

**PROCEEDINGS OF THE REGULAR MEETING OF THE  
VILLAGE OF PITTSFORD BOARD OF TRUSTEES**  
April 8, 2003 at 7:00 PM

**PRESENT:**

<b>Trustees</b>	Mayor Robert Corby Thomas Farlow Steven Maddox Glenn Brown Paula Sherwood
<b>Attorney</b>	John C. Osborn
<b>Building Inspector</b>	Edward Bailey
<b>Recording Secretary</b>	Anne Z. Hartsig

Mayor Corby called the meeting to order at 7:00 P.M. The Pledge of Allegiance was recited.

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

Mr. Bailey reported that the design for the addition to Talbot's has not been presented to APRB. He said construction is planned for this spring, however designs are still being drawn.

Ciao's Restaurant is being remodeled and will re-open with a new name and theme. Owners are considering the addition of a patio in the rear of the restaurant.

Pittsford Pub representatives have discussed the construction of a cover for the existing patio. They do not plan to add seating.

The fan window on the Phoenix Building has not been restored in spite of letters that have been mailed to the owner.

**DPW REPORT – SCOTT SPENCER**

Mr. Spencer was not in attendance due to ongoing clean-up efforts of the recent ice storm. Therefore, there was no DPW report this month.

**TREASURER'S REPORT – MARY MAROWSKI**

See the minutes of April 7, 2003.

**MINUTES**

**March 6, 2003:** A motion was made by Trustee Sherwood, seconded by Mayor Corby to approve these minutes as written.

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

**March 10, 2003:** A motion was made by Trustee Brown, seconded by Trustee Sherwood to approve these minutes as written.

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

**March 11, 2003:** A motion was made by Trustee Brown, seconded by Mayor Corby to approve these minutes as amended.

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

**REPORT ON 4/8/03 MEETING WITH SUPERVISOR CARPENTER**

Mayor Corby and Trustee Farlow met with Supervisor Carpenter this morning. The following topics were discussed:

1. Emergency Preparedness Plan – Mr. Carpenter said he holds a quarterly meeting with representatives from the fire department, police, ambulance, and school. He asked the Village to participate in the meetings. Mayor Corby said Mr. Spencer should be involved in these meetings as well as a Village Trustee. Trustee Maddox said he would volunteer to represent the Village if the meetings were held in the early morning so that he is able to attend.

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2. A debriefing meeting of the April 2003 ice storm will be held at the Spiegel Center on April 10 at 8 AM. Mayor Corby asked that Mr. Spencer attend this meeting.
3. A developer has expressed interest in retail use of the Monoco Oil property. Concerns of the Village are as follows: potential competition with the retail establishments in the central business district and the safety issue of placing a traffic light in that location due to the railroad tracks and the lack of visibility as vehicles approach from the Monroe Avenue Bridge.
4. PGA – Upfront Productions will be displaying large golf balls, tigers, bears, sharks and walrus during the PGA. They will be displayed in the Village on the first Monday of the event and then dispersed to other locations. Country Clubs will be asked to sponsor four golf balls and other organizations will be asked to sponsor the animals.
5. A design workshop will be held regarding plans for the new library. It will be on Saturday, April 26<sup>th</sup> from 10 AM to 2 PM at the Presbyterian Church.
6. A discussion regarding the lease of the Burdett parking lot took place. The Village and Town will work together to solve the drainage issue that currently exists in the lot. Revenue from parking tickets was also discussed. The revenue generated from the issuance of parking tickets offsets the costs incurred by the Village for employing the parking monitors.
7. The Town is obtaining a proposal for a needs assessment for GIS.

### VILLAGE ELECTION AND OATHS OF OFFICE

The Village Election was held on March 18, 2003. Trustee Glenn Brown and Trustee Steve Maddox successfully ran for reelection for another four-year term as Village Trustees. Mayor Corby administered the Oath of Office to Trustees Brown and Maddox.

### EMPLOYEE EVALUATIONS

Employee evaluations will take place within the next week. Mayor Corby will conduct evaluations for office personnel. Trustee Maddox will conduct the evaluation for the DPW Superintendent. The Superintendent of Public Works will conduct the evaluations for his crew.

