

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE BOARD OF TRUSTEES
April 13, 2004**

PRESENT:

Trustees	Robert C. Corby, Mayor Steven Maddox Thomas Farlow Glenn Brown – arrived at 7:30 PM
Excused	Paula Sherwood
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.

BUILDING INSPECTOR'S REPORT- SKIP BAILEY

Mr. Bailey said there were no new applications for the Planning Board. **56 North Main Street (Jojo)** was discussed. Mr. Bailey told the Board that a site plan was expected at the April 26th meeting. Board members told Mr. Bailey to inform the owner that a year and a half had passed without a complete site plan. Therefore, a complete site plan that is in compliance with the requirements of the Code must be presented by May 12, 2004. If it is not, the Board will revoke the Special Permit.

Continuing violations at **Simply Crepes** on Schoen Place were discussed. Mayor Corby recused himself from the Board and spoke as a representative for his family. He said it is the responsibility of the Board of Trustees to enforce the conditions in the Code that protect the rights of residential neighbors. The dumpster, which is too close to a residential area, should have been moved. It remains in the same location. Mr. Heroux said the dumpster belongs to another business owner who does not wish to move the dumpster. Board members suggested he get another dumpster and put it farther from the residential area. Mr. Heroux said this is an unreasonable request because an additional dumpster would remove two more parking places. Board Members reminded Mr. Heroux that the Special Permit he was issued requires that the dumpster be located 100 feet from a residential property. He offered to screen the dumpster that is currently in place. Members agreed that screening does not prevent odors, animals, and noise. Another violation is the lack of screening for a section of the parking lot behind the bike shop. A third violation is the lack of screening for the HVAC equipment on the roof. Mr. Heroux said he would look at the approved screening being used by Great Northern Pizza as an example and he would work with the APRB to adequately screen the equipment.

The issue was tabled until the May 11th meeting. At that time, Mayor Corby said another representative would speak on behalf of his family. The Corby family is asking for minimum compliance of the Village Code regarding this issue.

Mr. Bailey reported that construction has begun on the connection between the hotel and the old train depot at the **Del Monte Lodge**.

A list of **sign violations** given to the Building Inspector by Trustee Sherwood was reviewed. Many of the violations have been corrected due to letters written by the Building Inspector. Mr. Bailey will continue to monitor and enforce the list.

TREASURER'S REPORT – MARY MAROWSKI

The monthly abstract was reviewed. Voucher # 461 and #491 were withdrawn. Voucher #492 was left for further review at the budget meeting to be held on 4/14/04.

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A **motion** was made by **Mayor Corby, seconded by Trustee Maddox** to approve the following vouchers and charge them to the proper account.

General Fund Vouchers	#453-#460, #462-#490, #493-#494	\$12,327.70
Sewer Fund Vouchers	#457, #464	\$ 342.89
TOTAL		\$12,670.59

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

DPW REPORT – SCOTT SPENCER

Routine Activities were reviewed. Mr. Spencer reported on **Completed Projects** including the commemorative benches. Some will have to wait to be installed until the canal project is finished. The catch basin at State St. and Boughton Avenue collapsed and was repaired. A list of ten jobs that are **in progress** was presented. **Upcoming projects** included tree planting, manhole repairs and catch basin repairs. **Concerns** that the Board discussed with Mr. Spencer were bench placement, lights and water on Schoen Place, and the responsibility of the **retaining wall on Washington Avenue**. The retaining wall caved in. Residents on Washington Avenue believe repairs to the wall are the responsibility of the Village. Mr. Spencer said it is not likely that Village vehicles caused the damage. Board members said if the wall is located on Village property, the Village should be responsible for repairs. We need to determine who owns the property on which the wall is placed. Mayor Corby said that the **tree inventory** and the **sign inventory** could be placed on GIS in the future. Regarding **tree planting**, Mr. Spencer said that he has a proposal for Main Street trees that includes a two-year guarantee. The Village would be responsible for watering the trees. The Board told Mr. Spencer to proceed and have the trees planted. The **30-mph sign** will be reinstalled on Monroe Avenue.

