

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE BOARD OF TRUSTEES**
December 9, 2003

PRESENT:

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

Mayor Corby called the meeting to order at 7 PM.

DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on **routine activities** and **completed projects** for the month. Board members complimented Mr. Spencer and the DPW crew on the holiday decorations. **Leaf pick-up:** The Village crew is on schedule with leaf pick-up. Mr. Spencer reported that he has been asked by the Town to help pick up their leaves. The time commitment would be approximately one week. The Board agreed that the Village crew should help out. **Sanitary sewer repair:** Mr. Spencer reported that an emergency sanitary sewer repair was needed near 21 Sutherland Street. Pittsford Excavating was hired to do the repair. The cost of the repair was \$1600. The problem was a broken pipe that ran from Sutherland High School to the connection in the Village right of way on Sutherland Street. Board members discussed the repair and determined that the cost should be covered by the school district since the broken pipe belonged to them. The Village Clerk will contact the school. **Storm sewer problem:** The storm sewer near the Pickle Factory is plugged up. Mr. Spencer would like to have a professional look at it to see if there would be a way to fix this ongoing problem. Trustee Farlow said he would review the original construction drawings for the project. The **speed bumps on Elm Street** have been removed for the winter. The spikes pulled up hunks of the road, which may cause potholes to develop. The Board discussed the **retaining wall** that was installed in Rand Creek on the Craig property, **22 East Jefferson Road**. While the intentions were good and the property has been improved, the boulders that were installed could eventually wash into the creek and cause a back up. Trustee Farlow suggested that photos should be taken for documentation purposes and that a letter should be sent from a professional engineer explaining why the Village maintains the creek, why the retaining wall poses a risk and why the Village shouldn't take that risk. Board members decided that the Building Inspector would work with the Village attorney to draft a maintenance agreement. Further, it was decided that the Building Inspector should work with the Village Attorney to draft an amendment to the Village Code regulating the construction of walls or other improvements affecting the creek or other water ways. **David Falk, Stonegate Lane**, called to ask about the status of two complaint letters he sent to Mayor Corby regarding driveway markers were removed from his driveway. Mr. Spencer stated that the Village crew did not remove the markers. It was decided that Mayor Corby would send a letter stating that the Village did not remove the markers but we will replace them none the less. Village workers won't install them on private property so Mr. Falk will have to install them. As a result of this issue, a discussion took place about plowing driveways on private roads. This discussion will be continued.

TREASURER'S REPORT – MARY MAROWSKI

The monthly abstract was reviewed. A **motion** was made by **Trustee Brown, seconded by Mayor Corby** to approve the following vouchers and charge them to the proper account.

General Fund Vouchers	#230,259-308:	\$76,961.77
Sewer Fund	#270, 291	<u>42.88</u>
Total		\$77,004.65

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

Village of Pittsford Board of Trustees Meeting of December 9, 2003

The Treasurer presented quotes for a computer viewing station for a GIS system. The Town is conducting a study regarding this issue. The study is expected to take a couple of months to complete. The Treasurer will ask for an extension on the quotes until the town study is completed.

Federal Emergency Relief Project Agreement

Resolution #10 of 2003: On a **motion** made by **Trustee Brown, seconded by Mayor Corby**, the following resolution was voted upon and carried:

WHEREAS, a project for the April 2003 Ice Storm (the Project) if eligible for funding under Title 23 U.S. Code, as amended, for Federal emergency relief that calls for the apportionment of the costs of such project to be borne at the ratio of 75% Federal Funds and 100% non-federal funds; and

WHEREAS, the Village of Pittsford, NY desires to advance the Project by making a commitment of 100% of the Federal and non-federal share of the costs thereof.

