

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE BOARD OF TRUSTEES**

March 9, 2004

PRESENT:

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

Mayor Corby called the meeting to order at 7 PM.

PERMA PRESENTATION – MARIELLA SHEELY, PERMA REPRESENTATIVE

Ms. Sheely explained the history of the PERMA organization as a municipal workers compensation insurer. She listed some issues for the Board to investigate if they consider joining the proposed Monroe County coalition that is being formed. She reminded the Board that PERMA charges each municipality based only on their own payroll job codes and on the losses from their own Village. If the Village joined the coalition, we would be charged based on the other members losses as well as our own. She said PERMA has reserves for the future and has unlimited coverage. The limit of coverage for the proposed plan is unknown at this time. PERMA has an established and effective loss control program that assists from the time of injury until the worker returns to work. Ms. Sheely presented a list of issues for the Board to consider before making a decision on whether or not to join the coalition. Gary Wilkins, our Village insurance agent, also attended the meeting. He suggested that the Village explore all of the options closely and have the Village Attorney carefully review all of the paperwork for any new policy that the Village may be considering.

TREASURER’S REPORT – MARY MAROWSKI

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

General Fund Vouchers	#372, #386, & #413-452	\$39,464.07
Sewer Fund Vouchers	#423	<u>\$ 166.67</u>
	TOTAL	\$39,630.74

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

Ms. Marowski requested permission for the Clerk, the Superintendent of Public Works and herself to attend the Annual PERMA Members Meeting in May for a cost of \$392.46. A **motion** was made by **Mayor Corby, seconded by Trustee Farlow** to approve the attendance of Mary Marowski, Scott Spencer and Anne Hartsig at the Annual PERMA Members Meeting for a total conference cost of \$392.46 three people.

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

The Board approved rolling over the General Repair Reserve CD for 1.5% for eight months.

Ms. Marowski reminded Board members that the next two budget meetings would be held on 3/17 and 3/24 from 6:30 to 9:30 PM.

BUILDING INSPECTOR’S REPORT – SKIP BAILEY

Mr. Bailey reported the following: an illegal **fence** installation at **17 Eastview Terrace**, the relocation of the **ATM at CNB** and a small addition and canopy to accommodate the new community library, an expected proposal from a local Boy Scout to complete a **photographic survey** of the Village properties, the pre-construction meeting for the **Schoen Place project**, the **RV on Rand Place** (the Board asked Mr. Bailey to continue to monitor that situation), and forthcoming changes for the **Sunoco Station** from a gas station to service and car sales only.

Other items of discussion included **Jojo’s**. Mayor Corby instructed Mr. Bailey to give a reasonable deadline to the applicant. If there is no compliance, the Board will discuss revocation of the Special Permit. **Schoen Place Auto** must have no more than 10 cars after June 2005. They are currently allowed to have 15 cars for sale. **Great Northern Pizza** will present a more sensible sign proposal. They are also working on a proposal for screening of their mechanical equipment. Screening for the dumpster will be completed in the spring. A lighting plan was approved by both the APRB and the Planning Board and will be installed in the spring. Mr. Bailey will send a second letter regarding the illegal neon sign. Owners of **Soho Salon** ignored the violation letter that Mr. Bailey sent to them regarding a vinyl banner that has been displayed. An Appearance Ticket for court would be the next step in the enforcement process. A discussion regarding enforcement resulted. Board members agreed that enforcement should take place immediately when a violation occurs in order to uphold the Code. In addition, if violations are not enforced, more and more violations occur. Trustee Farlow suggested that a documented verbal warning should be the first step followed by a written notice of violation. Mr. Bailey stated that there are no records of phone conversations or verbal warnings. That is his reason for writing letters. Mayor Corby said letters

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containing a polite reminder should be mailed as a first step. He instructed the Building Inspector to prioritize the current violations and send out letters in batches.

DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on **Routine Activities** and **Work in Progress** for the month. Other items that were discussed were as follows. The street light in front of Starbucks that was knocked over will be reinstalled. Four members of the DPW attended a CPR/First Aid course presented by the Fire Department. Trustee Sherwood suggested a meeting with the Superintendent to discuss the placement of the benches in the business district. Quotes for entrance sign lighting have not been received. Mayor Corby will pursue this with Owen McIntee from Livingston Lighting. Mayor Corby and the Superintendent will walk around the Village to determine which trees need to be replaced and which locations need newly planted trees. Flower baskets will be lowered about one foot this year to protect the lamps on the light poles.

