

**PROCEEDINGS OF THE REGULAR MEETING OF THE
VILLAGE BOARD OF TRUSTEES
April 12, 2005**

PRESENT:

Mayor	Robert C. Corby
Trustees	Thomas Farlow Steve Maddox (arrived at 7:45 PM) Tim Galli
Excused	Paula Sherwood
Attorney	John C. Osborn
DPW Superintendent	Scott Spencer
Building Inspector	Skip Bailey
Treasurer	Mary Marowski
Recording Secretary	Anne Hartsig

Mayor Corby called the meeting to order at 7:25 PM.

BUILDING INSPECTOR'S REPORT – SKIP BAILEY

The Building Inspector reported on the following:

1. The Stormwater Coalition will sponsor a public meeting on 4/19/05 to fulfill one of the requirements of the Village's stormwater permit.
2. Mr. Bailey attended the Fingerlakes Building Officials conference March 21-23. This school partially fulfills the Dept. of State's requirement of 24 hours of instruction annually.
3. After APRB approval in April, a demolition permit for specific sections of the Flour Mill has been issued.
4. The owner of the Flour Mill is appealing an APRB decision that the north side of the building is under their jurisdiction. The Zoning Board will hear the appeal on 4/25/05.
5. There is an application to the ZBA and Planning Board regarding 9 Monroe Avenue for a special exception for a public garage and for minor site plan approval.
6. Mr. Bailey attended a CPR/First Aid in the Workplace course sponsored by the Town of Pittsford.
7. A new business (Tessellation's Boutique) opened on Plum Lane.
8. Interior restoration has begun at the First Presbyterian Church.
9. About 40% of dumpster owners have responded to the permit renewal. Mr. Bailey will send a second notice.
10. Mr. Bailey will meet with the owner of 2 Courtenay Circle regarding the screening of her RV.
11. A-frame signs will be at the four-corners advertising the Women's Club of Pittsford Home and Kitchen Tour.
12. Construction of St. Paul's Church addition will begin soon.

The Building Inspector has been assured that all site plan work will be completed by May 15, 2005 at Jojo's. Great Northern Pizza was sold and is now owned by Bruegger's Bagels. Rob Desino is still the contact person. Scott Likly intends to comply with his site plan deficiencies. Debbie Masters, a YMCA representative, said patrons who have been parking at the Little League Field would stop.

TREASURER'S REPORT – MARY MAROWSKI

Ms. Marowski presented vouchers for approval. A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to approve the following vouchers and charge them to the proper accounts.

General Fund	(#411-#413; #415-#432, #434-#450):	\$13,089.11
Sewer Fund	(#433)	2,500.00
ADA Fund	(#414)	<u>1,131.28</u>
	Total	\$16,720.39

Vote: Corby – yes, Galli – yes, Farlow – yes. **Motion carried.**

Proceedings of the Board of Trustees Meeting of April 12, 2005

Other business: The Board discussed the possibility of opening a savings account to cover estimated costs for “review” list leaving the bulk of the monies for operating expenses in the Municipal Choice account. The Treasurer will talk to Bank representatives to verify the interest rates for such an account.

\$5,202.92 in uncollected sewer rent revenue will be included on the Village Tax bills for 2005.

Items of discussion were as follows: new computer equipment and Windows XP update is needed for the PZBA/APRB Secretary’s computer, a minimum of three commemorative benches will be ordered at a time to save on shipping costs, Ms. Marowski is obtaining estimates for bike rack plaques for another donation project and a crew regatta trophy will need to be ordered.

DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on **Routine Activities** and **Work in Progress** for the month. Items of discussion were as follows: recently there has been a **clogged siphon** in the vicinity of Monroe Avenue and Sutherland Street. Mr. Spencer hasn’t been able to determine the cause. He monitors the siphon 3-4 times per week. Mr. Spencer will be combining **street signs** so there are fewer poles. Mayor Corby said the paint on the **DPW garage** needs to be touched up to prevent further rusting. The cost for heavy metal **garbage cans** is about \$600. This cost wasn’t included in the budget, therefore, the existing cans will be painted. The **commemorative benches** have weathered greatly over the winter. Mr. Spencer said the sealing didn’t last. Benches will be refinished at some point. The crew **cleaned up the area of Monroe Avenue** near the railroad tracks. Mayor Corby and Mr. Spencer will walk around the Village to determine where **new trees** are needed. The owner of the **Towpath Bike Shop** would like to put in a **walkway** from the shop to the towpath. Mr. Spencer reported that the **loader** needs \$10,000 worth of repairs and will need new tires at a cost of about \$300 each. The repairs aren’t under warranty because we have had the loader for six years. Repairs might have a minimum warranty. Making these repairs might be the cheapest option. Board members said an equipment replacement schedule should be utilized and kept updated. Residents on **Village Grove** have asked the Village to maintain an existing circular flower garden that was installed by the homeowners. The Village can’t do landscaping in this area since it is equivalent to the public right of way between the street and sidewalk that residents maintain. However, the Village will replace the shrubs that were ruined as a result of snowplowing. The **speed trailer** has been on village streets. Mr. Spencer has observed speeds of 60 mph on State Street. Mr. Spencer obtained a quote of \$1200 to “box out” and level the **RG&E right of way behind Schoen Place** for extra parking this season. When their road repairs are started in June, the Town will bring asphalt millings, which will be spread out on the right of way. The Board instructed Mr. Spencer to move forward with this project. Mayor Corby mentioned investigating a **sign to identify this new parking area** that could be mounted between the Powers and Newcomb property.