Now therefore, the Village Board, duly convened does hereby

RESOLVE that the Village Board hereby approves the Project; and it is hereby further

RESOLVED, that the Village Board hereby authorizes the Village of Pittsford to pay in the first instance 100% of the Federal and non-federal share of the cost of debris removal work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$11,267.37 is hereby appropriated from the State of NY and made available to cover the cost of participation in the Project, and it is further

RESOLVED, that in the event the full Federal and non-federal share costs of the project exceeds the amount appropriated above, the Village of Pittsford shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the State of NY thereof, and it is further

RESOLVED, that the Trustees of the Board of the Village of Pittsford be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Village of Pittsford within the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid-eligible Project costs and all Project costs within appropriations therefor that are not so eligible and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

Geare Fund Distribution: The Village Board agreed to donate \$200.00 to the Pittsford Food Cupboard using interest from the Geare Fund as they have done for the past two years.

Budget for Fiscal Year 2004/05

The Treasurer distributed a packet outlining a proposed procedure for developing the budget for fiscal year 2004/05. Included in the packet was a list of calendar deadlines required by NY State, a schedule for budget meetings beginning January 14, 2004 and a tentative agenda for each meeting. It is hoped that in advance of each meeting, Board members will review the agenda and prepare the requested information required to compile the budget so that the time allotted for these meetings will be used efficiently. Board members were asked to retain the budget packet for future reference at upcoming budget meetings.

BUILDING INSPECTOR'S REPORT – EDWARD BAILEY

Changes to the **driveway** and **fence regulations** were presented for discussion. A **motion** was made by **Trustee Maddox, seconded by Trustee Sherwood** to hold a public hearing at the January 13, 2004 meeting to amend the "Off-street parking" sections of the Zoning Code.

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

Regarding the **fence regulations**, the Board discussed height issues and pet enclosures. The Building Inspector will work on defining "pet enclosure" to present at the next meeting.

Mr. Bailey reported on the imminent opening of Great Northern Pizza Kitchen, the progress of the Talbot's addition, the outcome of the court hearing regarding Schoen Place Auto and the E. J. Del Monte Corp. plans for the old train depot space.

Village of Pittsford Board of Trustees Meeting of December 9, 2003

Mayor Corby inquired about the following: the maintenance procedure for the sign file (photos are filed by street address and new photos will be taken upon APRB approval), the plans for the dumpster file update (letters will be mailed to users of dumpsters), the Black Bear System (system has been installed, properties need to be put into the computer), enforcement of ZBA decision regarding storage of the RV (the Building Inspector will proceed with enforcement), the expansion of Breathe Yoga (permit is needed), fire inspections (places of public assembly have been inspected, businesses have not been inspected on a regular basis), and mechanical equipment at Simply Crepes (business owner is fabricating an enclosure at his own risk without APRB approval – noise may be coming from Coal Tower).

STORMWATER COALITION INTERMUNICIPAL AGREEMENT

Mr. Bailey has been attending the Monroe County Stormwater Coalition meetings. He presented the Board with a draft intermunicipal agreement that would provide the Village with a way to fulfill the legal requirements for storm water management activities such as DPW training. The cost to the Village would be \$2500 for 2004. Board members were concerned about the high cost of the membership fee in relation to the amount that towns are being charged. Attorney Osborn reviewed the document and stated that he had concerns about paragraph #9 because it does not state that a quorum should be present for any vote. He was also concerned about paragraph #13 and suggested that the coalition consider obtaining an insurance policy. He had concerns about the Village being required to hold harmless and indemnify another municipality. Mayor Corby will bring these issues to the table for discussion at the Mayor's meeting on December 15th.

CHAPTER 210-6 DISCUSSION

A provision in this chapter states that if changes are made causing non-conformance, the property owner must conform immediately unless an amortization schedule is set. As a result of the situation of car sales at Schoen Place Auto where there was no amortization schedule, Attorney Osborn asked the Board to consider any other current situations that are similar so that the process of setting up an amortization schedule could commence for that specific issue. Members could not think of any situations that could arise.