### “MAPWORKS”

A new edition of a Rochester & Monroe County Map has been produced by *mapworks*. The Village was contacted to determine if there was an interest in purchasing one of these maps. The Board decided against the purchase at this time.

### UPDATES ON VARIOUS ISSUES

**Rotary Project:** Remegia Mitchell will follow up with Mr. Crooker on the possibility of the Rotary beautifying the approach to one of the canal bridges as a major project.

**Summer Flowers:** Trustee Sherwood reported that the flower order is on schedule. Bristol's is working on costs for seven large planters to be placed in the four-corners area on the street. Mr. Spencer estimated it could take up to 30 hours per week including Saturday or Sunday. He believes it will take 3 ½ hours per day to water all of the flowers. Street trees will also need to be watered. Trustee Brown said he budgeted for 20 hours per week.

**Founders Day:** Trustee Sherwood said everything is on schedule. The only problem she reported was regarding the skateboard demonstration that had been planned. This event may not take place due to damage to the ramps needed for the demonstration. This issue is still being investigated.

**Newsletter:** Trustee Sherwood reported that Nancy Bolger is working on the next newsletter that is planned for mailing in May. Supervisor Carpenter will write an article on the library plans. Nancy will call Trustee Brown for facts regarding the budget. An article on Towpath etiquette will be written as well. Trustee Sherwood will contact Chris Fein so that this article can also appear in the BP Post.

**Events Committee:** Trustee Farlow told the Board that the Town will be sending out a postcard including dates for the season's events. They will include Village website information on that postcard.

**Village Volunteer Clean-up Day:** Trustee Farlow had nothing to report. He will contact Nancy Bolger regarding an article for the newsletter. He will email interested groups regarding participation on this day.

**Grant Status:** Trustee Maddox told the Board that he is hopeful that the Village will receive four grants. They include the Community Block Grant (for handicap access to the Village Hall), a records management grant, the Alesi grant for \$100,000 and the LWRP grant for an additional \$100,000. The Board discussed having Stu Brown Associates manage the LWRP grant with the idea of being very involved in the process

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in order to learn how to manage future grants without the services of a professional. It was decided that Mr. Spencer, Mr. Bailey and Trustee Farlow would oversee the project with the design consultant. Trustee Farlow has the RFP 95% complete and he will email it to Stu Brown. Trustee Maddox will ask Stu Brown for a re-bid since the RFP is nearly complete.

**St. Louis School:** Mayor Corby will meet with Father Schwartz and Sally Schrecker on April 9<sup>th</sup>. The Church is investigating the purchase of a residence next door to the Church property. After the last expansion, Church officials gave the Village the assurance that it was the last expansion they planned to do. Board members are concerned about loosing another residence to facilitate parking.

### **EMERGENCY PROCEDURE FOR VILLAGE PERSONNEL**

Trustees discussed putting a specific plan in place for emergency situations. It was suggested that there be one main information number for all of Pittsford. The phone at the Village Hall could then have a recording that includes the designated number for people to call in times of an emergency. On April 10<sup>th</sup> the Town is holding a meeting to discuss the recent ice storm and emergency procedures. Mr. Spencer will attend that meeting.

### **9/11 TRIBUTE**

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to designate this day, the second Tuesday in April of 2003, as a memorial to all those emergency personnel who lost their lives in the September 11, 2001 terrorist attack on the World Trade Center towers. (See minutes of 8/13/02)

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

### **PUBLIC HEARING – ADOPTION OF THE TENTATIVE BUDGET – FY 2003/04**

Trustee Brown read the legal notice aloud. A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to open the Public Hearing.

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

There being no public comments, a **motion** was **made by Mayor Corby, seconded by Trustee Brown** to close the Public Hearing.

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

A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to approve the Tentative Budget for fiscal year 2003/04 as written.

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

### **PUBLIC HEARING - PROPOSED LOCAL LAW #5 OF 2003: AMEND CHAPTER 164-29 AMOUNT SUBSECTION B (1) AND (2).**

Trustee Brown stated that the sewer rate increase was the second phase of bringing the sewer rates in line with other communities. The revenue generated from sewer rents helps provide funding to maintain the Village sewers.

A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to open the Public Hearing.

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

There being no public comments, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to close the Public Hearing.