MINUTES

March 8, 2005: A **motion** was made **by Trustee Maddox, seconded by Mayor Corby** to approve these minutes as written.

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

March 16, 2005: A **motion** was made **by Mayor Corby, seconded by Trustee Galli** to approve these minutes as written.

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

March 23, 2005: A **motion** was made **by Mayor Corby, seconded by Trustee Galli** to approve these minutes as amended.

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

March 30, 2005: A **motion** was made **by Trustee Maddox, seconded by Mayor Corby** to approve these minutes as written.

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

PUBLIC HEARING – APPROVAL OF TENTATIVE BUDGET

The Board of Trustees reviewed the Budget Overview and concluded that it captures accurate thoughts about the budget. The Treasurer distributed written observations from the Village’s accountant following his review of the budget so that the Board is aware of his opinions. Members stated that these comments would be used as a review as the budget year progresses. They also concluded that this budget followed

Proceedings of the Board of Trustees Meeting of April 12, 2005

last year's goal of not raising the tax rate. The Board stated that with any budget, there is uncertainty and risk by definition. They concluded that the Tentative 2005/06 budget is a compromise and reflects an accurate view of all Board members. It was noted that the majority of the increase in the budget is for the Traffic Calming initiative. Proof of the legal notice having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to open the public hearing.

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

There being no one present other than Board members wishing to comment on the Tentative Budget, a **motion** was made **by Trustee Farlow, seconded by Trustee Galli** to close the public hearing.

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

Adoption of the Tentative Budget for 2005/06: A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to adopt the 2005/06 Tentative Budget for the General Fund and the Sewer Fund as presented by the Village Treasurer.

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

The Board of Trustees thanked the Treasurer for the tremendous efforts and time that was put forth as she worked on the budget for the upcoming fiscal year. Members stated that the process was well organized and that they were well informed during the course of the budget procedure. Trustee Galli thanked Ms. Marowski for the time she spent with him as a new Trustee and for making the process clear.

PUBLIC HEARING – LOCAL LAW #1 OF 2005 – DUMPSTER FEES

Proof of the legal notice having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to open the public hearing.

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

Members discussed the reasons for changing the renewal period as currently written in the Code from five years to an annual renewal. They determined that a five-year renewal makes enforcement more difficult. However, an annual renewal carries with it a “hassle factor”, more paperwork and more fees. Code Enforcement Officer Bailey stated that an annual renewal would be more effective. It was determined that he will authorize and monitor permit renewals. There being no one present other than Board members wishing to comment on the adoption of Local Law #1 of 2005, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to close the public hearing.

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

A **motion** was made **by Mayor Corby, seconded by Trustee Galli** to approve the adoption of Local Law #1 of 2005, which law would amend the renewal time for dumpster permits and provide for the fee to be determined at the Annual Organizational meeting.

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

BID APPROVAL FOR ADA RESTROOM AT VILLAGE HALL

The Board received a written synopsis of the bids received for the ADA Improvements from architect Richard Osgood. Mr. Osgood stated that he could see no reason not to enter into an AIA “Standard Form of Agreement between Owner and Contractor – Stipulated Sum” (A101-1997) with Testa Construction, Inc. A **motion** was made **by Trustee Maddox, seconded by Trustee Farlow** to accept the bid presented by Testa Construction, Inc. for \$46,600 and to authorize Mayor Corby to sign the agreement.

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

L’AVANT GARBE FUNDRAISING REQUEST

Joan Lincoln representing Lorie Scott, the owner of L’Avant Garbe, requested permission to allow community groups to hold fundraising events in their parking lot as often as every other Saturday during the warmer months. Mr. Bailey stated this is not much different than holding a car wash for which a permit is not needed. Mayor Corby told Ms. Lincoln to coordinate these events with Mr. Bailey. He said a permit is not necessary.