PUBLIC HEARING – PORT OF CHOCOLATE – 10 SCHOEN PLACE – SPECIAL PERMIT

Shannon Bradley, owner, explained the plans for her business. The owners would like to change the name of their business to “Bradley’s on the Canal”. They intend to sell hot dogs, corn dogs, ice cream and similar items through a pass-through that will utilize an existing window and will not be permanent. It will be taken in and put out daily. Service directly to the Canal Path would alleviate congestion inside the building. If there is a pass through window, there will be room for two tables with two chairs per table outside. The Board told Ms. Bradley that the owners would be responsible for emptying the Village trash receptacles that tend to overflow due to the nature of the business. Ms. Bradley said she currently takes the trash home but would look into sharing a dumpster with another merchant if she could no longer manage to take the garbage home. Ms. Bradley said she is waiting for quotes for the cost of an installed ventilation system. She was told this equipment would need to be screened on the outside and approved by the APRB. She was also told that a grease trap must conform to the health code. Trustee Sherwood expressed concerns about signage violations including A-frames and vinyl banners. Trustee Farlow told Ms. Bradley about the problems the Village has encountered due to the feeding of the ducks. Ms. Bradley said she was not planning to sell duck food.

The following Legal Notice was published in the Brighton-Pittsford Post on February 18, 2003: *Please take notice that a public hearing will be held before the Village of Pittsford Board of Trustees at the Village Hall, 21 North Main Street, Pittsford, New York, on Tuesday, March 9, 2004 at 8:00 P.M. to consider an application made by Kevin and Shannon Bradley, lessees, of 10 Schoen Place, Pittsford, NY, for a Special Permit to allow a change in ownership of an ice cream shop at said location pursuant to Chapter 210-74 Special permit uses in B-1, B-1A, B-2, B-4 and M-1 Districts of the Code of the Village of Pittsford.*

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.** There being no one present to speak for or against this application and nothing written having been received, 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.**

SEQR: A **motion** was made by **Mayor Corby, seconded by Trustee Farlow** to declare this application 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 Farlow** to approve a Special Use Permit for the Port of Chocolate, soon to be known as “Bradley’s on the Canal” 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 two tables and 4 chairs 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
 - 3. the pass through will use an existing window, will not be permanent and will be moved in and out daily
 - 4. Duck food will not be sold in this establishment.
- e. the 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 won’t be overflowing during business hours
- f. the proposed use will not be an 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 nearby residents and businesses

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

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

This Public Hearing was left open from the February meeting. Board members discussed requiring setbacks. The Building Inspector pointed out that set backs cannot be required because of the “taking” rule. In addition, set backs create alleys. Mr. Bailey also pointed out that plantings could not be mandatory because if the fence were on the property line, plantings would have to be installed on property belonging to someone else.

This Public Hearing was left open so that the PZBA could review it at their next meeting.

NON-MUNICIPAL USE PERMIT REQUEST – CORN HILL NAVIGATION – ERIC O’NEIL

Eric O’Neil requested a non-municipal use permit to dock the *Sam Patch* at the Village dock for the boating season. He stated there would not be any changes in the operation for this season and that he has a lease with RG&E for parking. **Ira Stone, owner of the Coal Tower** said that when the boat is docked in the Village, the parking problem escalates. He said there is no monitoring of the parking situation. He said that the Village is not considering that the owners of the buildings on Schoen Place pay taxes and have a right for their patrons to find parking places. Corn Hill Navigation does not pay taxes and does not pay a fee to dock here. Mr. Stone said that is not fair and everyone loses. He said that congestion would be greater this year because of the building of the Schoen Place improvement project. He said in his opinion, improved parking should have been addressed before the park-like area was expanded. There will not be room for vehicle parking. He asked if the master count of parking spaces that was promised last year was ever completed. Mr. Bailey said the Village has a site plan with parking counts listed on it. Former Building Inspector, Robert Ramsdell compiled this count. This site plan does not include the additional parking to the west. **Scott Likely, owner of Towpath Bike Shop** told the Board of Trustees that the same conversation took place a year ago and the Village had not done anything to alleviate the parking problem. **Mr. Stone** stated that Village officials said they would “look into” the problem last year. He asked what “look into” means and what time frame was intended when the statement was made. Both he and Mr. Likely do not feel an effort was made to find a solution.