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

A **motion** was made **by Trustee Brown, seconded by Trustee Farlow** to approve Local Law #5 to amend the sewer rates as written.

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

### **PUBLIC HEARING – PROPOSED LOCAL LAW #6 OF 2003: ADD CHAPTER 150, RECREATIONAL AND COMMERCIAL VEHICLES, PARKING AND STORAGE OF.**

Board members reviewed the latest draft of this proposed law and determined that changes from the last meeting were included. **Mr. Todd Craig, 22 East Jefferson Road** presented a document, including posters, comparing the RV laws from other communities in regards to size, location, and screening.

**Remegia Mitchell**, speaking on behalf of the Zoning Board, stated that the Zoning Board prefers to have no front yard storage at all. **Trustee Sherwood** said she also preferred to see no front yard storage. **Mayor Corby** thanked the Craigs and the Holahans for their patience during the past several months while the Board of Trustees worked with the Building Inspector to draft a fair and equitable law.

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A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to open the Public Hearing.

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

**Stephanie Craig, 22 East Jefferson Road** thanked the Board for their time and said that size, location and screening have been addressed. **Melissa Holahan, 38 Rand Place** said the proposed draft is livable and doable and will be good for the Village. Board members continued discussion about front yard storage as it pertains to existing circumstances and as it pertains to existing Village lots.

There being no further public comments, a **motion** was made by **Trustee Brown, seconded by Mayor Corby** to close the Public Hearing.

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

A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to approve Local Law #6 and adopt it as presented in the draft dated 3/17/03.

**Vote:** Corby – yes, \*Sherwood – no, Maddox – yes, Farlow – yes, Brown – yes. **Motion carried.**

\***Trustee Sherwood** stated she voted no because she does not wish to see any storage allowed in the front yard.

### **PUBLIC HEARING – PROPOSED LOCAL LAW #7 OF 2003 – AMEND OFFICIAL ZONING MAP TO INCLUDE PLUMB LANE IN THE B-4 WATERFRONT BUSINESS DISTRICT.**

Mayor Corby asked Remegia Mitchell, Planning/Zoning Board Chairperson, to tell the Trustees about the discussion her Board had on the issue of changing the zoning of this property. She said her Board discussed the total area that faces the canal vs. the small area that faces State Street. She said the Board determined that this property is not visible as street front property and should therefore be rezoned to B-4 Canal Waterfront Business District. The new zoning would allow for retail or business on Plumb Lane.

A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to open the Public Hearing.

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

There being no one present to speak for or against the adoption of this local law, a **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to close the Public Hearing.

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

A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to approve Local Law #7 and adopt it as presented.

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

### **DEL MONTE LODGE – 41 NORTH MAIN STREET – REQUEST TO EXTEND BUILDING PERMIT FOR CONNECTION BETWEEN RAILROAD BUILDINGS**

Mike Mercier, Vice President of Corporate Development told the Board that plans are still incomplete for the use of the connection between the railroad buildings. He said many possibilities have been explored and they hope to have a firm proposal within six months. Mayor Corby said that in terms of being consistent with other applicants making changes to historic buildings, more time has been given in this case. He asked for an assurance from Mr. Mercier. Mr. Mercier said he could not specify a time frame but stated that when a proposal does come forward, the Board would be pleased with the proposal. Mayor Corby said the link should either be historically compatible or it should be a completely different style. Currently, the link has many design issues and is not consistent with the standards of the Secretary of the Interior. Mayor Corby asked Mr. Mercier to return in six months with an update.

A **motion** was made by **Trustee Brown, seconded by Mayor Corby** to grant a six-month extension of the building permit for the connection between the railroad buildings at the Del Monte Lodge.

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

On another matter, Mayor Corby said there is a chain link fence along the canal that is on Village property and it is an eyesore from the canal side. The chain link fence did not go through the proper channels and was never approved by the APRB. Mr. Mercier said that liability is the primary concern and reason for the fence being in place. Mayor Corby suggested that a different type of fence be constructed with the approval of the APRB. Bollards would also be an option and would provide substantial security to prevent cars from driving into the canal. The Board would like to work with Mr. Del Monte to resolve this issue.