CITIZENS CAMPAIGN FOR THE ENVIRONMENT

The Village received notification of an annual home to home canvass from the Citizens Campaign for the Environment. The canvass will take place before June 1, 2004. A **motion** was made by **Trustee Maddox, seconded by Mayor Corby** to authorize the Village Clerk to sign the consent form that will allow the Citizens Campaign for the Environment to conduct their annual home to home canvass between now and June 1, 2004.

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

SCHOEN PLACE IMPROVEMENT PROJECT

Mayor Corby reported that he met with the Fire Chief, Bob Hanratty regarding the concerns that the Fire Department has about being informed of the project plans. Mayor Corby reviewed the plans with Chief Hanratty. Meetings will continue as the project progresses.

Mayor Corby told the Board that a public informational meeting was held on December 3rd regarding the project. It was well attended and the comments were generally favorable.

Attorney Osborn reported that the insurance issues with the Trowbridge & Wolf contract have been resolved. He said our insurance agent, Gary Wilkins, is still waiting to hear from State representatives for clarification of the phrase "cross liability coverage" on the contract with the State of New York for the grant. Attorney Osborn said both contracts can be signed when we receive the "ok" from Gary Wilkins.

BID FOR ADA HANDICAP ACCESS PROJECT

The Board discussed the bid list for the handicap access. All bids were higher than expected due to extras that were added such as heating the concrete ramp and automatic door openers into the office area. The Board deliberated the pros and cons of removing those extra items. Ultimately, the Board agreed that for safety, those items should not be removed from the contract.

Village of Pittsford Board of Trustees Meeting of December 9, 2003

Trustee Maddox received a letter from Richard Osgood, Bero Architecture. The letter said that Mr. Osgood reviewed all bid forms, certificates and bonding requirements and contacted three references. As a result, Mr. Osgood stated that he could find no reason not to enter into a contract with Crane Hogan, the lowest bidder. He suggested that because of the time of year, the Board might wish to amend the contract to allow more than sixty days to begin the project. Board members agreed. A **motion** was made **by Trustee Brown, seconded by Trustee Maddox** to approve the bid submitted from Crane-Hogan Structural Systems Inc. for the building of the handicap access at the Village Hall.

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

Attorney Osborn said that it would be wise to have Gary Wilkins review the contractor's insurance coverage.

RECORDS ADVISORY BOARD APPOINTMENTS

Information gained from the State Records Archives material indicates that it would be good policy to appoint a Records Advisory Board for the Village. It was decided that the Village Clerk, Treasurer and Remegia Mitchell, who has been doing the records inventory for the Village, would be appointed. A **motion** was made **by Trustee Brown, seconded by Mayor Corby** to appoint a Records Advisory Board for the Village of Pittsford consisting of the Village Clerk, Treasurer and Remegia Mitchell.

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

GRANT WRITING PROPOSAL

The Board of Trustees received a written proposal from Remegia Mitchell requesting that the Board consider hiring her to write the next records management grant for the Village and to implement that grant if it is awarded to us. She has taken a grant writing seminar and is knowledgeable of the records retention needs of the Village. In addition to writing the grant, she is willing to work as a part-time clerk for the Village while Joan Atwell is away during the winter. The Board reviewed the NYCOM Code of Ethics and found that there are no restrictions pertaining to the fact that Remegia is a member of the Planning and Zoning Board. A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to authorize Remegia Mitchell to write a grant for the next phase of our records management program and to implement that grant, should it be awarded. Her rate of pay shall be \$15.00 per hour.

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

APRB APPOINTMENT- JOHN LIMBECK

Mayor Corby told Board members that he and Blake Held had interviewed two people for an upcoming vacancy on the APRB. Both were strong candidates. Mayor Corby decided to appoint John Limbeck to fill the vacancy on the APRB that will occur when Blake Held resigns next month.