EAGLE SCOUT PROJECT PORPOSAL

Phil Gigliotti, a member of Troop 336, presented a proposed Eagle Scout project. He intends to photograph all Village properties during the month of May before the foliage is fully on the trees. Skip Bailey will act as his contact in the Village Hall. Mayor Corby asked him to be mindful of the position of the sun when the photos are taken. On behalf of the Board, Mayor Corby thanked Phil for this valuable undertaking.

MINUTES

March 9, 2004 – Regular meeting: A **motion** was made by **Mayor Corby, seconded by Trustee Farlow** to approve these minutes as amended. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – abstain. **Motion carried.**

March 17, 2004 – Special budget meeting: A **motion** was made by **Trustee Maddox, seconded by Trustee Farlow** to approve these minutes as amended. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

March 24, 2004 – Special budget meeting: A **motion** was made by **Trustee Maddox, seconded by Trustee Farlow** to approve these minutes as amended. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – abstain. **Motion carried.**

TOWN OF PITTSFORD EVENTS – NON-MUNICIPAL USE PERMIT

The Village Board received a request from Supervisor Carpenter for a non-municipal use permit for their upcoming season of events. Included in the request was a permit for Candlelight Night. Since Candlelight Night is sponsored by the PVBA, the Board said the PVBA would need to provide an insurance certificate for that event. A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to approve the request for a non-municipal use permit for the 2004 seasonal events sponsored by the Town of Pittsford and for Candlelight Night, sponsored by the PVBA with the condition that a certificate of liability insurance naming the Village as additional insured will be provided for all Town sponsored events prior to the first event. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

MDA WALK TO SEEK A MIRACLE – NON-MUNICIPAL USE PERMIT

The Village Board received a letter from Sally Cramer, the District Director for the MDA. She requested permission to hold the 5th Annual Walk to Seek a Miracle to benefit the Muscular Dystrophy Association. The route will be the same as in previous years. A **motion** was made by **Trustee Maddox, seconded by Mayor Corby** to approve the request for a non-municipal use permit for the MDA to hold their annual benefit walk on Village streets with the condition that the proper insurance forms are provided.

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

YEARLY TRIBUTE TO 9/11/01 EMERGENCY PERSONNEL

As resolved in 2002 as a result of the ONAIRE PROJECT, the Village Board agreed to pay tribute to 9/11 emergency personnel victims and their families every year on the second Tuesday in the month of April. A **motion** was made by **Mayor Corby**, **seconded by Trustee Maddox** to designate this day, April 13, 2004, the second Tuesday in this month of April, 2004 as a day of memorial tribute to all those emergency personnel who lost their lives in the September 11, 2001 terrorist attack on the World Trade Center Towers.

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

NATIONAL HERITAGE CORRIDOR REPORT

Mayor Corby was interviewed by Tovah Hellar regarding improvements made to the canal front in the Village. The National Heritage Corridor Committee has voted Pittsford Village canal waterfront improvements the most successful of all those undertaken in New York State. There will be an official preliminary report within a year. Ms. Hellar was in Pittsford to see the project first hand and to discuss the improvements with Mayor Corby.

CONTINUED NEW YORK STATE FUNDING FOR RECORDS MANAGEMENT – DISCUSSION

The Board received a memo from Remegia Mitchell who has written and implemented records management grants for the Village. She asked the Board to consider supporting continued funding for records management programs with a resolution that could be sent to the State Assembly and Senate Members. Therefore, on a motion made by Mayor Corby, seconded by Trustee Brown, the following resolution #6 of 2004 was offered:

**Resolution of Support
For the Elimination of the Sunset Provisions of the
Local Government Records Management Improvement Fund
(LGRMIF) and the Cultural Education Fund (CEF)**

Whereas, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

Whereas, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

Whereas, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

Whereas, the New York State Legislature in 1995 twice has extended the sunset date, most recently to December 31, 2005, and

Whereas, the LGRMIF has effectively supported essential advisory services and 6, 300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

Whereas, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to taxpayers, and

Whereas, the Village of Pittsford has benefited from technical assistance, training, publications and one grant in the year 2003/04 totaling \$13,058.00, supported by the LGRMIF, and