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### **IRA STONE, COAL TOWER RESTAURANT – SCHOEN PLACE PARKING CONCERNS**

Mr. Stone told the Board he is concerned about where the parking will be for patrons of the new restaurant, Simply Crepes, that was recently given a Special Use Permit. He stated that the Sam Patch would soon be docking at the canal and would also require parking. Mayor Corby said the new restaurant was approved because the Building Inspector said that the Code parking requirements for 22 spaces were met with existing parking. Mr. Stone said the extra parking that Mr. Collins put in was meant to be for employee parking and for the Coal Tower. He said the Board is creating a monster by allowing new restaurants. They are not doing anything to solve the parking problem. Mr. Bailey suggested that the Powers property might be shared for parking. Mr. Stone responded that there is no lighting and that patrons want a lighted parking area. He asked if there could be designated parking with signage placed by the Village. **Scott Likely, bike shop owner** said that there is currently no parking available at lunch or dinnertime and there will be no parking for the new restaurant patrons. He said that a large number of people use the towpath for recreational uses and consequently use parking meant for patrons of Schoen Place businesses. He said for that reason, the requirements specified by the Village Code are inadequate. **Carl Hopfinger, Red Barn Properties** cautioned the Board that because there is no parking in the immediate area of the new restaurant, there would be many “drop-off” customers who could cause a traffic hazard. He said adequate parking equals business development. He said the Village needs a suitable parking facility.

Mayor Corby acknowledged that there is a problem. He said that maybe someday the Village would be in a position to acquire land for parking. In the meantime, he asked the Building Inspector to update the list of businesses on Schoen Place, count the number of spaces available, and to obtain an accurate count of the required restaurant seating for each restaurant. He asked Mr. Bailey to have this report at the next meeting.

### **ERIC O’NEIL, CORN HILL NAVIGATION**

Mr. O’Neil said the Sam Patch would be returning to port on May 5<sup>th</sup>. He said Corn Hill Navigation has designated parking along a 150’ stretch that Mr. Collins leases from the RG&E. Mr. O’Neil said the parking is monitored and his employees make every attempt to direct patrons to the designated parking so they do not interfere with restaurant parkers. Mr. O’Neil posts signs with arrows indicating where his patrons should park. He will post laminated maps as well. He is willing to inquire about printing parking information on the Sam Patch brochure. Mayor Corby asked Mr. O’Neil to provide documentation of the lease agreement with the RG&E as well as a diagram and description of where the parking spaces are located. **A motion was made by Trustee Brown, seconded by Trustee Maddox** to approve the request for dockage of the Sam Patch in the Village of Pittsford for the 2003 boating season.

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

Trustee Farlow asked the business people in attendance how many parking spaces they thought they needed. Each replied with a number. Trustee Farlow suggested that he work with Mr. Bailey to draw up an informal survey for Schoen Place business owners to try to determine how many parking spaces are realistically needed during peak times. Admittedly, it will be difficult to make a determination on the recreational parkers. Board members were in favor of this survey so that they could have a basis on which to make decisions. Mayor Corby said the Village owes it to existing businesses not to create hardships.

Mr. O’Neil inquired about becoming a wedding official on the Sam Patch due to the large number of requests he receives each year to hold weddings aboard the Sam Patch. Under the New York State Consolidated Laws, Domestic Relations, Article 3, Section 10, 11-c, it states that the marriage officer must reside in the municipality by which they are appointed. Mr. O’Neil does not reside in the Village of Pittsford so could not, therefore, perform marriages. It was suggested that he look into Maritime law to see if he would qualify under that law.

### **BENCH PROGRAM UPDATE – LINDA LANPHEAR**

Ms. Lanphear asked the Board to make a decision on the style and material of the bench they would like. She presented the Board with a map that showed possible placement for the benches in about 13 sites in the downtown area and along the canal. DPW Superintendent will need to determine how the benches are secured.

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Mayor Corby asked Trustee Sherwood to be the Trustee delegate for the bench program. She suggested that a bench be ordered for Founders Day so it can be displayed.

