctly if they were rebuilt with concrete.
- Trustee Sherwood thanked the DPW for their work on decorating the village for Christmas. She mentioned that there were some loose cords that needed to be wrapped, especially near the library.

**PUBLIC HEARING – PROPOSED LOCAL LAW #6 – TAX LEVY LIMIT OVERRIDE**

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.

**VILLAGE OF PITTSFORD  
NOTICE OF PUBLIC HEARING**

*Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, December 13, 2011 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law #6 of 2011, which law will override the tax levy limit established in General Municipal Law §3-c. as follows:*

**Section 1. Legislative Intent**

*It is the intent of this local law to allow the Village of Pittsford to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.*

**Section 2. Authority**

*This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the*

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*coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.*

**Section 3. Tax Levy Limit Override**

*The Board of Trustees of the Village of Pittsford, County of Monroe, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.*

**Section 4. Severability**

*If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.*

**Section 5. Effective Date**

*This local law shall take effect immediately upon filing with the Secretary of State.*

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

Mayor Corby explained that the Board of Trustees was considering this local law upon the recommendation of NYCOM. Members of the Board of Trustees have attended informational sessions on the tax cap. Mayor Corby read the statement from NYCOM entitled “Precautionary Measure”.

*A municipality may be concerned that, particularly in the first year of the tax cap law with many uncertainties surrounding its interpretation and implementation, there is the very real potential for a local government to exceed the cap unintentionally. Without the local law in place, this could result in the municipality, at some later date, having to set aside money in a reserve fund, the amount of which would depend on how long it takes for the inadvertent mistake to be discovered. Passing the local law should “protect” the municipality if such a mistake occurs.*

Mayor Corby stated that the Village Board did not intend to go over the tax cap. He repeated that the local law was being considered strictly as a precautionary measure. Trustee Boehlert said she was in favor of this precautionary measure.

Chris Siebert, 12 Jackson Park: Mr. Siebert suggested that the Village’s \$1,000,000 budget is too large for the number of residents in the village. He asked when higher taxes are going to stop. He said the Town of Pittsford does a much better job on projects. He asked what village residents get for their money. Mayor Corby responded that in real dollars, the budget is less than in 1984. He said village residents pay a lower portion of Town taxes and receive many services for their tax dollars.

Ed Starowicz, 8 Stuyvesant Rd.: Mr. Starowicz said that he was surprised that there weren’t more people in attendance. He asked if this law is forever once it has been passed. It was explained that the law is for one year and must be passed every year to be in effect. Mayor Corby said the Board intends to live within the tax cap but has been advised, due to all of the unknowns, to pass the law to protect the Village. He said it is very complicated to determine the exact

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number. Trustee Galli said that the burden is on the Board of Trustees to prepare a fiscally responsible budget.

There being no one else wishing to speak for or against this local law, 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 **Mayor Corby, seconded by Trustee Sherwood**, to approve the passage of Local Law #6 of 2011, the Tax Levy Limit Override, as a precautionary measure.

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

**BUILDING INSPECTOR’S REPORT – SKIP BAILEY**

Mr. Bailey presented a written report including information on the status of the bakery at 5 State Street, the status of the Pittsford Farms Dairy processing plant, property at 21 South Street, the remodeling at 19 State Street, the request to secure the building and remove the graffiti at 75 Monroe Avenue, and the new construction at 22 Boughton Avenue and 9 East Jefferson Road. Mr. Bailey also noted in his report that he has completed a class on inspecting new commercial properties for energy code compliance.

Trustees inquired about the status of site plan submittal for the Northfield Common properties. A site plan has not been submitted in spite of several requests. Board members agreed that an appearance ticket should be served on the owner because an approved site plan is required. They concurred that the owner needs to come in to the Village to discuss all of his properties and any outstanding violations.

Members discussed certain village homes that have plastic on their windows, doors, and porches. Mr. Bailey said it is not against the Code. Trustee Pierson said the Code should be changed so that plastic is not allowed. Attorney Turner said it could be included in the Code by Local Law once the proper place in the Code has been determined.

Members noted that 1) there is a house on South Street near Jefferson Road that has junk all over the yard; 2) there are broken windows on some of the buildings on Schoen Place. Mr. Bailey said an owner can be ordered to secure the first floor but not the second floor of a building. Trustee Pierson said if it is not in the Code, the Board should put it in the Code. He said a secure building should mean the entire building is secure, not just the first floor.

**EXTENSION OF THE ST. LOUIS TOLLING AGREEMENTS**

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to extend the tolling agreements of 2010 and 2011 with St. Louis Church to 3/30/12 and to authorize Mayor Corby to sign the agreements.