Whereas, the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

Whereas, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many record and information related responsibilities of the Village of Pittsford, and to the cultural and scientific needs of the people of New York State, therefore

Be It Resolved that the Village of Pittsford supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

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

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

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After Mayor Corby read the proposed law, Board members continued to discuss the issue of tall chain link fences. Members concurred that all materials must be approved by the APRB. There being no further comments, a **motion** was made by **Mayor Corby, seconded by Trustee Brown** to close the Public Hearing. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

A **motion** was made by **Trustee Brown, seconded by Trustee Farlow** to approve proposed Local Law #4 of 2004 to amend Chapter 98, FENCES, HEDGES AND STRUCTURES.

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

PUBLIC HEARING – PROPOSED LOCAL LAW #5 OF 2004 – AMEND CHAPTER 66, ALTERNATE MEMBERS FOR THE PZBA AND APRB

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

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

Mayor Corby explained the need for a provision to have an alternate member on PZBA and APRB. Board members agreed that the addition of this law to the Village Code would be beneficial. 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 Brown** to close the Public Hearing. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

A **motion** was made by **Trustee Maddox, seconded by Mayor Corby** to approve proposed Local Law #5 of 2004 to add Chapter 66, Alternate members of the Zoning Board of Appeals, Planning Board, and Architectural and Preservation Review Board as it was written.

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

PUBLIC HEARING – PROPOSED LOCAL LAW #6 OF 2004 – AMEND CHAPTER 164, SEWERS, SECTION 164-29 AMOUNT, SUBSECTION b. (2)

A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to open the Public Hearing. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

There being no one present to comment on the proposed local law, a **motion** was made by **Mayor Corby, seconded by Trustee Brown** to close the Public Hearing. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

A **motion** was made by **Mayor Corby, seconded by Trustee Farlow** to approve the adoption of Local Law #6 of 2004 as it was written and presented. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

PUBLIC HEARING – PROPOSED LOCAL LAW #7 OF 2004 – AMEND ARTICLE VI, MR MULTIPLE RESIDENCE DISTRICT

Mayor Corby explained that this article of the Code was revised to be fine-tuned with the goals and objectives of the Village Comprehensive Plan. Board Members discussed the revisions. A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to open the Public Hearing. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.** There being no one present to comment on the proposed local law, a **motion** was made by **Mayor Corby, seconded by Trustee Farlow** to close the Public Hearing. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.** A **motion** was made by **Trustee Farlow, seconded by Mayor Corby** to approve the adoption of Local Law #7 of 2004 as written and presented. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

PUBLIC HEARING – TENTATIVE BUDGET

A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to open the Public Hearing. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

Comments were received from the following: **Peter Brizee, South Main Street and ITF member:** Mr. Brizee stated that the development of a business plan for the Village is not listed in the 2004-05 budget. The Treasurer responded that those monies could be encumbered by May 31st from this fiscal year's funds (2003-04). An estimate from a contractor that is associated with a Purchase Offer number is needed from the ITF to encumber these funds. **Jim Cronin, South Main Street merchant and ITF member:** Mr. Cronin requested that the Board adopt a more aggressive attitude towards carving out more revenue for the implementation of the Village's Comprehensive Plan. He urged the Board to budget for traffic calming and beautification projects. Trustee Farlow responded that RFP's (requests for proposals) have been sent out to

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consultants for traffic calming proposals. Funds have been included for a consultant. **Remegia Mitchell, ITF member and Chairperson of the Beautification and Land Use Sub-committee:** Ms. Mitchell asked if funds for beautification of the Village gateways could be encumbered from the current budget. The Treasurer responded that they could be encumbered so long as a contractor's written cost estimate that is associated with a Purchase Offer is submitted before May 31st. Ms. Mitchell said she supported any increases in the budget but especially those that would allow more revenue to spend on Village gateway beautification, lighting, relocating traffic signs and general clean up.