**50-60 NORTH MAIN STREET EASEMENT – ATTORNEY OSBORN**

Attorney Osborn told the Board that the document has been reviewed, the language was approved by Mr. Bailey and the money has been paid to the Village. It is his recommendation that the document is adequate can be approved as written. A **motion** was made **by Mayor Corby, seconded by Trustee Maddox** to approve the change in the existing easement at 50-60 North Main Street as presented in the document titled *Modification of Easement Agreement* and dated March, 2003 in paragraph one.

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

**BURDETT PARKING LOT LEASE AGREEMENT**

Attorney Osborn asked the Board to review items #6 and #7 of the draft copy of the Amended Municipal Cooperation Agreement. Number 6 is in regard to shared expenses and number 7 includes new language designating the Town Finance Director as administrator of finances relating to the parking lot. Board members asked if a Permissive Referendum is needed to approve this lease. Attorney Osborn said he does not believe it is needed.

A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to approve the signing of the amended municipal cooperation agreement and the Burdett Parking Lot Lease conditional upon the need for a legal publication or Permissive Referendum.

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

**45 COURTENAY CIRCLE DRAINAGE EASEMENT**

Attorney Osborn explained that the homeowner at 45 Courtenay Circle is selling his home. Because a portion of the garage extends over a 15' Village drainage easement, the owner is asking for a partial release of the drainage easement, which is a requirement of the Title Company. The drainage easement is in place to facilitate access to a 30-foot pipe that services all of Courtenay Circle. Since the Village recently went through a similar issue at 50-60 North Main Street, Attorney Osborn suggested an agreement for 45 Courtenay Circle be drawn up using the same language, which will protect the Village's interest.

Trustee Farlow suggested that the Board stipulate that the homeowner pay all Attorney fees incurred by the Village. Board members agreed.

A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to approve a partial release of the current drainage easement for 45 Courtenay Circle with the assurances specified in the document prepared by Attorney Osborn and with the condition that the property owner reimburse the Village for all legal expenses incurred regarding this issue.

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

**EXECUTIVE SESSION**

A **motion** was made **by Mayor Corby, seconded by Trustee Maddox** to enter executive session to discuss a matter of possible litigation and to discuss a personnel issue.

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

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, Maddox – yes, Farlow – yes, Brown – yes. **Motion carried.**

No action was taken.

**LORY HEDGES – 25 NORTH MAIN STREET – FLOWER REIMBURSEMENT**

In a letter submitted by Ms. Hedges in July 2002, she stated the DPW crew destroyed her plants. She asked for \$100 restitution to replace her plants. The Board tabled the issue until the August 2002 meeting. At that time, Trustee Sherwood said she would donate a fence to protect the plants. No decision was made about the requested reimbursement. Therefore, this year, Ms. Hedges has asked for a decision. Trustee Brown

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said the Village should reimburse her for the plants because she maintains the gardens between the two properties. Mayor Corby will talk to her to determine areas of the garden that the crew should not attempt to maintain. Ms. Hedges' garden will be marked off with stakes and twine so that her plants cannot be mistakenly destroyed again. A **motion** was made **by Trustee Brown, seconded by Trustee Farlow** to reimburse Lory Hedges \$100.00 for plants that were mistakenly destroyed by the DPW crew.

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

**CANAL GRANT OF 1995**

Trustee Farlow said signage that was not completed as part of the 1995 Canal Improvement grant could be lumped into the Alesi grant. It would include a sign for the kiosk and one for the gas dock. Board members were in agreement.

**CANAL/RAILROAD TRESTLE ACCESS FOR FIRE DEPARTMENT**

Trustee Farlow asked if the towpath access to the railroad trestle from North Main Street could be included in the Alesi Canal Grant. After discussion, it was decided that Trustee Farlow would talk to the Fire Commission to see if they would be willing to partner with the Village and possibly Mr. Del Monte to cover the cost of the construction of towpath access to the railroad trestle from the North Main Street bridge. He will report back to the Board next month.

**MEETINGS REMINDER**

Mayor Corby reminded the Board of the Community meeting with representatives from the Town and School to be held on April 29<sup>th</sup>. He also reminded Board members about the Library Design Workshop to be held on Saturday, April 26<sup>th</sup>.

**ADJOURNMENT**

There being no further business, Mayor Corby adjourned the meeting at 11:00PM.

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Anne Z. Hartsig, Recording Secretary