

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE BOARD OF TRUSTEES**
February 10, 2004

PRESENT:

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

Trustee Maddox called the meeting to order at 7 PM.

DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on **routine activities** and **completed projects**. **Concerns** were then reviewed. The mirror requested by resident Peter Cowgill has not been installed on **Stonegate Lane** at this time. Trustee Maddox will contact Mr. Cowgill to inform him that the residents will have to pay for the mirror. The DPW will help with the installation of the mirror. Mr. Spencer presented a sample of a “gadget” that could be installed on the **Village Hall roof** to prevent the snow from sliding off. The amount of snow building up on the roof this winter has caused a dangerous situation. These “gadgets” in conjunction with the heat tape will take care of the problem. The Board decided that the “gadgets” would only need to be applied in locations above places where pedestrians would be walking. Trustee Farlow complimented Mr. Spencer and the crew on the excellent job that has been done this winter regarding **snow and ice removal**. He said both Supervisor Carpenter and Mayor Corby were pleased with the way the business district has been maintained. Trustee Farlow asked about the use of salt on Village sidewalks. Trustee Maddox replied that the Board decided at the January meeting to use a sensible salting plan, salting only ramps, slopes, and hills. He said when and how much to salt is a difficult judgment call for the Superintendent to make.

TREASURER’S REPORT – MARY MAROWSKI

The monthly abstract was reviewed. Trustee Brown questioned the voucher for payment to Trowbridge and Wolf. Before authorizing payment of this voucher, he asked to review the contract to see an itemized list of proposed expenses. This voucher will be discussed again at the budget meeting on Feb. 11th. With the exception of voucher #404, a **motion** was made by **Trustee Brown, seconded by Trustee Sherwood** to approve the following vouchers and charge them to the proper account.

General Fund Vouchers	#336-403 & #405-412	\$17,942.02
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Vote: Brown – yes, Sherwood – yes, Maddox – yes, Farlow – yes. **Motion Carried.**

Ms. Marowski informed the Board that the 2003 ice storm FEMA/SEMO resolution (Resolution #10 of 2003) adopted in December should be amended as follows in order for the Village to receive reimbursement for clean-up work on State roads within the Village:

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 **100%** Federal Funds and **0%** 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

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RESOLVED, that the sum of \$11,267.37 is hereby appropriated from the **Village of Pittsford General Fund** 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 **Village of Pittsford Superintendent of Public Works** thereof, and it is further

RESOLVED, that the **Mayor** 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.

A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to adopt the changes to Resolution #10 of 2003 as presented by the Treasurer.

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

Board members discussed the Schoen Place Improvement project. The Village has not yet received the promised grant funds. Trustee Brown said if funds have not been received by the bid opening date, (2/19/04), the Village may have to delay the project. It was pointed out that some work would need to be completed before the canal is filled. This issue will be discussed further at the budget meeting on 2/11/04.

BUILDING INSPECTOR'S REPORT – EDWARD BAILEY

The Building Inspector presented a written report that was reviewed by the Board of Trustees. One concern that was discussed was the 6x6 fence posts that have been installed on the corner at 17 Eastview Terrace, which is on the corner of Jefferson Road. Mr. Spencer stated that the fence, once it is built, would be very close to the sidewalk, which could cause problems for the sidewalk plow.

Trustee Sherwood said her list of code enforcement concerns had not changed from the list she presented in January.

MINUTES

January 13, 2004: A **motion** was made by **Trustee Brown, seconded by Trustee Maddox** to approve these minutes as written.

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

January 14, 2004: A **motion** was made by **Trustee Maddox, seconded by Trustee Brown** to approve these minutes as written.

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

NON-MUNICIPAL USE PERMIT – PITTSFORD LITTLE LEAGUE ANNUAL PARADE

A letter was received from the Pittsford Little League requesting a non-municipal use permit to hold their annual parade on Saturday, May 1, 2004 at 11:30 AM. A **motion** was made by **Trustee Brown, seconded by Trustee Maddox** to approve this request from the Pittsford Little League for a non-municipal use permit to hold the annual Little League Parade on Village streets on May 1, 2004.