Mayor Corby said that options should be discussed. He mentioned the possibility of acquiring or leasing a portion of the RG&E right of way. He cautioned that the Village would need to obtain an easement through private property to access RG&E lands. Other options might be to dock the boat on the other side of the canal, but that would require permission from the Town. Another option would be to dock the boat at the Village DPW. The dock at the DPW would need to be bigger but Attorney Osborn said that there are no legal issues that would prevent having the boat dock there. Mayor Corby told the Board that a donated canoe dock could be moved to the DPW to encourage recreational usage from that location. Recreational users could park at the DPW, which might possibly help ease the parking problem. Mayor Corby said a portion of the Powers land was left out of the green print for possible use as a farm market, parking and public access to green print lands. He suggested approaching Mr. Powers to explore whether or not he might be willing to lease the land for parking.

Mayor Corby said that the Board would continue discussions on this issue before making a decision on the non-municipal use permit. He said this issue requires the cooperation of all the business owners. Trustee Farlow will attempt to contact Debbie Wegman at the RG&E as soon as possible to explore the idea of leasing a portion of the right of way. Trustee Maddox stated that this is a complex issue. He said the Village is not able to solve every problem even though they would like to help. He stated that the private business owners need to work together with the Village to help find a solution.

MONROE COUNTY COOPERATIVE ENERGY PROCUREMENT PROGRAM RENEWAL

The Board discussed the financial savings benefit gained from being a member of the Monroe County Cooperative Energy Procurement Program. They decided to renew the Village membership in this program for the period from 4/1/04 through 3/31/05. A **motion** was made **by Trustee Maddox, seconded by Trustee Sherwood** to renew Village participation in the Monroe County Energy Procurement Program from 4/1/04 through 3/31/05.

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

DISCUSSION: LOWER SPEED LIMITS ON VILLAGE STREETS

Trustee Maddox asked the Building Inspector to investigate a Village wide lowering of the speed limit to below 25mph. Mr. Bailey found that Villages could not do a Village-wide lowering of speed limits. Villages can require a 25-mph speed limit on selected streets where such a speed limit can be justified. This might pertain to school streets or very narrow streets. Board members agreed that a traffic calming study might help.

DISCUSSION: TRAFFIC CALMING/COMPREHENSIVE PLAN

The Board discussed sending out a Request for Proposal for a traffic calming study. Mayor Corby drafted a RFP for review and said we should send out three RFP’s. It was suggested that they be sent to Paul Benway at Sear-Brown as well as to a firm in Buffalo and one in Syracuse. He will provide the names of other firms to the Clerk. Trustee Maddox suggested that a two-week time frame be placed for returning the proposal to the Village. He would also like to see a public awareness campaign. After the proposals are returned to the Village, Trustees Sherwood and Farlow will review them and report to the Board.

ADA PHASE II – BERO CONTRACT

Trustee Maddox signed the Bero contract to implement Phase II of the ADA project with the understanding that no work will commence until it is known if a grant was awarded to the Village for this next phase.

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After discussion, the Board requested that Trustee Maddox contact Richard Osgood at Bero Associates to ask him to proceed with the measured drawings for design purposes portion of the contract.

ALTERNATE MEMBERS FOR APRB AND PZBA – SKIP BAILEY

Mr. Bailey presented a draft taken from a model that other communities have adopted that would allow for an alternate board member for the APRB and the PZBA. After discussing the benefits of having such a position, Trustees decided that the alternate member would attend all meetings but would not vote. There would be a small compensation for this position. A **motion was made by Trustee Farlow, seconded by Trustee Sherwood** to hold a Public Hearing at the April meeting to discuss adopting a local law that would allow for the addition of an alternate member of the APRB and the PZBA.