LIBRARY WALL – LINDA LANPHEAR

Ms. Lanphear requested that the Board of Trustees approach Supervisor Carpenter to ask that the proposed six-foot high brick wall that is part of the new Library plans and is to face State Street be reconsidered. She would like to see that area be maintained as open green space. She stated her opinion that the library

Proceedings of the Board of Trustees Meeting of April 12, 2005

structure is too big in scale, that the wall is not pedestrian friendly but rather an unfriendly obstacle, that there will no longer be a canal view from South Street removing any indication that the Village is an Erie Canal Community. She further stated that the Village PZBA and APRB did not have an opportunity to look at the design and that there was little done on the part of the Town to acknowledge or respect the views of the Village. Mayor Corby said that the Pittsford Rotary would be adopting the landscaping portion of the garden wall. Ms. Lanphear said that fact did not alter her opinion and that she would like to eliminate the wall or at the least, compromise using wrought iron that can be seen through. She also asked that the piers be made substantially smaller.

Mayor Corby said that there had been a tremendous amount of discussion regarding the library design and that the design was significantly altered in terms of site plan and architectural design of the building. These alterations reflected comments received from the Board of Trustees, the Planning Board and the APRB. Mayor Corby said that the Town worked hard to keep the library within the Village when they could have moved it outside the Village limits. He said the façade, including the entrance, two-story windows and the storefront will enliven State Street in a way that the previous buildings did not. Mayor Corby stated that Ms. Lanphear's concern for the streetscape is important but noted that overall, the building is no higher than the hotel that was historically located on that site was and it is not as close to the street as the hotel was. He said that the current drawing doesn't show landscaping so it is not an accurate depiction of what the structure will ultimately look like. Mayor Corby said that in his opinion, the brick color, the trim and the windows all make the library very attractive and better looking than the buildings that were formerly there. He said he is pleased that the village has kept a downtown library. Trustee Maddox noted that the system of review that was used was an informal one. He said the PZBA and APRB might feel that they didn't have the opportunity to do their job and review the plans officially. Mayor Corby offered to meet with Supervisor Carpenter and Ms. Lanphear regarding the issue of the brick wall.

ANNUAL 9/11/01 TRIBUTE

Mayor Corby offered the following proclamation that was originally adopted by the Board of Trustees at their regular monthly meeting held on September 10, 2002.

WHEREAS, the **ONAIRES PROJECT** is designed to marshal the community spirit of our state in a tribute to police, fire, and EMS personnel lost at the World Trade Center on September 11, 2001, and

WHEREAS, the objective of the **ONAIRES PROJECT** is for communities across New York to designate a day to home the heroes of September 11 and their families, and

WHEREAS, a further objective of the **ONAIRES PROJECT** is to assure that families of those lost on September 11, 2001 that these heroes would remain forever in the thoughts and prayers of New York State citizens, **now therefore be it**

RESOLVED, that I, Robert C. Corby, Mayor of the Village of Pittsford, do hereby salute and call attention to all personnel lost at the World Trade Center on September 11, 2001 and to their families, and in honor of the many heroes of that day, I call upon all residents in the Village of Pittsford to join me in this yearly tribute on the second Tuesday of April, 2005 and on that day each year hereafter.

NON-MUNICIPAL USE PERMIT – ROCHESTER MARATHON ON 9/17/05

The Village Board received a request for a non-municipal use permit from the Arthritis Foundation for permission to hold a marathon on September 17, 2005. Portions of the marathon would take place on Village Streets. This event will be held on the same day as the scheduled dedication of the new library. Town officials told Mayor Corby and Trustee Farlow that this event would not conflict with the library opening. Therefore, a **motion** was made **by Trustee Farlow, seconded by Trustee Maddox** to approve the request from the Arthritis Foundation for a non-municipal use permit to hold the Rochester Marathon on September 17, 2005 on those Village streets that were indicated on the map provided to the Trustees with the condition that the Monroe County Sheriff's Office, the Pittsford Fire Department and the Pittsford Volunteer Ambulance be notified prior to the event and that a current Certificate of Insurance naming the Village of Pittsford as additionally insured be filed in the office of the Village Clerk prior to the event.

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

NON-MUNICIPAL USE PERMIT – TOWN OF PITTSFORD 2005 EVENTS

The Village Board received a request from Supervisor Carpenter for a non-municipal use permit for 2005 Town events that will be held within the Village. A **motion** was made **by Trustee Farlow, seconded by**

Proceedings of the Board of Trustees Meeting of April 12, 2005

Mayor Corby to approve the request for a blanket non-municipal use permit for the various events that will be held entirely or partly within Village limits in the year 2005 with the exception of Pittsford Celebrates, which will be held on Town property, with the condition that a current Certificate of Insurance naming the Village of Pittsford as additionally insured be filed in the office of the Village Clerk prior to the first event.

