

**PROCEEDINGS OF THE REGULAR MEETING OF THE  
VILLAGE BOARD OF TRUSTEES  
May 11, 2004**

**PRESENT:**

<b>Trustees</b>	Robert C. Corby, Mayor Steven Maddox-arrived at 8:30 PM Thomas Farlow Glenn Brown Paula Sherwood
<b>Attorney</b>	John Osborn
<b>Treasurer</b>	Mary Marowski
<b>DPW Superintendent</b>	Scott Spencer
<b>Building Inspector</b>	Skip Bailey
<b>Recording Secretary</b>	Anne Z Hartsig

Mayor Corby called the meeting to order at 7 PM.

**RICK AND MELISSA HOLAHAN – 38 RAND PLACE**

Mr. and Mrs. Holahan addressed the Board with three concerns. The first was in regards to a letter they sent dated April 14, 2004 in which they requested that a gambion wire enclosure be placed around the rock retention wall built by their neighbors at 22 East Jefferson Road. They said they had not received a response from the Board to that letter. Their second concern was to ask that the front yard parking violation be enforced at 22 East Jefferson Road. However, the Zoning Board of Appeals granted a variance in 1989 allowing the turnaround area of the driveway on that property, which is where the front yard parking has taken place. In addition Mr. and Mrs. Holahan asked why a stone wall that is less than 18” from the sidewalk has been allowed to remain at 22 East Jefferson Road when it is a violation of the Code. The response was that since the wall was constructed prior to 1996, it is considered “grandfathered” and is allowed to remain. Mr. and Mrs. Holahan stated that they felt their RV should also have been “grandfathered” since it was in place before the law took affect. Skip Bailey explained that there are “grandfathering” differences. “Uses” can be “grandfathered”. “Uses” consist of things such as conducting a business, buildings or structures. A vehicle is not a “Use” and therefore, cannot be “grandfathered”. Mayor Corby offered to meet with the Holahans to discuss this issue further.

**BUILDING INSPECTOR’S REPORT- SKIP BAILEY**

Mr. Bailey reported on the following issues: as the Board requested, letters were sent to the owners of JoJo’s and Simply Crepes regarding violations and possible revocation of their Special Permits. He said the grading had taken place on the JoJo site to remove dirt from around the trees as the Planning Board had requested. The Town Court ruled that the fence at 17 Eastview Terrace must be lowered to 3 feet high. Mr. Bailey said the owner indicated he will not comply and will probably appeal to Monroe County Court. Great Northern Pizza on South Main Street received approval for screening and their sign. Board members said the neon sign should be removed. Mr. Bailey will contact Talbots about trash issues that are a result of the recent addition to the store. The front yard parking issue on Boughton Avenue will be appealed to the Zoning Board by the owner’s attorney. He will be on the agenda for the June meeting. Mr. Bailey has prepared a letter to send to dumpster owners for the renewal of permits. Members reported to Mr. Bailey that Ensenatt’s Deli has two totes by the rear doors that are constantly overflowing. They asked him to follow-up with Fleet Bank regarding a section of fence that has not been replaced.

Mr. Bailey presented a draft of prospective changes to the B-1 District. A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to hold a public hearing at the June 8<sup>th</sup> meeting to amend the B-1 Retail Business District. **Vote:** Corby – yes, Farlow – yes, Sherwood – yes, Brown – yes. **Motion carried.** Mr. Bailey asked the Board to forward comments or suggestions to him.

**TREASURER’S REPORT – MARY MAROWSKI**

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

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General Fund Vouchers	#461, #495-#539	\$43,139.90
Sewer Fund Vouchers	#527, #534	<u>\$ 63.35</u>
	Total:	\$43,203.25

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

A quotation was presented for chimney repairs to the Village Hall. A **motion** was made by **Mayor Corby, seconded by Trustee Farlow** to approve the cost estimate presented by Martin R. Naber in the amount of \$650.00 for repairs to the chimney on the Village Hall as described on the written estimate.

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

Ms. Marowski reported that the First Quarter Sales Tax Distribution Check from Monroe County was received and is \$7200 less than budgeted for total sales revenue.

Ms. Marowski asked to carry over her unused vacation and comp hours. A **motion** was made by **Mayor Corby, seconded by Trustee Farlow** to approve this request.

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

**DPW REPORT – SCOTT SPENCER**

Mr. Spencer reported on Routine Activities, Completed Projects, Work in Progress and Upcoming Work. In addition, the following issues were discussed: There are two trees in front of 12 Washington Road that are in poor condition and need to be removed. Mr. Spencer had a quote from Jim Edwards for \$1600 to remove these two trees. The Board authorized Mr. Spencer to proceed with that project. Garbage in the Burdett Parking Lot has recently increased. It is assumed that people drop home refuse near the dumpsters during nighttime hours.