Peggy Brizee, ITF Co-Chairperson: Ms. Brizee asked if the funds for the eight proposed crosswalks that were included in the 2003/04 budget have been encumbered. The Treasurer responded that they have not been encumbered. A contractor's estimate and Purchase Offer number is required before May 31st in order for those funds to be encumbered. Mayor Corby said that because some of those crosswalks are located on State roads that will be torn up by construction, it might make more sense to postpone installation of those crosswalks. Ms. Brizee stated that the ITF wants to see continuing improvements and a long-range plan. She stated that the Village should not be stagnant in the implementation of the Comprehensive Plan. She said the ITF would work on efforts to investigate grant money but that they needed to have a goal and a sense that the Board is moving along together with the ITF to make improvements.

Bonnie Salem, ITF Co-Chairperson: Ms. Salem said it appears that there has been a modest increase in taxes proposed. She would prefer to see a more aggressive approach so that improvements that are needed could be implemented.

Trustee Maddox stated that Village taxes were increased 10% last year and that a 4.5% increase has been proposed for next year. He said in his opinion, this is a large increase over the last two years. He would prefer to hold the line and work with government agencies to find funding for big projects. He said that taxes comprise one third of the budget. A 4.5% increase would add only \$12,000 in revenue, which is not enough to fund a large project. Trustee Farlow said funds are needed to maintain and move ahead in order to avoid higher costs in the long run. Mayor Corby stated that the General Fund has remained flat but the demands are increasing and the Village is providing a higher level of care. He maintains that capital projects are the essence of what the Village is today. There are infrastructure demands that need addressing. Thus far the Village has spent approximately \$60,000 and has approximately \$100,000 of improvements that are still needed. Examples of infrastructure demands that are still needed are curbing, relining of the aging sewer system, and Schoen Place parking improvements. State funding is flat or declining. Mayor Corby reminded the Board that this year, Pittsford Village falls on the low side of tax increases when compared to other Monroe County Villages. The proposed 4.5% increase amounts to an average increase of \$13.00 per year per property.

There being no one further to comment on the proposed tentative budget, a **motion** was **made by Trustee Brown, seconded by Mayor Corby** to close the Public Hearing. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

A **motion** was **made by Trustee Brown, seconded by Mayor Corby** to approve the tentative budget for fiscal year 2004/05. **Vote:** Corby – yes, Farlow – yes, Maddox – yes, Brown – yes. **Motion carried.**

Mayor Corby called a five-minute recess. The meeting was called to order again at 8:40 PM.

SCHOEN PLACE PARKING

Trustee Maddox reported on discussions he has had with Schoen Place merchants. The bottom line is that there is not enough parking to accommodate all of the businesses. He reported that because of the lack of parking, merchants are concerned about actions taken by the Board of Trustees when Simply Crepes was granted a Special Permit to open their restaurant. Trustee Maddox said the immediate problem is to find a solution to providing parking for this season. He said if Village resources were used to improve the area behind the Flour Mill, it would only solve a minimal portion of the problem. The *Sam Patch* and the warm weather crowds will make the existing problem worse.

Scott Likely asked if the Village DPW could smooth out the RG&E property to make a more usable space. Attorney Osborn said Public funds cannot be spent to improve private property. The Village could make improvements if land was leased from the RG&E. The Board of Trustees agreed that the Village should

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lease as much land as possible. Members suggested that Schoen Place employees could then park in another location to free up some of the spaces for their patrons. Mr. Likely said the parking regulations in the Village Code Book are not adequate for the actual need.

Trustee Maddox will follow-up with Debra Wegman from the RG&E to further explore a lease option. Trustee Farlow asked Mr. Likely to talk to property owners on Schoen Place so that all are in agreement that participation is needed to find a solution for the parking problem. The Village is willing to participate in a plan to solve this problem. Jeff Mason should also be part of the plan.

RETAINING WALL – 22 EAST JEFFERSON ROAD

Owners of 22 East Jefferson Road constructed a retaining wall on the bank of Rand Creek. The Building Inspector and the DPW Superintendent were concerned that flooding could occur if the rocks from the retaining wall came loose during heavy rains. The Village hired engineer Scott Harter to make a site visit to evaluate the construction of the wall and its potential affect on the flow of the creek. He sent a letter to the Board of Trustees containing his findings. He reported that the retaining wall does not appear to pose an immediate problem or threat to the flow of Rand Creek.