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

POLICY FOR RAND CREEK-ATTORNEY OSBORN

Attorney Osborn reported that section 4 - 412 of the New York State Village Law allows the Village to establish a statute that would help the Village control flooding and erosion along Rand Creek, an issue that is not currently addressed in our Code. He said he has an example from Lake George, NY that defines a fifty-foot stream conservation buffer. Representatives at NYCOM advised Mr. Osborn to have the Village

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work with the DEC on this issue. Mr. Osborn said that Mr. Bailey agreed to contact a representative at the DEC to discuss this issue.

Mr. Osborn said Monroe County Stormwater Coalition is developing a policy for storm water management. Once this policy is in place, the Village can cite this policy in our Code since we don't have a local law addressing this issue. He said it might require a survey. Mr. Osborn said that he would continue consultations with Mr. Bailey as Mr. Bailey works with the Coalition on this issue.

CDBG GRANT SUBMISSION

The Board discussed the submission of the CDBG application to Monroe County by Stuart Brown Associates on behalf of the Village to request funding to proceed with Phase II (restroom facility) of the handicap access project for the Village Hall. As a result of the discussion, Resolution #3 of 2004 was passed: **BE IT RESOLVED** on a **motion** made by **Trustee Brown, seconded by Trustee Maddox**, that the Village of Pittsford agrees to provide \$10,000 in local funds to complete the physical improvements for a handicapped accessible restroom facility if the request for CDBG funding is awarded by Monroe County. **Vote:** Maddox – yes, Farlow – yes, Sherwood – yes, Brown – yes. **Motion carried.**

DISCUSSION – TRAFFIC CONDITIONS ON RAND PLACE – SEAN ADAMS

Mr. Adams expressed concern about the one lane of traffic on Rand Place during the morning hours that school buses and parents unload St. Louis School children. He told the Board it is a safety issue. He said part of the problem this winter has been due to the snow banks piled on the shoulder. Since his call to the Village Office, Mr. Adams spoke to officials at the school. School parents have been asked not to park on Rand Place between 8:30 AM and 9 AM to help ease this traffic problem and the banks of snow have been plowed to allow vehicles to park on the shoulder of the road. Mr. Adams said that the issue has been resolved for the time being but suggested that a sheriff's deputy drive by periodically to protect the children and prevent the dangerous situation from happening again. He thanked the Board for their time.

PROPOSED LOCAL LAW #2 OF 2004 - PUBLIC HEARING

This proposed local law amends the Village Code by increasing the amount of taxation exemption for senior citizens. Board members discussed the proposed law. The amendment reads as follows:

Chapter 184 -18 TAXATION, Amount of exemption.

The partial village real property tax exemption shall apply to the owner or owners of real property 65 years of age or older and having an annual income, individual or combined, in accordance with the following schedule:

Combined Annual Income of Owners	Percent of Assessed Valuation Exempt From Taxation
\$24,000 or less	50%
\$24,000.00 or more but less than \$25,000.00	45%
\$25,000.00 or more but less than \$26,000.00	40%
\$26,000.00 or more but less than \$27,000.00	35%
\$27,000.00 or more but less than \$27,900.00	30%
\$27,900.00 or more but less than \$28,800.00	25%
\$28,800.00 or more but less than \$29,700.00	20%
\$29,700.00 or more but less than \$30,600.00	15%
\$30,600.00 or more but less than \$31,500.00	10%
\$31,500.00 or more but less than \$32,400.00	5%
\$32,400.00 or more	0%

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

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

There being no further discussion and no one to speak for or against this proposed local law, a **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to close the Public Hearing.

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

A **motion** was made **by Trustee Farlow, seconded by Trustee Sherwood** to adopt proposed Local Law #2 of 2004 as written.

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

PROPOSED LOCAL LAW #3 OF 2004 - PUBLIC HEARING

This proposed local law amends the Village Code by increasing the amount of taxation exemption for persons with disabilities. Board members discussed the proposed law. The amendment reads as follows:

184-30. Amount of exemption.