The Board of Trustees discussed adding an alternate board member to APRB and Planning and Zoning. This would help at times when there might not be a quorum available. The alternate would attend all of the meetings for information purposes but would act as a voting member only if a quorum of the board was not present. Attorney Osborn will look into the matter and advise the Board on how to proceed.

STAFF DEVELOPMENT MEETING – FINAL PLANS

There was a brief discussion about the staff development meeting to be held on Friday, December 12th. Final plans have been completed.

NEWSLETTER

Trustee Sherwood reported that the newsletter should arrive in Village mailboxes on December 12th.

EXECUTIVE SESSION

A **motion** was made **by Mayor Corby, seconded by Trustee Maddox** to enter executive session to discuss the employment history of certain individuals.

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

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

Village of Pittsford Board of Trustees Meeting of December 9, 2003

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

MINUTES

November 24, 2003: A motion was made by Trustee Maddox, seconded by Mayor Corby, to approve these minutes as amended.

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

TOWN COMMUNITY LIBRARY

A **motion** was made by **Trustee Brown, seconded by Mayor Corby** to waive the municipal rights of the Village on the Town Community Library project subject to conditions written by the Mayor and reviewed by the Board of Trustees. Comments recommended by the APRB and the Planning/Zoning Board will be forwarded to the Town.

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

Findings of Fact

In making this determination, the Board has reviewed the factors established by the New York Court of Appeals in the 1988 case of Matter of Monroe County v. City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702 and has reached the following findings:

1. The proposed land use is compatible with that of abutting properties and the surrounding area.
2. The reconstruction and enlargement of the community library represents expansion and enhancement of one of the Village's most important anchors. The continued presence of the library is a critical factor, which will contribute significantly to the future vitality of Pittsford's historic central business district.
3. Implementation of Village site plan review would delay the project.
4. The Town has presented plans to the Village Planning Board and Architectural and Preservation Review Board. Feedback from board members has been incorporated into the project design.
5. Outstanding issues with adjacent property owners have been resolved.
6. The project generally complies with village zoning requirements.
7. The increased parking area and improved access through the northeast quadrant of the business district provides a direct benefit to residents and businesses.
8. The project will replace two non-contributing buildings with a new building oriented and located in a more historically appropriate manner to State Street.
9. The project implements multiple recommendations from the Village's Comprehensive Plan including:
 - a. Connecting existing parking lots
 - b. Sharing parking.
 - c. Building new buildings with pedestrian entrances facing the public sidewalk.
 - d. Relating new construction to the historic context.
 - e. Facilitating pedestrian connections through the interior of parking areas and blocks.
 - f. Capitalizing on the Erie Canal as a natural and scenic asset.
 - g. Keeping existing anchors within the Village center.
 - h. Enhancing the vitality of the central business district.
 - i. Collaboration between the Town and the Village.
10. Alternative sites were considered.
11. The library is a heavily used facility, which benefits a large number of people within the community. The existing library facility is crowded and undersized.
12. The project will not affect sensitive environmental resources.
13. The project will not adversely affect critical scenic vistas.
14. The appearance of the south canal bank will be improved over its current condition.
15. To continue dialog as the project design is refined and to resolve minor aesthetic, planning and architectural issues, the Town and Village have agreed to convene a special joint committee including one representative from the Village Board of Trustees, the Architectural and Preservation Review Board, the Planning Board/Zoning Board of Appeals and the Comprehensive Plan Implementation Task Force.

The waiving of regulations is limited to those parts of this project required for the Town of Pittsford's Library project which have been documented in drawings submitted to the Village. Changes to the

Village of Pittsford Board of Trustees Meeting of December 9, 2003

Canandaigua National Bank, Montana Mills and/or future changes/development to 10 North Main Street are not included in the waiver.

The Village Board of Trustees commends the Town of Pittsford on the development of a thoughtfully designed and well-considered project. We also would like to thank the Town for considering Village concerns and reflecting them in the project's design.

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 10: 15 PM.

Anne Z. Hartsig, Recording Secretary