

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

June 8, 2004

PRESENT:

Trustees	Robert C. Corby, Mayor Steven Maddox Thomas Farlow Glenn Brown 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.

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: **Boughton Avenue** has been chip sealed. Mr. Spencer reported that it would need about three days to set up. At that time, the road will become less dusty and less noisy. At the **Pittsford Regatta**, which will be held June 12th & 13th, the Pittsford Crew team will take care of making sure the garbage is placed into the dumpster. Mr. Spencer will have the DPW dumpster emptied on Friday and again on Tuesday morning, more times if necessary. The **loader** has been overheating. A new fan has been ordered. The **Streetprint Company** offered to install a demo crosswalk for \$2000. The crosswalk would be located at the Schoen Place/North Main Street intersection. Board members decided it does not make sense to install the crosswalk where the pavement needs to be replaced. They also considered the material to be very loud and optical and not in keeping with the rest of the streetscape in the Village. The **Village tree**-planting program has not been completed this season. Board members asked Mr. Spencer to remove the dead trees this spring and hire someone to plant new trees in the Fall. Mr. Spencer reported that the cost would be \$185 per tree including a 24-month guarantee. The **bollards** along the new canal project were discussed. They will not have caps. They are made of metal that will weather. Trustee Sherwood was concerned that they would be too sharp without caps. Mayor Corby will look into this. Mr. Spencer said weeding would be difficult between the bollards. He said the area should be mulched two times per year. Mr. Spencer reported that owners of **Bradley's Ice Cream** on Schoen Place are not keeping the trash receptacles emptied. This was a condition of approval for the issuance of their Special Permit. The Building Inspector sent a letter but there has been no response. He said he would send a Notice & Order on Wednesday before the Regatta. Trustee Brown said the Board should levy a fine first. If there is no compliance, the Special Permit should be revoked.

BUILDING INSPECTOR'S REPORT - SKIP BAILEY

Mr. Bailey reported on the following: **Jojo's** submitted a site plan that will be reviewed by Scott Harter. Mr. Bailey is working on a **Knoxbox** program with the Pittsford Fire Department. The homeowner from **17 Eastview Terrace** has been fined for constructing a fence that was of a height that was not approved. He is applying for a variance from the Zoning Board. Mr. Bailey presented a partial survey of fees charged by other Villages for **sewer permits**. The fee would be charged to cover the cost of the line, the tie-in and the DPW time. A **motion** was made **by Trustee Brown, seconded by Trustee Sherwood** to establish a fee of \$250.00 per unit for residential and commercial sewer permits pursuant to the Code of the Village of Pittsford, Chapter 164-4. B. Building Sewer Permits.

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

Mr. Bailey reported that the owner of **45 Schoen Place** has offered to give the Village a **sidewalk easement** for a walk in front of the building, which is under construction. There will be fifty to sixty feet of sidewalk and it was decided that granite curb would be appropriate. The Board agreed that this offer should be accepted. Mr. Spencer will obtain three quotes for the cost of installation. The Village Attorney will be needed to draw up the easement. The DEC and FEMA are updating the **Flood Insurance Rate**

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Maps within Monroe County. Pittsford Village has never been mapped. Mr. Bailey explained that property owners would have to be notified prior to the mapping so they would have an opportunity to purchase flood insurance at a lower cost than it might be after mapping. **First Presbyterian Church** is installing a temporary roof following the May fire. Mr. Bailey presented copies of a number of **violation letters** he has mailed out. In addition, he presented a memo regarding **Great Northern Pizza**. Trustee Sherwood mentioned that there is an **illegal A-frame** sign at Pittsford Wine and Spirits.

TREASURER’S REPORT – MARY MAROWSKI

The monthly abstract for the month of May 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.

General Fund Vouchers	#1 - #19	\$ 41,378.47
Sewer Fund Vouchers		
	TOTAL	<u>\$ 41,378.47</u>

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

The monthly abstract for the month of June 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.

