

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE OF PITTSFORD BOARD OF TRUSTEES**
February 11, 2003 at 7:30 PM

PRESENT:

Trustees	Mayor Robert Corby Paula Sherwood Thomas Farlow Steven Maddox Glenn Brown
Attorney	John C. Osborn
DPW Superintendent	Scott Spencer
Building Inspector	Edward Bailey
Recording Secretary	Anne Z. Hartsig

Mayor Corby called the meeting to order at 7:30 P.M. The Pledge of Allegiance was recited.

PUBLIC HEARING - PROPOSED LOCAL LAW #2 OF 2003: AMEND CHAPTER 184-18, TAXATION, Amount of exemption

The State Legislature amended two sections of the Real Property Tax Law allowing local municipalities to increase the income limits on the Senior Citizens' Exemption and the Disability Exemption. The Town and County also increased the income limits. To be consistent, at the recommendation of the Assessor, the Village Board decided to also increase income limits for these two categories. Local Law #2 is for the Senior Citizens Exemption and Local Law #3 is for the Disability Exemption.

Proof of the legal notice having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Brown** to open the Public Hearing.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

No comments or phone calls regarding this amendment have been received in the Village Office. There being no one to speak for or against the adoption of Proposed Local Law #2 of 2003, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to close the Public Hearing.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made **by Trustee Brown, seconded by Mayor Corby** to adopt Proposed Local Law #2 of 2003 as written.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

PUBLIC HEARING - PROPOSED LOCAL LAW #3 OF 2003: AMEND CHAPTER 184-30 TAXATION, Amount of exemption

This local law pertains to disability exemptions as explained above.

Proof of the legal notice having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to open the Public Hearing.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

No comments or phone calls regarding this amendment have been received in the Village Office. There being no one to speak for or against the adoption of Proposed Local Law #3 of 2003, a **motion** was made **by Mayor Corby, seconded by Trustee Brown** to close the Public Hearing.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made **by Trustee Brown, seconded by Mayor Corby** to adopt Proposed Local Law #3 of 2003 as written.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

PUBLIC HEARING: SPECIAL USE PERMIT, PORT OF CHOCOLATE – 10 SCHOEN PLACE

Present: James H. Hemmerich, business owner

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Discussion: Mr. Hemmerich explained that his business would be similar to the former business in that location, which was known as *Brad and Dad's Ice Cream*. He has made arrangements with the owner of The Coal Tower to share a dumpster. A discussion resulted about the Village trash receptacles being filled to overflowing in the past as a result of the former ice cream business. Mr. Hemmerich stated he would keep the receptacles emptied during business hours. He mentioned his concern about the number of pigeons around his building and told the Board he would post signs asking customers not to feed the birds. Mr. Hemmerich said he would have some tables and chairs inside the building and hoped to have four 2 ½' round metal tables and a total of eight chairs along the outside of his building. He stated there would be no cooking on the premises other than brewing fresh coffee and making fresh ice cream.

Proof of the legal notice having been published, a **motion** was made **by Trustee Farlow, seconded by Mayor Corby** to open the Public Hearing.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

John L. Degenhardt sent a facsimile transmittal of support that was dated and received in the Village Office on January 30, 2003.

Linda Lanphear, 14 Jackson Park: Ms. Lanphear asked that if the Board decided to accept this request, they will place a limitation on the number of tables and chairs that will be permitted outside at this location so that they will not intrude on the public way.

Remegia Mitchell, 27 Locust Street: Ms. Mitchell stated that the concept of Mr. Hemmerich's business is in keeping with the Comprehensive Plan in that it encourages pedestrian traffic along the canal path.

