

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE BOARD OF TRUSTEES
DECEMBER 14, 2004**

PRESENT:

Trustees	Robert C. Corby Thomas Farlow-arrived at 9:30 PM Paula Sherwood Steven Maddox- arrived at 8:10 PM Glenn Brown
Attorney	John C. Osborn
DPW Superintendent	Scott Spencer
Building Inspector	Skip Bailey
Recording Secretary	Anne Hartsig

Mayor Corby called the meeting to order at 7:00 PM.

TREASURER'S REPORT – MARY MAROWSKI

The Treasurer presented vouchers for approval. The Board discussed the request from Mrs. Lorraine Iati for payment of medical bills (voucher #285) that were the result of a fall on a section of the Village sidewalk in front of 64 South Main Street. Our insurance company was notified and investigated this claim. They found that the Village was not responsible because there was no prior written notice of a defect served upon the Village Clerk or the DPW Superintendent. Therefore, the Village is not legally responsible for this claim. Board members agreed that this voucher should not be paid. A **motion** was made **by Trustee Brown, seconded by Trustee Sherwood** to approve the following vouchers and charge them to the appropriate accounts:

General Fund (#248, #249, #251-#253, #255-#281, #283, #284, #286-#288)	\$37,313.70
Sewer Fund (#254)	3.10
ADA Fund (#247)	183.22
Canal Fund (#250, #282)	<u>4,301.48</u>
	\$41,801.50

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

The Treasurer told the Board that the Titan Bench Company would no longer be manufacturing the same bench that we have been ordering. There is another model that is very similar. The cost for the benches will be increasing. More information will be forthcoming from Sandy McCormick at Titan.

Ms. Marowski presented a letter of intent for a Pre-Disaster Mitigation Competitive Grant Program. Funds from this program could help pay for repairs to Rand Creek if our projects are acceptable and if there is sufficient funding. A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to authorize the Mayor to sign the letter of intent so that the Village can participate in the PDM competitive Grant Program which is available subsequent to the Federal Notice of Funding Available for fiscal year 2005.

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

DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on all of the routine projects that took place during the past month. He also told the Board about the projects that have been completed. These projects include repairs to the leaf machine, installation of the salters on Village trucks, street patching, street sweeping, replacement of pads and rebuilding of manholes on E. Jefferson Road, installation of holiday decorations, preparing the plows and snow blowers, removal and storage of the leaf box, painting of graffiti and storage of the Canal bollards.

Proceedings of the Board of Trustees Meeting of December 14, 2004

Board members asked if the wreaths could be mounted in the other direction in future years for better visibility. They also discussed the possibility of using lighted artificial garlands such as those currently being used in Skaneateles. Trustee Sherwood will obtain information on the garlands. It was reported to Mr. Spencer that the lights for entrance signs at South Street and South Main Street are out. Trustee Brown said the street light in front of his house is also burned out.

Mr. Spencer and the crew of the DPW are working on a list of budget concerns for fiscal year 2005-06.

Jobs that are in progress are: helping the Town with leaf pick-up, applications and meetings regarding potential FEMA money for Rand Creek repairs, maintenance of Wood Creek pumps and sidewalk grinding.

BUILDING INSPECTOR'S REPORT – SKIP BAILEY

Mr. Bailey reported on the following: the Del Monte Spa is open, Sutherland Sunoco has removed a gas pump canopy and underground tanks, legal issues are ongoing for the owner of 17 Eastview Terrace, drainage work is complete at 45 Schoen Place, a jeweler has leased the former Ensenatt's Deli space, the Court has not made a decision regarding the driveway issue at 6 Boughton Avenue, there is a new gift shop at 5 Monroe Avenue, a hair salon has rented the former Austin Harvard Gallery space, and a proposal to demolish a house at 10 Lincoln Avenue has been received.