General Fund Vouchers	#20 - #26	\$ 18,121.16
Sewer Fund Vouchers		
	TOTAL:	<u>\$ 18,121.16</u>

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

May	\$41, 378.47
June	<u>\$18,121.16</u>
TOTAL	\$59, 499.63

RICHARD MARCELLA- 31 NORTH MAIN STREET

Mr. Marcella addressed the Board to express concerns about his property at 31 North Main Street. Because there is no parking, retailers are reluctant to lease the property. He asked the Board to consider changing the zoning for this property to R-4, which would allow for office use. The Board discussed this request and concluded that changing the zoning to R-4 would be a natural extension of the existing R-4 district and would be consistent with the Comprehensive Plan. A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to hold a Public Hearing at the July 13th Board of Trustees meeting to discuss extending the R-4 District to include 31 North Main Street.

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

PUBLIC HEARING - PROPOSED LOCAL LAW #8 – AUTOMOTIVE USES IN THE B-1 DISTRICT

Proof of the Legal Notice having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Brown** to open the Public Hearing.

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

The following draft was discussed.

5/11/04

DRAFT CHANGES TO B-1 DISTRICT (Changes in bold)

Chapter 210-2 GARAGE, PUBLIC ---- A building or structure in or about which business or industry is connected, directly or indirectly, with the **dispensing of fuel**, storage, sale, hiring, servicing, adjusting or equipping of automobiles or other motor vehicles.

Chapter 210-26 Use regulations.

A. Principal uses shall be as follows:

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(16) Garages, public with a special permit from the Zoning Board of Appeals.

Chapter 210-26A (22) Other retail businesses of similar character, but not including, by way of example, businesses such as:

- (a) Carpet cleaning, dyeing or dry cleaning plants.
- (b) Bowling alleys or pool halls.
- (c) (Reserved)
- (d) Open stands or markets.
- (e) Servicing of motor vehicles on open lots, other than refueling.
- (f) Parking partially dismantled or junked motor vehicles.
- (g) Open storage of motor fuel and/or oil.
- (h) Garages (public) **Change to: (Reserved)**

Chapter 210-27D Garages, public:

(2) Shall not be less than 1,000 feet from an existing **public garage**, provided that public safety and traffic congestion and welfare are primary considerations.

(4) Shall be permitted to do **repairs** on motor vehicles only within an enclosed building.

(7) Each **public garage** shall have not less than four parking spaces for each service bay, including, as one such space, the service bay itself.

(8) Each **public garage** shall have no more than 10 parking spaces for the outside sale **and display** of no more than 10 used (**or new: deleted**) passenger vehicles only, excluding trucks and recreational vehicles. No advertising signs or display devices will be permitted on such vehicles being offered for sale, except information regarding the vehicle and its sales price on an eight-and-one-half-inch-by-eleven-inch notice attached to the vehicle's side window.

(9) Each **public garage** shall have no less than one parking space for each employee on the largest shift.

(10) All operations of a **public garage**, including structures, parking (except at dispensing stations), passenger vehicle sales, **dispensing** stations and their raised bases, product sales and signs, shall be set back from the front lot line of the property a minimum of 20 feet.

(11) The screening, lighting and signage requirements for a **public garage** shall be in accordance with 210-81E, F and H of this chapter, and Chapter 168, Signs, of the **Code of the Village of Pittsford**.

George Wallace, 7 Village Grove: Mr. Wallace asked for an explanation of this proposed law. Mayor Corby explained that this law would allow automotive garages to service and sell a limited number of vehicles in the B-1 District.

There being no one further 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, Sherwood – yes, Brown – yes, Maddox – yes. **Motion carried.**

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to approve Local Law #8 of 2004 as presented.

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

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PITTSFORD WINE AND SPIRITS – DAN BUCCIERI – REQUEST FOR HOT DOG STAND

The Board received a letter from Mr. Buccieri requesting permission to operate a hot dog stand in his parking lot on Schoen Place during the summer months. One of the reasons for this request is to monitor the parking lot since the privacy of it is being abused. The Board expressed concerns about setting a precedent, about taking business away from small Village restaurants and about garbage resulting from food sales. They will ask Mr. Buccieri to attend the Board meeting in July to discuss it further.