Several copies of the D&C have been found in Village trash containers when they should be recycled. The situation was reported to the Circulation Dept. of the Democrat & Chronicle.

Bradley’s Ice Cream store on Schoen Place has not been emptying the Village trash receptacles, which was a condition of their approval for a Special Permit. The Building Inspector will follow up on this.

Mr. Sanna, a Courtenay Circle resident, told Mr. Spencer he would pay for a catch basin that ties into the Village storm sewer system. Trustee Maddox will be consulted about this issue.

Regarding pedestrian crossing signs, Mayor Corby and Mr. Spencer will review the options of new metal lime green signs and/or stickers for our existing signs.

Mayor Corby and Mr. Spencer will walk the Village again to look for dead trees that need to be replaced.

Mr. Spencer inquired about having a back-up camera for use on Village trucks. He told the Board that PERMA is in favor of using this equipment. Mayor Corby instructed Mr. Spencer to purchase the camera.

Mr. Spencer told the Board he has 200 unused vacation hours (5 weeks) and 620 unused comp hours (15.5 weeks).

Mr. Spencer obtained a quote from Craig Prince for \$450.00 to design a trough that would fix the problem caused by consistent gutter draining on the Burdett sidewalk. The Board told Mr. Spencer to accept the quote and arrange for the repair.

Trustee Sherwood requested that the base of the clock be painted. The schedule and order of street repairs for the summer was discussed. Mr. Spencer did not feel it would be necessary to notify residents prior to the repairs because the chip sealing process won’t require that the street be closed off.

Trustee Farlow asked Mr. Spencer to make sure the streets were ready for the Memorial Day Parade and to completely remove the pedestrian crossing sign from the roadway.

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### **LINE STREET TRAFFIC/SPEEDING PROBLEM**

The Board received an email from Beth Kravitz, a Line Street resident. She said the speeding on the street has resumed this spring. Members discussed the issue and stated that there is more cut-through traffic due to construction at Del Monte Lodge. Ms. Kravitz asked for either a pedestrian crossing sign or a "Children at play" sign. Trustee Farlow will call Ms. Kravitz to determine a solution.

### **TOM CUMMINGS – 99 SOUTH MAIN – CURBING DISCUSSION**

Mr. Cummings requested that the Village budget for curbing on South Main Street. He spoke to several of his neighbors who are in agreement that this would increase safety of pedestrians, have a calming effect on traffic and beautify the look of the Village by diminishing weeds and ruts along South Main. Mayor Corby told Mr. Cummings that Engineer Scott Harter is putting together a cost estimate for construction and an estimate for professional services. He said it is possible that this issue could become part of the budget for fiscal year '05/'06. He thanked Mr. Cummings for coming in.

### **SIMPLY CREPES – KATHY GARDNER- CONTINUED DISCUSSION**

Mayor Corby recused himself from this discussion. Trustee Brown led the discussion. Ms. Gardner spoke on behalf of her family who lives on the adjacent property. She said her family has notified the Village of the undesirable impacts that Simply Crepes has had on their residential property. When the Special Permit was granted, conditions of approval were established and some of the conditions have not been met. Dumpsters should not be within 100' of residential property, mechanical equipment on the roof of this establishment has not been screened and is noisy, and there has been an expanded use of the facility that has caused increased noise and trash. Ms. Gardner said that with summer approaching, her family would like to use their yard without having to deal with these undesirable conditions. She asked when they could expect the Code to be enforced so that there would be closure on these issues.

Pierre Heroux, owner of Simply Crepes responded. He stated that he would move forward with plans to screen the mechanicals on the roof. He said moving the dumpster is a more serious issue. If the dumpster is moved, it will use two more parking spaces in an area where parking is at a premium. He said he would be willing to screen the dumpster to create a better view for the Corby family. He has asked his employees to keep the dumpster area clean and to minimize litter. The dumpster is emptied two times per week and he is willing to increase the schedule if necessary. He has asked other dumpster owners if they would be willing to share a dumpster with him but has not found a business owner willing to do that. He told the Board he does not have plans to screen the rest of the property because it is in the same condition as it was before he leased the space. Screening the parking lot was not part of the conditions of approval for the Special Permit. Mr. Bailey will ask Ted Collins, the property owner, if he would be willing to voluntarily screen that area of the lot.

Ms. Gardner stated that waste in a restaurant dumpster is very different from waste in a bike shop dumpster due to odors and pests. She said moving the dumpster was a condition of approval and there has not been compliance with that condition. Regarding screening the lot, she said that the use of the restaurant has intensified. Business has increased, waste has increased, and alcohol is being served. She said that Chapter 210-43 D. requires a solid wall, fence or evergreen hedge to screen the rear area.