Board members asked Mr. Bailey about the following outstanding compliance issues. Jojo's – the site work that has been approved has still not been completed. Mr. Bailey will send a letter; Simply Crepes – received conceptual approval of a plan for mechanical equipment screening; Great Northern Pizza – received suggestions from the PZBA at a meeting held on 12/13/04; Nothnagle screening – Mr. Bailey has sent a letter to remind the owners that they must replace the screening that was removed during the installation of parking lot drainage piping; Bank of America – Mr. Bailey sent a violation notice regarding parking lot screening.

Mr. Bailey informed the Board that there has been an inquiry about opening a wine bar at the former JQ Public store on South Main Street. This would require a Special Permit.

MICHAEL PICCIRELLI – 35 RAND PLACE – REQUEST TO INSTALL DRAINAGE PIPE

Mr. Piccirilli presented written material outlining the moisture problem he has had since purchasing his Rand Place home. Included in the material were two options for solutions to the problem and a request for approval to Option #1. Option #1 was to install a subsurface drainage pipe from the house to within 3' of the Village sidewalk. Board members and Mr. Spencer had concerns that this solution could cause icing on the sidewalk and that the discharged water could go under the street and undermine the durability and safety of the roadway. Members suggested that Mr. Piccirilli investigate the possibility of tying into the neighbor's lateral line and eventually tying into the storm sewer. Attorney Osborn said that Mr. Piccirilli would need to obtain a right of way or an easement from his neighbor if he pursued this option. Members concluded by saying that it would be against the Code to allow Mr. Piccirilli to discharge water onto the sidewalk.

PUBLIC HEARING CONTINUED – PONTILLO'S PIZZA – SPECIAL PERMIT

This Public Hearing was held open from the November meeting to allow time to hear back from the Town of Pittsford regarding shared parking behind the new library. A letter was received from Supervisor Carpenter stating that shared parking for both 18 and 20 State Street fits into the plans that have been developed and that the Town welcomes Pontillo's at their new location.

Remegia Mitchell reported that the site plan was approved at their November meeting and that there were no further concerns from the Planning Board.

There being no one further to speak for or against this application, a **motion** was made **by Trustee Brown, seconded by Mayor Corby** to close the Public Hearing.

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

Proceedings of the Board of Trustees Meeting of December 14, 2004

A **motion** was made **by Mayor Corby, seconded by Trustee Brown** to approve the application made by Don and Christine Woodring for a Special Permit to allow the operation of Pontillo's Pizza at 20 State Street with the condition that the total number of seats including indoor and any future outdoor seating will be no more than 16. The approval is granted based on the fact that this application complies with all requirements listed in Chapter 210-74 B. (3) a through h.

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

Trustee Maddox arrived at 8:10 PM

PUBLIC HEARING – COSMIC PILGRIM – 7 SCHOEN PLACE – SPECIAL PERMIT

Chris and Doug Miller explained the nature of the business they intend to open. It will be a combination juicery, natural food store and a yoga studio. The main focus of the business will be the natural food store. There will be 8 seats and a take-out counter. The applicants presented a proposed floor plan for the business. They explained that they hope to offer outside sale of fresh produce. This is not prohibited in the B-4 District however, the Zoning Board will recommend that outside sale of merchandise be prohibited in all areas of the Village for consistency. The Board asked about plans for grocery cart storage. Storage of carts will be inside or in one of the storage areas that has a garage door. The applicants stated that they want to capture business on both the street side and on the backside of the building.

The Board of Trustees said that the parking site plan that was submitted did not accurately reflect the number of parking places available. In addition, the extension of the parking lot screening that was promised by the landlord has not materialized. Since this application is an expansion of a commercial use, the area must be brought into compliance. Other concerns were as follows. Food service cannot be within 100' of a residential area. A plan is needed for noise, trash, odors and lights so that a nuisance or adverse effect is not created. The applicant said that the food operation would be further away from the residential area than Simply Crepes. They have made a deal with Towpath Bike to share a dumpster. The applicants were informed that this dumpster is not enclosed and is not in compliance. The applicants will make other arrangements.