No exemption shall be granted if the income of the owner, or the combined income of the owners of the property, for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$24,000.00 except that if the after said income is more than \$24,000.00, then such real property shall be exempt to the extent provided in the following schedule:

Combined Annual Income of Owners	Percent of Assessed Valuation Exempt From Taxation
\$24,000 or less	50%
\$24,000.00 or more but less than \$25,000.00	45%
\$25,000.00 or more but less than \$26,000.00	40%
\$26,000.00 or more but less than \$27,000.00	35%
\$27,000.00 or more but less than \$27,900.00	30%
\$27,900.00 or more but less than \$28,800.00	25%
\$28,800.00 or more but less than \$29,700.00	20%
\$29,700.00 or more but less than \$30,600.00	15%
\$30,600.00 or more but less than \$31,500.00	10%
\$31,500.00 or more but less than \$32,400.00	5%
\$32,400.00 or more	0%

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

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

There being no further discussion and no one to speak for or against this proposed local law, a **motion** was made **by Trustee Brown, seconded by Trustee Farlow** to close the Public Hearing.

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

A **motion** was made **by Trustee Maddox, seconded by Trustee Brown** to adopt proposed Local Law #3 of 2004 as written.

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

PROPOSED LOCAL LAW #4 OF 2004 - PUBLIC HEARING – AMEND CHAPTER 98, FENCES, HEDGES AND STRUCTURES.

Board members discussed the proposed law. The amendment reads as follows:

Add to Chapter 98-1

E. Only standard materials may be used for the construction of a fence, such as chain link; wrought iron; wood boards, pickets, split rails, and stockade; or brick or decorative masonry. Barbed wire and electrified fences may only be erected for agricultural use. No fence may be erected having any feature intended to cause injury.

F. In all districts, except as otherwise provided in this chapter, fences exceeding four feet in height constructed of materials other than wood must be approved by the Zoning Board of Appeals as a Special Exception Use, pursuant to Chapter 210-114B(2) of the Code of the Village of Pittsford. In reviewing such applications, the Zoning Board of Appeals shall consider the following factors:

- (1) The visibility of the fence from neighboring properties.

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(2) The compatibility of the fence with the general visual character of the surrounding area.

G. Agricultural fences are exempt from all approval and permit requirements.

H. An enclosure of up to 200 square feet in area and up to 6 feet in height, intended to be used as a pet run, may be constructed of standard wood fencing materials or chain link. Such enclosure shall not be constructed in a front yard, or within the required side or rear setback for the district, and shall be screened when visible from abutting properties or the public right of way.

The Legal Notice was read aloud by the Village Clerk. A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to open the Public Hearing.

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

David Lent, 2 Village Grove: Mr. Lent stated he was pleased to see this proposed local law since he has been the recipient of the affects of a six-foot high chain link fence that has been installed very close to his home. He said that the installation of that fence has diminished the value of his property. He asked for some clarification of section F. (1) of the proposed law. Mr. Lent said regarding the fact that the ZBA would have discretion in matters of visibility and compatibility, it is his opinion that the language as written is not strong enough.

Mr. Lent stated that the Board has the responsibility to protect the citizens of the Village. He is opposed to chain link fence because it has an industrial look. He said screening should be required and there should be required setbacks from other properties.

Trustee Maddox said he likes the portion of the proposed law that gives the Zoning Board discretion. He said the board would have to balance the rights of the homeowner with the rights of the neighbors.

Trustee Sherwood has concerns about chain link as a fencing material. Board members said that the APRB would determine whether it is an appropriate material for each individual circumstance.

Lois Lent, 2 Village Grove: Ms. Lent stated she takes issue with the Village Code in that consideration is not given for those who view an APRB project 365 days per year but rather, only whether the project can be seen from a public way. In her opinion, this gives more consideration to people who drive by a proposed project than it gives to neighbors who must live with the results of a proposed project.