GREAT NORTHERN PIZZA – ROB DESINO – OUTDOOR SEATING – INFORMATION ONLY

Mr. Desino submitted a letter requesting permission to have outdoor seating along South Main Street. After discussion, the Board decided that Planning Board comments were needed prior to making a decision about this request. Since the summer season is upon us, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to grant a sixty-day permit allowing outdoor seating with the condition that the applicant submit a plan to the Planning Board and then return to the Board of Trustees to apply for a permanent expansion of their Special Permit.

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

VILLAGE GROVE MAINTENANCE DISCUSSION – GEORGE WALLACE

Mr. Wallace came before the Board to request that Village Grove (minus the two arms) be considered a public road and that the Village maintain it. He stated the following reasons for this request: 1) the road is open to the public 2) the Village has plowed and collected leaves and yard debris from the road for several years, 3) in the minutes of a Zoning Board meeting regarding a fence installation issue, Village Grove was referred to as a public road, 4) Village Grove residents have been paying Village taxes for eighteen years. Mr. Wallace presented a petition signed by all residents of Village Grove asking the Village to recognize Village Grove as a public road and to take full responsibility for its care and maintenance. In addition, he presented a letter of support from Tom Cummings and Beverly Ludke of 99 South Main Street.

Attorney Osborn explained that when the road was built, it didn't meet the standards of a public road because it was three feet less than the standard width of two rods. A unanimous vote by the Board of Trustees could change this. Mr. Osborn explained that the road does fit the criteria for a public street by "prescription" because the Village performs services and it has been open to the public. He said the same would be true for East Jefferson Circle, Durham Way and Stonegate Lane. He explained that Mr. Wallace is asking for the street to be recognized as a public street and that he is not asking for the dedication of the street.

Board members were concerned about the cost of the needed repairs for this road. If it were recognized as a public road, it would be a sub-standard Village road. Mayor Corby said that because the residents pay Village taxes, the Village's job should be equitable division of the funds. DPW Superintendent said that the road could be sealed first and then put at the end of the existing schedule for milling and paving. He estimated that the cost would be from \$7800 to \$9400. The following people spoke in favor of recognizing the street as a public street: Don Anderson, 1 Village Grove, Grant Fowler, 10 Village Grove, Mike Manjerovic, 6 Village Grove.

Trustee Maddox suggested that the Village obtain the services of an engineer to estimate the cost to bring the road up to Village standards. He would like to know the benefits and the costs to the Village before making a decision. He said this is an important issue that could set a precedent. The Board would need to distinguish this roadway from other similar ones in the Village. Mr. Bailey reviewed a subdivision map and told the Board that the roadway doesn't appear to be owned by any one.

After further review, the Village will contact Mr. Wallace.

RESIDENTIAL PARKING ISSUE

Sue Emmel attended the meeting on May 25th to express her desire to find a solution to the lack of legal overnight parking areas that renters in the Village must cope with. She asked for designated overnight parking areas. After discussion at this meeting, the Board concluded that designating parking on Main Street for the overnight hours would cause problems for the DPW. At the direction of the Board, the Clerk

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will contact Ms. Emmel to suggest that she contact Mr. Newcomb about parking in the Pheonix Building lot during the overnight hours.

PROPOSED CODE MODIFICATIONS

Chapter 210-7 B. Miscellaneous regulations: Mayor Corby said this section referring to demolition of churches sold for a purpose other than a church should be removed from the Code because it conflicts with the APRB section of the Code. Members agreed.

Chapter 210-83 Planning Board authorized to review: This section of the Code should include the B-4 District and does not. Therefore, it will be amended to include B-4. Mayor Corby suggested that more landscaping requirements be added as well.

Chapter 210-81 B. Design, construction and maintenance of facilities: Regarding handicap parking, it was suggested that the language be amended to follow NYS law. Trustee Farlow will research this and make suggested changes to present to the Board.

These code revisions will be included on the July agenda. Public Hearings will be held in August.

SIGN MEMO – TRUSTEE SHERWOOD

Mayor Corby revised the draft sign memo. It was emailed to the Board and to Jim Cronin for comments. Mr. Cronin made some changes. Mayor Corby will proof those changes and email another draft to the Board for review.