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

CREW REGATTA, JUNE 4TH AND 5TH, 2005 – VILLAGE CONTRIBUTION

Trustee Farlow reported that the Town agreed to split the cost of the security and the port-o-potties for the 2005 Regatta. A **motion** was made **by Mayor Corby, seconded by Trustee Farlow** that the Village Board will commit to pay up to \$1000.00 of our shared cost with the Town of Pittsford for the 2005 Crew Regatta.

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

GOLF AVENUE SEWER AGREEMENT

The Board of Trustees discussed concerns regarding the Golf Avenue sewer agreement. When the discussion about this agreement took place with Jared Lusk and Mike Garland, it wasn't clear to the Board that there is not an adjustment clause that provides a mechanism for rate increases. Members discussed shortening the term of the agreement to ten years, which would give the Village the flexibility to adjust for changing conditions. It was noted that this would postpone action on the agreement for another month. Some members expressed the opinion that this would be a minor change in the agreement. Following the discussion a **motion** was made **by Trustee Farlow, seconded by Trustee Maddox** to authorize Mayor Corby to sign the Golf Avenue Sewer Agreement on behalf of the Board as it is currently written.

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

SENECA PARK ZOO ADVERTISING REQUEST

The Village received a request for sidewalk stenciling as a means of advertising a fundraising event at the Seneca Park Zoo, which would feature an exhibit of black bears. The event is called "Zoobilation 2005". A **motion** was made **by Trustee Maddox, seconded by Mayor Corby** to approve the request for temporary spray chalk stenciling on sidewalks within the Village limits to advertise "Zoobilation 2005" for the Seneca Park Zoo.

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

PARKING MONITOR POSITION

Mayor Corby reported that he had interviewed a candidate for the part-time parking monitor position. He said the candidate's credentials were favorable and he recommended offering him the position. A discussion regarding background checks took place. The decision to hire was postponed for the time being.

TRAFFIC CALMING UPDATE – TRUSTEE FARLOW

Trustee Farlow reported that the Town had distributed the Plan to Town Board members and that the Plan had been distributed to the Fire District. The municipal agency review will take place on April 26th at 8:30 AM at the Village Hall.

VILLAGE MAP STATUS – TRUSTEE FARLOW

Trustee Farlow reported that there is no change in the status of the maps that are being developed.

COLLATERAL SOURCE BILL CS.1544/A4354

Attorney Osborn reviewed this bill and recommends supporting this bill that would entitle municipal defendants in all tort actions to a reduction of future economic awards for disability pensions etc. Therefore, a **motion** was made **by Mayor Corby, seconded by Trustee Farlow** to join other Monroe County Towns and Villages in their support of this bill and to write a letter of support to the public officials as requested by Barry Schwartz, Esq. Of the New York City Law Department.

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

ADMINISTRATIVE SUBDIVISION DISCUSSION

Proceedings of the Board of Trustees Meeting of April 12, 2005

Members discussed an Administrative Subdivision procedure for lot changes. This would not require the Planning Board review of lot subdivisions. Mr. Bailey noted that this could result in lot lines being moved without approvals from the Village. Board members agreed that this procedure would not be in the best interest of the Village.

SEQR/DEMOLITION POLICY DISCUSSION

Members discussed current Village Code regulations on demolition. It was noted that demolition is under the purview of the APRB, that demolition requires a SEQR review and that the APRB can't approve demolition without plans to replace the structure that is being demolished except in rare occurrences. Attorney Turner is working on recommendations that would clear up the ambiguity in the Code book regarding demolition and SEQR review.

VENDOR PERMIT FOR BOB FORD FIELD

Board members noted that the concession stand at the Bob Ford Little League Field was approved by the Planning Board. The vendor operates the stand only at times when games are being played. Therefore, a permit is not necessary.

PZBA/APRB MEMBER APPOINTMENTS

The Trustees decided that Mayor Corby should make PZBA and APRB appointments for expired terms at the Annual Organizational Meeting.

WEBSITE

The Board of Trustees decided that no purpose was served in including legal notices on the website. They will be removed.

JOINT MARKETING EFFORT

Mayor Corby attended a meeting arranged through the Pittsford Chamber of Commerce to discuss a future joint marketing effort for the Villages of Fairport, Palmyra and Pittsford. Marketing representative ??? will write a proposal and may ask for funding from the Greater Rochester Visitors Bureau.

EXECUTIVE SESSION

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

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

A **motion** was made by **Trustee Farlow, seconded by Mayor Corby** to leave executive session and reenter the regular session of the meeting.

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

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 10:45 PM.

Anne Z. Hartsig, Recording Secretary