There being no one further to speak for or against this application for a Special Use Permit, a **motion** was made **by Trustee Farlow, seconded by Trustee Sherwood** to close the Public Hearing.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

SEQR: A **motion** was made **by Mayor Corby, seconded by Trustee Brown** that this is a Type II Action under SEQR. No further review is necessary.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to approve a Special Use Permit for the Port of Chocolate, located at 10 Schoen Place with the condition that the business is in conformance with the Standards for Special Permits, Chapter 210-74 (3) as follows:

- a. access to and size of the site are adequate for the proposed use
- b. proposed use won't adversely affect the pattern of development in the area
- c. nature, duration and intensity are in harmony with nearby uses and will not alter the character of the neighborhood
- d. a hazard to health, safety or general welfare will not be created by the proposed use
 1. **the proposed 4 tables will be restricted to the area off the concrete sidewalk and cannot obstruct the pedestrian route,**
 2. **the applicant must maintain provisions for disposal of trash by contracting for the use of a dumpster**
- e. proposed use will not be detrimental to the flow of traffic in the area
 1. **the applicant will be responsible for maintaining four Village trash receptacles, insuring that they will not be overflowing during business hours**
- f. proposed use will not be excessive burden on public improvements, facilities, services or utilities,
- g. the proposed site is more than 100 feet from a residentially zoned property,
- h. the proposed use will not create conditions that are a detriment to the quality of life or general welfare of residents and businesses.

Vote: Corby – yes, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

MEMORIAL PARK BENCHES – LINDA LANPHEAR

Ms. Lanphear asked the Board to consider implementing a park bench program similar to the one in the Village of Skaneateles, NY. She provided information from that Village and told the Board that the program has been very successful. People would donate a bench in memory or honor of a particular person or organization. The benches could be placed along Village streets. Ms. Lanphear volunteered to chair a committee for this program.

Board members were strongly in favor of this program. Trustee Sherwood will work with Ms. Lanphear to write a letter about the program for the spring newsletter. The Planning and Zoning Board will have input

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as to the location of the benches after committee members walk the Village and comprise a list of possible locations. Trustee Brown stated he would donate the first bench. He said he would like this program to run in conjunction with the brick program that has been on going since the 175th Anniversary celebration in July 2002. Board members thanked Ms. Lanphear for the idea and for her willingness to head the program.

RESOLUTION #3 OF 2003: PARTICIPATION IN ROCHESTER/MO. CO. YOUTH BUREAU PROGRAM

The Village contributes money each year to the Monroe County Youth Bureau for Pittsford Youth Services. We are reimbursed for a portion of the contribution if we participate in the Integrated County Plan. Therefore, the following resolution was offered.

WHEREAS, after review by the Board of Trustees, the Village of Pittsford approves of participation in the Integrated County Plan 2001-2003; and

WHEREAS, the Village authorizes an agreement with the County pertaining to the financial relationship between the Village and the County regarding this Plan; and

WHEREAS, only the County can apply for State aid under the Plan for participating municipalities; and

WHEREAS, the amount available to the Village is the sum of seven hundred thirty four dollars (\$734.00);

NOW THEREFORE, on a **motion** made by **Trustee Brown, seconded by Mayor Corby**, the Village of Pittsford agrees to paragraphs 1 through 35 as written in the Integrated County Plan 2001-2003 Agreement and authorizes Mayor Robert C. Corby to sign said agreement and further, to sign the Certification Regarding Debarment, Suspension and Responsibility, also required by the County of Monroe.

VOTE: Corby – yes, Brown – yes, Sherwood – yes, Maddox – yes, Farlow – yes. **Motion carried.**

RESOLUTION 4 OF 2003 – PARTICIPATION IN THE MONROE COUNTY PRE-DISASTER MITIGATION PLAN DEVELOPMENT

The Disaster Mitigation Act of 2000 requires the Village to have an approved all-hazard disaster plan in place by November 2004. The County has invited the Village to join in developing a coordinated plan. Therefore, the following resolution was offered.

WHEREAS, the Disaster Mitigation Act of 2000 requires local governments to have an approved All-Hazard Mitigation Plan in place by November 1, 2004 to be eligible to receive disaster funding through the Hazard Mitigation Grant Program; and

WHEREAS, a coordinated planning document will satisfy the requirements of the Flood Mitigation Assistance Program, the Community Rating System and the Pre-Disaster Mitigation Assistance Program; and

WHEREAS, after review and discussion regarding two possible options presented by the Monroe County Office of Emergency Preparedness in a letter dated January 28, 2003;

NOW THEREFORE, on a **motion** made by **Trustee Sherwood, seconded by Trustee Farlow**, the Village of Pittsford has chosen to join the ten towns, five villages and the City of Rochester, and participate in the community's multi-jurisdictional plan administered through the County of Monroe and further, to authorize the Village Clerk to advise the Administrator of the Monroe County Office of Emergency Preparedness that the Village would like to join.