Remegia Mitchell, PZBA Chairperson, submitted a letter summarizing her Board's request that the Board of Trustees address six items prior to the issuance of a Special Use Permit. The six items were a signed dumpster agreement, arrangements in place for indoor storage of short-term refuse, hours of operation to begin not earlier than 6 AM which is consistent with the Special Exception Use for the yoga studio, specific plan for the use and storage of grocery carts, specific conditions for the use of the porch for outdoor retail sales, and a requirement for outdoor trash receptacles.

A fax was received in the Village Office from John Degenhardt stating that he and Mrs. Degenhardt do not have objections to the proposed location and operation of the yoga instruction studio.

The Board agreed that the concept for the proposed business is great and that it will be a nice addition to the Village. They explained that it is their job to make sure that a hardship won't be created for other businesses. The Board listed the following as requirements for the Special Permit:

1. specific dumpster facilities
2. screening of the parking lot or a letter from Ted Collins stating when the screening would be installed
3. an accurate number of parking places that are available for this specific property
4. accurate number of parking places necessary for the business per the Village Code
5. a site plan that includes outdoor trash receptacles and the use and storage of grocery carts
6. specific hours of operation

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

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

There being no further discussion at this time, it was decided that a special meeting will be scheduled for the following week. The Public Hearing will remain open.

Proceedings of the Board of Trustees Meeting of December 14, 2004

GOLF AVENUE SEWER HOOK-UP

Plans for the proposed Golf Avenue sewer project were submitted to the Village Office on December 13th. The Board determined that the Village engineer should review the plans before they are accepted. Attorney Osborn stated that the proposal should include an approval from Monroe County Pure Waters and that the Board should obtain a signed agreement which states that anyone who taps into this sewer line will pay sewer rent to the Village as well as a tap in fee. Scott Spencer will contact Scott Harter to facilitate this review. Board members determined that Scott Harter should review the plans for the following reasons:

1. to make sure there will not be any adverse capacity problems
2. to coordinate an approval for the proposal with Monroe County Pure Waters
3. to suggest a tap in fee and annual fee
4. to verify that there is a proper grease separator that is up to date and meets all DEC codes

Trustee Farlow arrived at 9:30 PM

EXECUTIVE SESSION

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to enter Executive Session to discuss a matter of real estate and the employment history of specific individuals.

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

FLEXIBLE SPENDING PLAN CONTRACT

Attorney Osborn reviewed the contract with EBS for a flexible spending plan. He explained the advantages and disadvantages to the plan. He said it was not an unusual contract and he did not have any objections to proceeding with the agreement. Therefore, a **motion** was made **by Trustee Farlow, seconded by Trustee Brown** to authorize Mayor Corby to sign the contract with EBS Benefits Solution to provide employees with a flexible-spending plan for the calendar year 2005.

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

SIGNAGE – TRUSTEE SHERWOOD

Trustee Sherwood expressed concerns about the number of neon signs that are visible particularly in the Four Corners area of the Village. The signs are not directly in the window but are still visible. Trustee Sherwood asked if these signs are permitted. Attorney Osborn and Mr. Bailey will review the ordinance to determine an answer to this question.

Trustee Sherwood pointed out that there are a multitude of paper signs appearing in windows of the businesses along Main Street.

Trustee Sherwood resubmitted a memo regarding the sign ordinance that was written and discussed several months ago. This memo could be mailed to Village merchants to remind them about the sign ordinance. A decision about whether or not to mail the memo was not made.

TRAFFIC CALMING STUDY – TRUSTEE FARLOW

Trustee Farlow distributed a draft copy of the Traffic Calming plan submitted by SRF & Associates. A copy was given to Mr. Spencer and Mrs. Bailey. He asked for comments from the Board, Mr. Spencer and Mr. Bailey prior to January 4, 2005. He suggested that a meeting of the Board be held between Christmas and New Years to discuss any proposed changes. That meeting date was not scheduled.