RFP'S TRAFFIC CALMING – TRUSTEE FARLOW

Trustee Farlow contacted Stantec to inform them that their proposal did not suit our needs. He contacted Mr. Ferranti (SRF) to ask if he would be willing to work with Dan Burden from Walkable Communities on a joint traffic calming study. He was excited about that idea. Mr. Burden will be in Blasdell on June 11th. Trustee Farlow and Mayor Corby will try to go to Blasdell to meet with Mr. Burden. If that is not possible, Trustee Farlow will contact Mr. Burden to see if he would be interested in a joint project. If so, he will request that a plan be in place by November or December.

Trustee Maddox reported that Stu Brown does not have plans at this time to submit an application for another grant. The Board encouraged him to meet with Mr. Brown to discuss possible grant projects such as granite curbing for South Main Street, cut-outs for parking, or money for the traffic plan. Trustee Maddox said he would attempt to take a list of ideas including some that point to the Comprehensive Plan, to Senator Alessi's office to ask for funds. He will consult with Senator Alessi to determine what his preference would be.

EMPLOYEE HANDBOOK MODIFICATIONS

After discussion, the Board of Trustees decided to amend the wording of Section 303 Drug and Alcohol Testing of the Employee Handbook. A **motion** was made **by Trustee Maddox, seconded by Trustee Sherwood** to modify Section 303 Return to Duty and Follow-up Testing as follows:

Section 303 Return to Duty and Follow-up Testing – pg. 4of 5, paragraph #2: *Once the individual returns to work, not less than six unannounced follow-up tests, (number and frequency to be determined by the SAP) will be conducted during the twelve-month period following the return to duty. The cost of the return to duty test and all follow-up tests shall be the responsibility of the employee.*

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

VILLAGE COMPUTER USE POLICY

Mayor Corby reported to the Board that because personal computer equipment was connected to the office computer system, computer problems for Village computers resulted. He said he would be meeting with John Robins who will help draw up wording for a policy modification. It was decided that to avoid future problems, connecting personal computer equipment to office equipment would not be permitted.

FLEXIBLE SPENDING PLAN OPTIONS

The Clerk presented a spreadsheet with three options for flexible spending plans. This would be an additional benefit offered to employees. There would be a one-time start-up cost and a monthly cost for

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each employee. The Village Clerk will survey the employees to see if there is interest in having this type of plan available.

EAP vs. SAP SERVICE

The Clerk explained the difference between services provided by the Health Associates Employee Assistance Program and the services provided by the Catholic Family Center Substance Abuse Professional division in terms of training for our staff and drivers regarding the use of drugs and alcohol. She explained that Attorney Jeff Turner suggested that he should review the contracts from these organizations. He also said we should research Third Party Administrators (such as Newport Alliance) in greater detail to see if they would handle the required testing procedures step by step. Mr. Spencer will give the names of the providers used by the Town and the School district to the Clerk. The Clerk will contact these organizations.

MCWA WATER ON CHURCH AND LOCUST STREETS RE: CHURCH FIRE

Trustee Farlow reported that there was virtually no water pressure from the hydrants when the Fire Department was fighting the fire at the First Presbyterian Church in May. Mr. Farlow said the Fire Department would be sending a letter to the Water Authority. He suggested that the Village do the same. He said the main lines should be 8 inches in diameter. Mr. Spencer has a map showing the lines.

Attorney Osborn said that the MCWA has leased and maintained the lines for the last forty years.

SEWER EXTENTION – TOWN GARAGE

Mr. Spencer reported that the Town has inquired about tying the Town Highway Garage and some houses along the North side of Golf Avenue into the Village sanitary sewers. Their Sewer Department would do the necessary work. Trustee Maddox asked Mr. Bailey to present some proposed wording for an agreement of this nature. Members said there should be discussion about the responsibility for the maintenance of the pump station that would be installed.

EXECUTIVE SESSION

A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to enter executive session to discuss a matter of real estate and to discuss the employment history of a particular 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 Sherwood** to leave executive session and to reenter the regular session of the meeting.

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

MINUTES

May 25, 2004: A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to approve the minutes of 5/25/04 as written.

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

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 10:30 PM.

Anne Z. Hartsig, Recording Secretary