VOTE: Corby – yes, Brown – yes, Sherwood – yes, Maddox – yes, Farlow – yes. **Motion carried.**

Trustee Maddox told the Board that the Village should have a disaster plan in place for our employees in addition to being part of the County's Plan. Board members agreed. There was no further discussion.

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RV DRAFT LAW – CONTINUED DISCUSSION

Trustee Maddox complimented Mr. Bailey on the thorough job he did in rewriting the draft and incorporating the points made at the last meeting. Remegia Mitchell, Planning/Zoning Chairperson agreed.

Discussions centered upon front yard storage, wording regarding the term “setback” and the definition of a recreational vehicle as it has been currently written. Trustee Sherwood mentioned the idea of providing storage for Village residents at the DPW property. Trustee Maddox stated that he believes many people will have an emotional response to the adoption of this law. It was decided that Mr. Bailey would rewrite the draft again, addressing the issues that were discussed at this meeting.

Mr. Todd Craig, 22 East Jefferson Road: Mr. Craig said he thinks front yard storage on a driveway is reasonable. He still has concerns about the “set back” issue.

RESIDENTS’ CONCERNS

Mrs. William Squire: Mrs. Squire telephoned the Village Hall to report a dangerous condition. She said the cars parked on South Main Street near Locust Street block visibility when turning onto South Main from Locust. Mayor Corby said he would assess the situation.

Mr. David Bishop, East Jefferson Rd.: Mr. Bishop agreed that parking restrictions and safety issues in the Village are being ignored. Another of his concerns is a rental property at 12 East Jefferson Road. He said there have been wild parties, that the 3rd floor is being used as a bedroom and that the trash is accumulating in the garage at the property. He also reported another home on East Jefferson where the 3rd floor is in use. Mr. Bishop suggested that there be a law requiring landlords to pay for trash removal at their rental properties. Mr. Bailey will look into the current ordinance regarding trash removal. In further discussion, Mayor Corby said the Village couldn’t regulate a specific number of rental properties to be allowed in the Village.

Mr. and Mrs. Thomas Dannhauser, 16 Locust Street: Mr. Dannhauser reported that the parking signs on Locust Street are ignored more often than they are obeyed. He asked the Village Board to take an aggressive stand regarding the parking on Locust between 7:30 and 8:00 PM Monday through Thursday and also on Sunday mornings. The Board will write a letter to the churches asking for cooperation of their parishioners. The biggest problem is that driveways are partially blocked by parked cars. Board members discussed the term “in front of a driveway” and decided that if a car is in front of any part of a driveway, it should be considered to be blocking the driveway.

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to hold a public hearing in March to change the wording in the Village Code regarding blocking a driveway so that it is more specific and can be more easily enforced.

VOTE: Corby – yes, Brown – yes, Sherwood – yes, Maddox – yes, Farlow – yes. **Motion carried.**

Mr. Bailey will write a draft of the wording for review at the March meeting.

Mr. Michael C. Newcomb, 21 Schoen Place: Mayor Corby recused himself from this discussion. Mr. Newcomb sent a letter to the Village Board expressing his concern for the safety of the Newcomb Oil building due to the recent fire on Schoen Place and break-ins at the flourmill. Mr. Bailey told the Board that the flourmill building is secured which is what is required by Code. He said the doors are locked and the openings are boarded up. It is not known if the sprinkler system is in working order. Roger Powers, owner of the building, said he would check into it and make sure it is functional. Mr. Powers also stated that a family member walks through the flourmill a minimum of one time per night to patrol the property. Trustee Brown asked Mr. Bailey to work with Mr. Powers to assess the status of the fire system in the building.

Mr. John O’Neil, 16 Woodside Lane: Mr. O’Neil was not present at the meeting. However, he mailed the Board a packet of information regarding dog-waste disposal dispensers. Superintendent Spencer told the Board he has all of the information and will install the dispensers when time allows.

Dr. Frank LaMar, 1950 Clinton Avenue South: Dr. LaMar sent a letter to the Board expressing his displeasure about a parking ticket he received for parking in a handicap space. He said he was unable to see pavement markings due to snow cover and there was not a vertical sign marking the spot as a handicapped space. Mayor Corby will respond to Dr. LaMar by phone.