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

**PZBA AND APRB ALTERNATE MEMBERS**

Board members discussed the need to have alternate members for the ARPB and the PZBA. They identified three potential candidates and will follow up with those people.

**EXECUTIVE SESSION**

A **motion** was made by **Trustee Boehlert, seconded by Trustee Sherwood**, to enter executive session to discuss the employment history of a specific individual.

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

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

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

**SEQR COORDINATION**

A **motion** was made by **Mayor Corby, seconded by Trustee Pierson**, to authorize the Mayor to contact Art Ientilucci to discuss aspects of the SEQR process.

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

**STEINMETZ CONTRACT REVIEW**

The Village received a proposed contract from John Steinmetz to provide site plan review assistance in the matter of 75 Monroe Avenue. Attorney Turner reviewed the contract and said it was okay to authorize the Mayor to sign it from a legal standpoint. A discussion ensued regarding asking the applicant to look at the contract before it is signed. A **motion** was made by **Trustee Boehlert, seconded by Trustee Pierson**, to send the proposed contract to the applicant before it is signed by the Mayor. The Board of Trustees discussed the matter further before taking a vote on the motion.

**Vote:** Corby – no, Sherwood – no, Boehlert – no, Pierson – no, Galli – no. **Motion denied.**

Attorney Turner will speak with Mr. Steinmetz about specific details in the contract. A **motion** was made by **Trustee Galli, seconded by Trustee Sherwood**, to authorize Mayor Corby to execute the contract based on the recommendations of Attorney Turner following his discussion with Mr. Steinmetz. The consultant's services shall not exceed \$10,500.

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

**GRANT #C006861**

Trustee Galli met with landscape architect Doug McCord to clarify the costs to the Village for the Department of State Schoen Place Improvements grant (#C006861). Based on that discussion, Trustee Galli presented a written history of expenses and figures showing the Village's potential cost for the project. From his research, he discovered that the cost to the Village of this project has increased significantly due to elements added by the Village, road maintenance and traffic production added by the contractor, and inflation since the time of the original grant application.

Mayor Corby said he spoke with Paul Schenkel. Mr. Schenkel thought that the Town might be able to help with the sidewalks. Mayor Corby said the Village crew might be able to help with the electric and the landscaping. This could reduce some of the cost. Members discussed having a meeting with Doug McCord, Paul Schenkel, and Village representatives. Trustee Galli stated that including the \$50,000 grant funds, the Village had planned to spend a total of \$130,000 on this project. Trustee Boehlert said it would be better to have a meeting with the contractor to determine if there are elements that can be eliminated to reduce cost. She agreed to meet with the contractor, once she reviews the plans.

**MEMBER ITEMS**

- Trustee Sherwood talked about a recent increase of graffiti all over the village. She said it should be an important priority to get these areas cleaned because it affects the way our village looks. Trustee Galli said he has been meeting with a new Monroe County Zone Captain. Trustee Sherwood has a list of locations. Trustee Galli will notify the Zone Captain and provide him with the list of locations. Trustee Boehlert said that the DPW is working on budgeting their time to get all of their work completed. She said that there are only four crew members. They work in teams of two. If one person is

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removed from a team for another job, the DPW work schedule is interrupted. Mayor Corby said that the graffiti needs to be managed.

- The newsletter will be released after the first of the year.
- The Board discussed three complaint/concern letters from residents. One letter was in regards to parking on Golf Avenue. One was in regards to graffiti. One was in regards to the parking spot in front of 5 Monroe Avenue.
- Board members were reminded of the FCC transition to narrowband operations on January 1, 2013.
- Mayor Corby and Trustee Galli reported on a recent meeting with the NYSDOT.
- Board members discussed an ongoing complaint about smoke from a woodstove in the village. Members agreed that the concerns have been investigated and the Fire Marshal has determined that the wood stove in question is in compliance with the Codes. Trustees discussed a ban on wood burning and concluded that the majority of residents would not be in favor of this. A letter will be sent to the resident who is concerned about this issue to inform her that the Village Board does not have any further practical measures it can take to remedy her situation.
- Mayor Corby told Board members that the Village will be receiving a grant from the Genesee Transportation Council.
- Members reviewed an updated a list of ongoing business.

**MINUTES**

**11/2/11 Special Meeting:** A motion was made by Trustee Pierson, seconded by Trustee Boehlert, to approve these minutes as written.

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

**11/8/11 Regular Meeting:** A motion was made by Mayor Corby, seconded by Trustee Boehlert, to approve these minutes as written.

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

**11/15/11 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 – abstain. **Motion carried.**

**ADJOURNMENT**

There being no further business, Mayor Corby adjourned the meeting at 10:30 PM.

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Anne Z. Hartsig, Recording Secretary