The Board asked Mr. Bailey to begin enforcement regarding the screening of the parking lot and the dumpster issue. The Board will attempt to have closure on this issue by next month. Mr. Heroux told the Board he would try to get plans for screening the mechanical equipment in place by next month.

### **SCHOEN PLACE PARKING**

Mayor Corby said that Debbie Wegman, an RG&E representative, would meet with Schoen Place property owners. After that meeting, Mayor Corby will meet with Ms. Wegman to see if there is RG&E property available that the Village might possibly lease to help ease the parking. If a lease is possible, he will ask that it be executed in a timely manner. He will also inquire about the area to the west near the DPW since the Village is the adjacent landowner.

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### RECORDS INVENTORY UPDATE

The Clerk reported for Remegia Mitchell that the inventory of Village records is nearing completion. Ms. Mitchell is researching sources for the correct sized storage boxes that will be needed for a small number of site plans.

### ITF UPDATE – BONNIE SALEM

Ms. Salem reported that the task force is working on obtaining all needed price proposals before the May 31<sup>st</sup> deadline. The Board decided to hold a special meeting on Tuesday, May 25<sup>th</sup> at 7 PM to review the proposals so that proper funds could be encumbered.

Mayor Corby and Ms. Salem reported on the Schoen Place project. It is ahead of schedule. The bollards will be cut down to 25” high and planting will be placed near the bollards to soften the impact. The colors have been chosen for the pavilion. The new trees that will be planted will be approximately 8-9 feet tall. The work on this project should be nearly completed by the Regatta, which will be held June 18-20<sup>th</sup>. Mayor Corby mentioned that the dedication/grand opening might take place in September.

The handicap access to the Village Hall is also on schedule.

The ITF will review the RFP’s for the Traffic Calming project and will provide input at the Special meeting tentatively set for May 25<sup>th</sup>.

**APRB AND PZ BOARD APPOINTMENTS & REAPPOINTMENTS** One new member is needed for each of the two volunteer boards. Interviews with the Mayor and the Board Chairs have taken place. A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to appoint Tom Dannhauser to a position on the Planning and Zoning Board of Appeals for a term of 5 years until April of 2009.

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

A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to appoint Scott Latshaw to a position on the APRB for a term of 3 years, until April 2007.

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

At a later time during the meeting, in a **motion** made **by Mayor Corby**, APRB Member Ken Willard was nominated to be reelected to another 3-year term, until April 2007. Trustee Maddox seconded the motion.

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

Marcia Watt agreed to serve for a maximum of one more year to give the Board the opportunity to find a suitable replacement. She will serve until April 2005 if necessary.

Board members discussed other Village residents who might be interested in serving on one of the volunteer boards.

### REQUEST FOR NON-MUNICIPAL USE PERMIT FOR 6<sup>TH</sup> ANNUAL DUCK DROP

The Board received a letter from Nancy Nealon, Executive Director of Pittsford Youth Services, requesting a non-municipal use permit to hold their annual fundraising event on August 6<sup>th</sup> on the North Main Street Bridge. The proper insurance certificates will be provided in advance of the event.

A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to approve the request by Pittsford Youth Services for a non-municipal use permit to allow that organization to hold their annual Duck Drop on August 6<sup>th</sup> from the North Main Street Bridge with the condition that the proper insurance certificates are on file in the Clerk’s Office prior to the event.

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

### SIGN MEMO – TRUSTEE SHERWOOD AND JIM CRONIN

Trustee Sherwood explained that she had a meeting with Mr. Cronin, a merchant representative, to obtain his opinion and reaction to a proposed memo that could be sent to merchants regarding the regulations for signs. After some discussion with Trustee Sherwood, Mr. Cronin decided that a proactive memo to help with the enforcement of the sign regulations could be a positive action. He stressed that timely enforcement of the sign regulations is necessary because one business often follows another when illegal signs, banners etc. are used. There is also a perception that some businesses are allowed to “get away with it” and others are not. He suggested that a sign memo mailed to all merchants be worded very carefully. He said that

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equal treatment and an orderly process of enforcement are very important. Mr. Cronin also suggested that the proposed memo be sent only if an increase in enforcement is at hand.

The Clerk will email a copy of the memo to the Trustees and Mr. Cronin. Trustee Sherwood asked them to forward their comments to her so that the sign memo can be revised if necessary.

**\*Trustee Maddox arrived at 8:30 PM**

### **EMPLOYEE HANDBOOK UPDATE**

Regarding section 303 Drug and Alcohol Testing under the section of Drug Abuse, at the April 13<sup>th</sup> Board meeting, members discussed current wording that should be clarified. The draft wording was reviewed and approved by Attorney Turner. 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.