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

CANOE DOCK INFORMATION

Mayor Corby informed the Board that Dr. Fiens has offered to donate the canoe dock that was formerly used by the crew team to the Village for use at the DPW. Mayor Corby said the canoe dock could be installed next to the new dock that will be in place as part of the pump-out station. The Village will have to move the dock to its new location.

UPDATE ON SCHOEN PLACE IMPROVEMENT PROJECT AND THE PRE-CONSTRUCTION MEETING

The pre-construction meeting was held on March 3rd. Skip Bailey attended that meeting. Crane-Hogan is ready to begin actual construction. Attorney Osborn reviewed the contract documents. Gary Wilkins reviewed insurance certificate issues. The Building Inspector will insure that all certificates are in place prior to construction. The Board concurred that Mayor Corby should sign the Crane-Hogan contract even though some of the funding issues for this project still need to be finalized. The Clerk will contact Stu Brown for assistance regarding the grant from Senator Alessi's office.

MONOCO OIL

Mayor Corby summarized his conversation regarding the future of the Monoco property with Town Supervisor Bill Carpenter and Town Board Member Karen Green. The discussion included the following issues:

1. The Village Board of Trustees, Planning Board, APRB, and CPITF, feel that an intensive commercial use on the site will be detrimental to:
 - a. residential quality of life of Sutherland and Monroe Avenue residents,
 - b. the economic health of the Village's central business district,
 - c. traffic safety on Monroe Avenue due to the presence of the railroad crossing, the canal bridge and the existing high traffic volume,
 - d. the visual character of the western gateway in to the Village's National Register District and locally designated historic district.
2. The Village would like to rezone the area and would like to know if the Town would like to do this cooperatively.
3. The Town is not interested in rezoning the area at this time because they feel negotiating with prospective developers is a more effective tool.

DISCUSSION – MESSNER WALL – CONTINUED

Board members continued a discussion regarding the retaining wall on the east and south side of the Messner property at 19 Monroe Avenue. They agreed that the retaining wall is located on the Messner property and that there is a drainage problem in the Burdett lot. In the review of the Municipal Cooperation Agreement that was signed in December of 2003 between the Village, Town and the Burdett family, the Board determined that the town is responsible for keeping the pavement in good repair during the term of the lease and the Village is responsible for cleaning, parking enforcement and the maintenance of the fences on the perimeter of the lot. Board members agreed that the Village would offer assistance to the Town when the repairs to fix the drainage issues are undertaken. Mayor Corby will answer Mr. Messner's letter.

UNITED WAY CHALLENGE

There will be a bowling party on April 23rd at 3 PM at Clover Lanes. The Town invited Village employees to join with them in a challenge against the Town of Perinton and Village of Fairport. Proceeds would go to United Way. The cost is \$15 per participant and will include pizza and a soft drink. The Trustees decided that Village employees may leave early that day to participate in the challenge. Mayor Corby said this would be a voluntary participation.

BUILDING DEMOLITION PERMIT PROCEDURES

Mayor Corby said that the Town has responded to comments received from SHPO and has made favorable changes to the community library plans regarding scale, height, façade, garden wall, screening and the view from North Main Street. He will be traveling to Albany on March 16th with Supervisor Carpenter to meet with Rick Lord from SHPO for further discussions.

The Board discussed the relocation versus demolition of the small house located behind Montana Mills. Mayor Corby pointed out that the house had been previously moved to its current location and that alterations have been made to it in the past, which prevent SHPO from declaring it an historic house.

Remegia Mitchell, Chairperson of the Zoning Board expressed the concerns of the Zoning Board members who relinquished zoning rights for this project with the understanding that they would have some input into this project. To date, this has not happened. In addition, Ms. Mitchell pointed out that the SEQR form

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received by her Board indicated that the building in question would be relocated. When the issue was presented publicly, the wording had changed from “relocated” to “potential relocation”. When submitted to SHPO the wording was changed again to “relocated or razed”.

Mayor Corby stated that the Village has supported this project in the spirit of mutual cooperation.