VILLAGE MAPS – TRUSTEE FARLOW

Trustee Farlow explained that SRF & Associates submitted a proposal for the production of a village base map, a zoning map and a historic places/village landmark map. The maps would use the ARCGIS version 9.0 base maps that were developed as a result of the Traffic Calming plan. The cost is a lump sum fee of \$450.00. A **motion** was made **by Mayor Corby, seconded by Trustee Maddox** to approve the

Proceedings of the Board of Trustees Meeting of December 14, 2004

expenditure for various village maps as submitted on the proposal from SRF & Associates dated December 10, 2004 for a lump sum fee of \$450.00.

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

BIKE RACKS – TRUSTEE FARLOW

Trustee Farlow submitted several specification sheets on various styles of bicycle racks that might be utilized in the Village. He suggested that the serpentine style rack might be installed behind the Sam Patch ticket gazebo. He thought the bollard style rack would be a good choice for South Main Street. Mr. Spencer is going to research additional styles and will report back to the Board at the January meeting. More discussion will follow at that time.

EVENTS COMMITTEE – TRUSTEE FARLOW

Trustee Farlow suggested that the Board include line items in the 2005/06 budget that would be for specific yearly events including but not limited to Candlelight Night and the Regatta weekend. It was also suggested that more thorough communication take place regarding planned events.

There was a discussion regarding the service provided by Intercept Security for Candlelight Night this year. Some Board members stated that they observed that the security guards provided poor service and were not helping people cross the street.

RESOLUTION 13 OF 2004 – CDBG CONTRACT

Acceptance of the Community Development Block Grant and Authorization of the Mayor to sign the Contract with Monroe County

Whereas; County Executive Maggie Brooks awarded the Village of Pittsford a grant in the amount of \$25,600 from the Community Development Block Grant (CDBG) Program, and

Whereas; the Village Board of Trustees wishes to utilize these funds to begin Phase II of the Handicap Accessibility project and more specifically, for use in the construction of a handicapped accessible restroom, and

Now therefore Be it Resolved on a motion by Trustee Brown, seconded by Trustee Sherwood that the Pittsford Board of Trustees agrees to accept the 2004 CDBG grant from the County of Monroe in the amount of \$25,600 and hereby authorizes the Mayor to sign the contract for such project with the County of Monroe.

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

RESOLUTION 14 OF 2004 – APPROVAL OF ENGINEER'S SERVICES – PUMP OUT STATION

The Village has been awarded a grant from the Clean Vessel Program to construct a pump-out station on the Erie Canal. The Board was prepared to discuss and possibly pass a resolution based on a proposal that was to have been submitted by Scott Harter for his services for this project. The Board had not received the proposal and therefore deferred passing a resolution until more information had been submitted.

PARKING MONITOR POSITION

The Village Clerk informed the Board that an advertisement would be placed in the Messenger Post Newspapers regarding the opening of a parking monitor position. The ad will run on 12/15/04 and 12/29/04. The cost for advertising is \$136.30.

STAFF DEVELOPMENT MEETING – DECEMBER 17, 2004

The Clerk reported on the plans for the Staff Development meeting that will be held on 12/17.

MINUTES

November 8, 2004: A motion was made by Trustee Maddox, seconded by Trustee Sherwood to approve these minutes as submitted.

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

November 9, 2004: A motion was made by Trustee Maddox, seconded by Trustee Brown to approve these minutes as submitted.

Proceedings of the Board of Trustees Meeting of December 14, 2004

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

November 18, 2004: A **motion** was made **by Trustee Maddox, seconded by Trustee Farlow** to approve these minutes as submitted.

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

December 2, 2004: A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to approve these minutes as submitted.

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

THANK YOU TO TRUSTEE BROWN

On behalf of the Board of Trustees and the Village of Pittsford, Mayor Corby thanked Trustee Brown for his fifteen years of service and wished him well on the occasion of his retirement.

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 10:35 PM.

Anne Z. Hartsig, Recording Secretary