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FOUNDERS' DAY UPDATE – AUDREY JOHNSON

Ms. Johnson was not present. Trustee Sherwood told the Board that while there is nothing new to report, plans are underway. Trustee Brown asked to be kept informed of budget requests.

CANAL LAMP INN – KEITH MILLER - REQUEST TO HOLD RECEPTIONS

Mr. Miller sent a letter to the Board asking for permission to hold outdoor wedding receptions at the Canal Lamp Inn during the warmer months. He said he currently has one reception planned for 2003 and one for 2004. He outlined a plan for parking vehicles during these occasions and he pointed out that neighbors had signed a letter in support of this idea. Trustee Brown told Mr. Miller to contact Klaus Siebert who owns 25 North Main Street in addition to the other neighbors already contacted.

During the discussion, Board members identified key issues to be the number of people per wedding, the number of cars per wedding, noise resulting from music, and the hours of operation. Building Inspector Bailey said receptions are not permitted in the district or at Bed and Breakfast establishments. Trustee Sherwood pointed out Chapter 210-24 (n) of the Village Code which states that receptions are not permitted. She also asked if this kind of use would have an adverse affect.

Building Inspector Bailey said that if the reception were removed completely from the building itself, it would not violate the State Code. He suggested that receptions could be handled by temporary zoning permit whereby conditions would be established to address the key issues. Mr. Miller will apply to the Zoning Board for a temporary zoning permit.

COMPREHENSIVE PLAN TASK FORCE UPDATE

Mayor Corby reported that the committee is currently reviewing the plan's goals and recommendations. They have divided into three subcommittees including downtown development led by Peter Brizee, infrastructure/parking/traffic led by Jim Cronin, Land Use led by Remegia Mitchell. At the meeting to be held on 2/18/03, the committee hopes to define an approach. Funding will be a key issue. They are looking for opportunities in light of the current fiscal situation such as available grants and cooperation with other entities. The Committee would like to hold a joint meeting with the Board of Trustees in the spring to determine the method and schedule of implementing the plan.

Mayor Corby said there is nothing further to report on the Electric Avenue Bridge at this time.

VILLAGE VOLUNTEER CLEAN-UP DAY

Trustee Farlow requested that this topic be deferred to the March meeting.

SPRING NEWSLETTER – TRUSTEE SHERWOOD

Trustee Sherwood asked Board members for newsletter ideas. In addition to the Mayor's column, the Building Inspector's column, and the DPW Superintendent's column, suggestions for topics were the Village Budget, the Comprehensive Plan Task Force, the bench program in conjunction with the brick program, Village election results, new cross walk legislation, and an update about the Village website. Trustee Sherwood would like the letter to be mailed in May.

NYS DOT MEETING DATE – TRUSTEE FARLOW

Trustee Farlow will schedule a meeting date with DOT representatives. He will email that date and agenda items to be discussed to Board members.

NEON SIGNS FOLLOW-UP

Board members stated that in the past, efforts were made to engage the business community in discussions to help determine standards for signs that would be agreeable for all. The PVBA was contacted on more than one occasion asking for guidelines regarding the sign code. The neon sign law was discussed at a public hearing and notification of that hearing was published in the Brighton-Pittsford Post. At that hearing, no one came forward to speak for or against the code change. Therefore, a law prohibiting neon "open" signs was passed. The Board of Trustees is always open to comments from the Village Business Association and from Village merchants but for now, the law has been passed and is in effect.

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BUILDING INSPECTOR'S REPORT – SKIP BAILEY

Mr. Bailey reported on the following issues: dangerous conditions created by ice overhanging the public way at #5 and #17 South Main Street, complaints about tenants at 12 East Jefferson Road, Oak Orchard Canoes moving out of the Village, Suzanne's expansion into Oak Orchard's space, Olive's Restaurant outdoor patio seating, renovations at 20 Rand Place, and property records software purchased by the Village. Mayor Corby asked about the Soho's sign. The owner has been notified to obtain a permit. Mayor Corby asked Mr. Bailey to check on the extension of a building permit granted two times for the completion of the DelMonte Lodge. Mayor Corby also pointed out that vehicles from the Mobil gas station are parking on the CSX Railway property on Monroe Avenue again.