DEMOLITION OF 26 STATE STREET – RESOLUTION #5 OF 2004

Board Members discussed the demolition of 26 State Street in order to facilitate the Community Library Project. A **motion** was offered by **Trustee Farlow, seconded by Mayor Corby** to adopt **Resolution #5 of 2004** as follows:

Be it resolved that because the Village has agreed to waive the approval of municipal regulations for the library project, the Village Board of Trustees concurs that the demolition of 26 State Street will not require a demolition permit from the Village Building Inspector because the Town of Pittsford is a contract vendee of the property and the property will be utilized for the Community Library project.

Be it further resolved that the Village Board requests a copy of the asbestos survey that will be conducted as part of the demolition and a copy of the contractor’s insurance certificate to be submitted to the Building Inspector.

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

CHAPTER 210-20 OF VILLAGE CODE – DISCUSSION

The Board discussed re-defining the purpose statement of Chapter 210-20 of the Village Code. A **motion** was made by **Trustee Farlow, seconded by Trustee Maddox** to hold a public hearing in April to amend Chapter 210-20 of the Village Code.

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

GIS TEAMS FOR INTERVIEWS

Applied GIS, the company that is conducting a Needs Assessment for the Town, Village School collaborative, will conduct an introductory meeting at Harris Beach for those employees of the each entity that have been designated as interviewees. Interviews will be conducted by Applied GIS representatives during the week of March 22nd to identify possible uses of GIS for each of the departments that are represented by interviewees. Surveys will be completed prior to the interviews.

ROAD POLICY

Attorney Osborn explained to the Board that roads that have been used by the public for ten years or longer are public streets by prescription.

EVENTS COMMITTEE REPRESENTATIVE

Mayor Corby asked if any of the Trustees would like to become the Events Committee representative for the Village. Trustee Farlow responded that he would have been attending as the Village representative except that he has not been notified of the meeting schedule. The Clerk will call the Town to ask for a schedule of these meetings. Trustee Farlow will remain the Village representative.

SIMPLY CREPES SPECIAL PERMIT

The Board received a letter listing undesirable occurrences that have taken place since the opening of Simply Crepes Restaurant on Schoen Place. The restaurant was granted a Special Permit Use in March 2003. Neighbors have experienced increased noise, trash, and activity in addition to loud and unsightly mechanical equipment. In the letter, the Board was reminded that the following code violations have not been enforced: the relocation of the dumpster to a location that is 100’ from residential property, screening of the unscreened section of the parking lot, and enclosure of the mechanical equipment. Board members instructed the Building Inspector to enforce the conditions of this Special Permit Use.

NEWSLETTER – TRUSTEE SHERWOOD

Trustee Sherwood listed several ideas for the spring newsletter and asked Board members for additional suggestions. She would like the next issue to be mailed in late May or early June.

RAND CREEK ISSUES

The Board of Trustees received two letters of concern regarding a retaining wall that was built on property located at 22 East Jefferson Road. Flooding of nearby properties as a result of this wall is the main concern. When the wall was initially built, the Building Inspector, after consulting with the Superintendent of Public Works, cited the homeowner for creating a potentially dangerous situation. Attorney Osborn stated that the Village Board may wish to consider developing a local law that controls the rights of property owners along the creek for a specified distance back from the creek bank. He gave the Building Inspector a draft law obtained from NYCOM that could be used as a model. It is also a possibility that as Monroe County develops new storm water regulations, they might also put together a model local law for situations similar to this. It was suggested that Marty Brewster at the Town of Pittsford be contacted for his expertise. He may be able to suggest reasonable standards. Trustee Maddox will discuss this issue with the Building Inspector.

MINUTES

February 10, 2004: A **motion** was made by **Trustee Maddox, seconded by Trustee Farlow** to approve these minutes as written.

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

February 11, 2004: A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to approve these minutes as amended.

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

February 25, 2004: A **motion** was made **by Trustee Maddox, seconded by Mayor Corby** to approve these minutes as written.

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

EXECUTIVE SESSION

A **motion** was made **by Mayor Corby, seconded by Trustee Maddox** to enter Executive Session to discuss a personnel issue.

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

There being no action taken, 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, Brown – yes, Sherwood – yes, Farlow – yes, Maddox – yes. **Motion carried.**

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 11:15 PM.

Anne Z. Hartsig, Recording Secretary