A **motion** was made by **Mayor Corby**, **seconded by Trustee Brown** to amend the Employee Handbook, Section 303 Drug and Alcohol Testing, Drug Abuse as written in the draft presented this evening.

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

### **VILLAGE HALL SECURITY**

The Clerk reported that recently there have been some files and plans missing from the office. In addition, a door was left unlocked and lights have been on in the upstairs of the building. As a result, a discussion regarding security practices took place. The following conclusions were reached. The door to the records room upstairs should be locked. The Clerk will ask Mr. Spencer to have the lock re-keyed as soon as possible. She will obtain a quote for locking the office filing cabinets. Eventually, after the handicap renovations have been completed, the Mayor's Office door should be locked. The glass doors into the main office should be locked during public meetings to prevent the general public from having access when the office area is not supervised.

A number of keys have been issued to volunteer workers so they can access the Village Hall during non-office hours. It was decided that a sign-in log would be initiated so that there is a record of who has been in the building.

Purchase of a security camera was discussed. Quotes will be obtained. It was suggested that this might be something that would qualify for a grant.

### **VILLAGE OF WEBSTER LETTER RE: NYS PUBLIC EMPLOYEES PENSION FUND**

A letter dated 5/3/04 was sent to Mayor Corby from Webster Mayor Ruoff. It included letters sent to the Comptroller and to The Governor about the high local governmental contributions to the NYS Public Employees Pension Fund. Board Members reviewed all enclosed materials. They determined that ultimately the taxpayers and the employees pay the governmental contributions. They decided not to take any action at this time.

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### **WOMEN'S CLUB HOME & KITCHEN TOUR**

The annual home and kitchen tour will be held on June 6<sup>th</sup>. Mr. Bailey allowed the organization to use sandwich boards on the Four Corners so long as they do not obstruct vehicular or pedestrian foot traffic.

### **MAY 18 MEETING REGARDING MONOCO OIL PROPERTY**

Mayor Corby told the Board he would be meeting with Supervisor Carpenter, Trustee Maddox and Doug Weins on May 18, 2004 to discuss the future of the Monoco Oil site. The meeting will take place at the Town Hall.

### **POLLING LOCATION FOR NOVEMBER ELECTIONS**

Since our building will soon be handicap accessible, the Village contacted the Board of Elections about having the polling location for the two Village districts moved to the Village Hall for the November Election. Doug French at the Board of Elections said that the Town Clerk decides where the polling places will be located. He said he would contact Pat Chuta regarding the Village's offer. It was learned that the polling place had been decided and will be at the new Senior Center on Monroe Avenue.

### **MEMORIAL DAY PARADE**

Board members were reminded to contact D'Arcy Deangelis, the Town parade coordinator, to let her know if they will be participating in the Memorial Day Parade. Mayor Corby and Trustees Maddox and Farlow plan to participate. They were reminded to bring nametags.

### **PLANNED CURB CUT MODIFICATIONS FOR SUTHERLAND STREET**

The project manager for the Pittsford Sutherland High School project sent a letter to the Board of Trustees asking for verification of the approval of the proposed curb cut modifications for Sutherland Street. The Board reviewed the drawing showing the proposed cuts. A **motion** was made by **Trustee Farlow, seconded by Mayor Corby** to approve the curb cut modifications as presented on the site plan drawing attached to the 4/30/04 letter to Mayor Corby from Brian Domke of Thomas Associates.

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

### **CDBG AGENCY MEETING**

Mayor Corby reported that he attended the Monroe County CDBG Agency budget meeting. At the meeting it was confirmed that the Village would be receiving grant money for Phase II of the ADA improvements to the building. Trustee Maddox was a member of the sub-committee that interviewed architectural firms and chose Bero Associates in 2001 to conduct an Accessibility and Programming Report for the Village Hall. He will give the official notification to Richard Osgood at Bero Associates. Mayor Corby said County Officials encouraged him to have the Village apply for other grants available from Monroe County.

### **GIS UPDATE**

Mayor Corby informed the Board that following the GIS needs assessment, a report containing the findings was distributed. The Village has a copy located in the file.

### **PITTSFORD FOOD CUPBOARD LETTER**

The Board received a letter from the Director of Pittsford Food Cupboard asking for parking consideration when donations are being loaded or unloaded. Board members will ask the Building Inspector to coordinate with Mr. Spencer to designate a 15-minute loading zone to facilitate the volunteers at the Food Cupboard.

### **EXECUTIVE SESSION**

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

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

### **ADJOURNMENT**

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There being no further business, Mayor Corby adjourned the meeting at 9:12 PM.

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Anne Z. Hartsig, Recording Secretary