Ms. Lent stated that the Code should be updated regarding the number of dogs allowed on a property. It currently states that four dogs are allowed. The Code does not address what breed of dogs are allowed and it should be specific in her opinion. Board members said this issue is in another section of the Code and does not pertain to this fence code amendment.

Donald Anderson, 1 Village Grove: Mr. Anderson said he applauds the Village Board for taking action on this. He said the Village mishandled the issue of the six-foot chain link fence that was installed on East Jefferson Road. Therefore, neighbors are skeptical. He recommends strong wording be included in this proposed local law to avoid pressures being placed on the Zoning Board of Appeals.

Trustee Brown said that this proposed law as written needs more examination and in his opinion, should include setbacks as well as stronger wording. Trustee Maddox announced that the Public Hearing would remain open and will be discussed again at the March 9th Board of Trustees meeting.

PUBLIC HEARING FROM 11/12/03 – WAIVING MUNICIPAL RIGHTS FOR COMMUNITY LIBRARY

A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to renew the motion made on December 9, 2003 to waive the municipal rights of the Village on the Town Community Library project. 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 vs., City of Rochester, 72 NY 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.

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

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

A **motion** was made by **Trustee Brown**, seconded by **Trustee Farlow** to close this Public Hearing.

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

RETAINING WALL – MESSNER CARPETING

Building Inspector Skip Bailey received a letter from business owner Peter Messner regarding the deteriorating condition of the retaining wall behind his building. He believes the damage is being caused by the poor drainage from the municipal (Burdett) parking lot. After reviewing the parking lot lease, the Board noted that the retaining wall is not addressed in the lease agreement. Mr. Bailey provided a survey map that indicates that the retaining wall is on the Messner Property. The Board determined that more discussion is needed regarding the drainage in the Burdett lot. No action was taken.

TRANSITIONAL DUTY POLICY STATEMENT

As suggested by PERMA, the Village's Workers Compensation Insurance carrier, a Transitional Duty Policy statement was written and reviewed by the Board of Trustees. This policy will enable temporarily

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disabled employees to be reassigned to a suitable task for full pay, within the capacities described by the employee's physician. A **motion** was made by **Trustee Maddox, seconded by Trustee Brown** to adopt the Transitional Duty Policy as written and to have it become effective immediately.

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

ALTERNATE MEMBER FOR P/Z BOARD AND APRB

The Board of Trustees continued the discussion from last month regarding the appointment of an alternate board member for the Planning/Zoning Board and the APRB. The Board will ask the Building Inspector to draft a proposed local law to allow for an alternate member on these two boards using the information supplied by Attorney Osborn.

PROPOSED COST FOR PHASE II ADA PROJECT – BERO ARCHITECTURE

The Board reviewed the drawings and cost estimate submitted by Bero Architecture for the handicapped accessible restroom and the lowering of the front counter which are parts of Phase II of the ADA improvements for the Village Hall. Board members discussed the plans for the proposed kitchen area in particular. As noted on the cover letter from Richard Osgood, this estimate includes only ADA improvement work items and does not include items that are impacted by the new bathroom placement.

NEWPORT ALLIANCE AGREEMENT

The agreement with Newport Alliance, the administrator for drug and alcohol testing for the Village, is up for renewal. The Board reviewed the contract and discussed the past service from Newport Alliance. A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to authorize Mayor Corby to sign the one-year renewal agreement with Newport Alliance for the administration of alcohol and drug testing of Village employees.

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

DISCUSSION REGARDING PRIVATE DRIVES IN THE VILLAGE

The Board discussed the issue of providing services to residents on private roads in the Village. Historically, the Village DPW has provided snowplowing and leaf pick-up on roads such as Stonegate Lane. NYCOM has stated that this is not good practice. Attorney Osborn said this is a sensitive issue and a legally complicated one. Private road residents do pay Village taxes and want services for their tax dollars. He also said that there is a question about the definition of a private road when taking into consideration the fact that the Village has provided services for so many years. Further research and discussion is needed before any decision should be made.

ADJOURNMENT

There being no further business, Trustee Maddox adjourned the meeting at 9:05 PM.

Anne Z. Hartsig, Recording Secretary