Mr. and Mrs. Richard Holahan, 38 Rand Place: Mr. Holahan stated that the materials used in the wall were compacted but that the support stone was installed by hand. He is still concerned about flooding possibilities.

Village Attorney Osborn said that the Village Law grants the Village the responsibility and authority to maintain safety. He recommended that the Code, by local law, include a definition of the responsibility of property owners along the creek, a permit requirement for any improvements that are made and that it specify a certain distance from the center line. He said sometime in 2004, the Monroe County Stormwater Coalition should be developing a sample law that the Village could follow.

Board Members asked the Building Inspector to write a letter to the homeowners at 22 East Jefferson Road to inform them that based on Scott Harter's findings at the time of his site visit, their retaining wall will be allowed to remain at this time.

In addition, the Board requested that a letter be sent to all owners of property abutting Rand Creek. Mr. Bailey and the Clerk will work on this letter. Mr. Bailey will include guidelines in his article for the Village Newsletter.

EMPLOYEE HANDBOOK CHANGES – DISCUSSION

Regarding section 303 Drug and Alcohol Testing under the section of Drug Abuse, Board Members discussed current wording that should be clarified. The Clerk will make the suggested changes and forward them to Attorney Turner for his review. The proposed changes are as follows:

303 Drug and Alcohol Testing

Drug Abuse

1. Employees who test positive will be suspended without pay. In the event that a split test invalidates the primary specimen, the employee will be reinstated with back pay.
2. The MRO informs each employee that he or she has the option to request the split specimen to be analyzed at another certified lab within 72 hours. Employees requesting the confirmation test are required to pay the full cost of the test.
3. Suspension without pay will continue until a SAP, accredited in accordance with Federal requirements, concludes that it is appropriate for the employee to return to work. The SAP has the discretion to allow the employee to return to work but with a restriction to not perform safety-sensitive activity.
4. The Village has no obligation to reassign the employee to a non-safety sensitive position.
5. Employees are allowed one opportunity for treatment and counseling under this policy. Treatment and counseling must occur within the timetable specified by the SAP. A positive test following the employee's return to work will result in immediate termination.

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FEDERAL DRUG & ALCOHOL TESTING ADMINISTRATORS – DISCUSSION

Newport Alliance is the agency the Village currently uses to comply with the Federal drug and alcohol testing regulations. Because of misinformation that was provided by Newport Alliance, the Board requested the Clerk to investigate other testing agencies. Attorney Turner reviewed the Village contract with Newport Alliance and determined that the contract can be terminated with thirty days notice at no cost to the Village. The Clerk will report back to the Board of Trustees at a future meeting.

EXECUTIVE SESSION

A **motion** was made by **Mayor Corby, seconded by Trustee Brown** to enter executive session to discuss the employment history of specific employees.

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

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

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

SUMMER HOURS – OFFICE STAFF

As in the past, the Clerk and Treasurer requested permission to alternate taking Friday afternoons off from work during the warmer months with the understanding that the time away from work is made up during the week. A **motion** was made by **Mayor Corby, seconded by Trustee Maddox** to approve this request.

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

VACATION CARRY-OVER REQUEST

The Clerk requested that she be allowed to carry over two weeks of vacation (10 days) into the next fiscal year. Board Members had no objections to the request.

SIGN MEMO DISCUSSION

Trustee Sherwood distributed a draft sign memo that could be sent to Village businesses. Board Members discussed the ramifications of sending this memo. Trustee Brown expressed concerns for the welfare of Village businesses. He said businesses in general have a tough visibility problem. He said ways to help them identify themselves are important to them. Trustee Brown would like to see the business atmosphere improve in the Village. He stated that businesses need to have more flexibility to express who they are. Board Members agreed not to send Trustee Sherwood's memo at this time but instead, to ask Jim Cronin, PVBA, to address the Board at the next meeting regarding the opinions of Village business owners

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 11:05 PM.

Anne Z. Hartsig, Recording Secretary