BURDETT LOT LEASE RENEWAL

The current lease with the Town, Village and the Burdett family is due to expire in October of 2003. Attorney Osborn communicated with Town Attorney Jared Lusk who wrote a draft for a new agreement. Attorney Osborn reviewed the draft written by Mr. Lusk. He reported to the Board that responsibilities that previously had been divided and spelled out in the 1998 lease agreement (such as maintenance, parking enforcement and snow removal) are no longer specified in the draft lease. Board members agreed that they would like a draft that closely resembles the 1998 agreement because it seemed to work well for all parties. Attorney Osborn will contact Attorney Lusk to relay the wishes of the Board of Trustees.

ATTORNEY OSBORN ISSUES UPDATE

Ciao Restaurant: Attorney Osborn has not received a report from Bill VanAlst (Larsen Engineers) regarding his assessment of the advisability of the release of the Village easement that to this point has been needed to access a major sewer line located under the building known as Ciao's Restaurant. When he receives a report from Mr. VanAlst, the Board will need to review the recommendations.

Schoen Place Auto: Attorney Osborn reported that a conference with the court has been scheduled and that Mr. LaVeck has asked for a jury trial. This has not been determined at this time. Attorney Osborn will report to the Board after the conference with the Court.

DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on **routine activities** and **completed projects**. The DPW was complemented on the consistently great job they have done **removing snow** this winter. Mr. Spencer mentioned that flushing the **sewers** for Schoen Place and North Main Street is a project that should be done quarterly. These sewers get plugged with grease from nearby restaurants. Mr. Bailey will look into this. **Sidewalk repair:** The crew borrowed a sidewalk grinder and repaired several of the sidewalks. Mr. Spencer will arrange a time to meet with Trustee Farlow so he can see how the sidewalk grinder works. **Pedestrian crossing signs:** Mr. Spencer reported on new bases and signs he ordered. He ordered six bases at \$50 each. The faces for the signs cost \$6.50 each. **Entrance signs:** Tambe Electric is working on a lighting plan for the entrance signs. Jeff Fitch from Sign Language asked for a letter of recommendation from the Village regarding the entrance signs. Mr. Spencer will write the letter. **Crew concerns:** the "call back" section of the employee manual will be amended to include wording that is more specific regarding pay for callbacks. It was decided that Mr. Spencer would have the discretion to dismiss the crew after 8 hours of work if he feels it is in the best interest of the department and in the interest of safety for the crew. The following issues were **informational:** **Heat tape** will be installed on the Village Hall to prevent the build-up of snow on the roof. The Village will receive several **small trees** from Cornell Cooperative Extension. A tree nursery will be started at the DPW. Tambe Electric will provide an estimate for increased **electric capacity** for the poles on **South Main Street**. In the Spring, the **dog-waste bins** will be installed. Board members decided there should be a dispenser at both ends of the towpath and one at the ticket booth for the Sam Patch. **"Do Not Feed the Ducks"** signs will be posted. **Painting under the bridges** will be done in the spring. The DPW will participate in **the Memorial Day Parade on May 26th**. Some of the equipment will be in the parade. Trustee Farlow reported that that Town is experiencing a **salt shortage**. A salt/sand mix may be used for the remainder of the winter.

CANAL GRANT

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Trustee Maddox asked for the names of engineering firms so that he could contact them about doing work for the Canal Grant. Mayor Corby said we would also need a Landscape Architect for this project. The Clerk will call Art Buckley to obtain a copy of the proposal for the original canal grant.

MEETING WITH TOWN OFFICIALS

Mayor Corby and Trustee Farlow will be meeting with Supervisor Carpenter and Town Councilman John Higgins on Tuesday, 2/18. Some topics of conversation will be the South Main Street lighting, the lease for the Burdett lot and banners.

MINUTES

January 14, 2003: A motion was made by Trustee Sherwood, seconded by Trustee Brown to approve these minutes as amended.

VOTE: Corby – abstain, Brown – yes, Sherwood – yes, Maddox – yes, Farlow – yes. **Motion carried.**

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 10:50 PM.

Anne Z. Hartsig, Recording Secretary