

**PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
DECEMBER 13, 2005**

Present:

Mayor	Robert C. Corby
Trustees	Paula Sherwood Tim Galli Thomas Farlow – arrived at 9:30 PM Steve Maddox
Treasurer	Mary Marowski
DPW Superintendent	Scott Spencer
Building Inspector	Skip Bailey
Attorney	John C. Osborn
Recording Secretary	Anne Hartsig

Mayor Corby called the meeting to order at 7:10 PM.

TREASURER'S REPORT-MARY MAROWSKI

The Board reviewed the vouchers for approval. A **motion** made by **Trustee Galli, seconded by Mayor Corby** to approve the following vouchers as presented and to charge them to the appropriate accounts .

General Fund (#288-351):	\$ 137,457.05
Sewer Fund (#307, #309, #314)	\$ 1,095.00
ADA Handicap Access (#291, #329)	<u>\$ 12,555.89</u>
Total Vouchers for Approval:	\$ 151,107.94

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

Drainage System – Village Hall

A **motion** was made by **Trustee Galli, seconded by Mayor Corby** to authorize DPW Superintendent Scott Spencer to continue discussions with Craig Prince to obtain a quote for a new drainage system at Village Hall.

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

Resolution #15 of 2005 – Authority to Establish, Modify, Renew or Withdraw – Certificates of Deposit

The following resolution was offered for approval: **Be it resolved** that the Board of Trustees of the Village of Pittsford give authority to the Trustee in charge of Finance in conjunction with the Treasurer to establish, modify, renew, or withdraw monies from certificates of deposit on behalf of the Village of Pittsford for the purpose of Village business at the designated official bank as approved at the Annual Organization Meeting.

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

DPW REPORT – SCOTT SPENCER

Mr. Spencer reported on routine activities, projects in progress and completed projects. Some specific discussion items were as follows. Regarding **tree planting**, Mr. Spencer hopes to plant new trees before the ground freezes this season. The DPW has noted that private trash from village merchants is being dumped into village receptacles. Mayor Corby will personally speak to the merchants and request that they no longer dump **personal garbage into village receptacles**. He will follow up with a letter if necessary.

BUILDING INSPECTOR'S REPORT

Mr. Bailey reported that the **Flour Mill project** received conditional approval from the Planning Board on 12/12/05. A letter of credit remains an issue. Village engineer Scott Harter and project engineer Karen Kosten will discuss this topic of concern. Mr. Bailey told the Board that Mr. Miller, owner of the **B&B on**

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North Main Street, went forward with plans to allow the Pittsford Chamber of Commerce to hold a holiday party at the B&B even though he had been told this was not a permitted use. It was mentioned that wedding receptions are planned for the summer (2006) months. The Special Permit that the Board granted to allow a B&B does not include parties. Trustee Maddox will call the owner to advise him that enforcement procedures will begin. Mayor Corby, Trustee Sherwood and the Building Inspector will meet on December 22nd to discuss the issue. Mayor Corby asked Mr. Bailey to remind Ted Collins to have a **screening fence installed behind 7-9 Schoen Place**. This was a condition of approval for the Special Permit issued to the Chris and Doug Miller for their organic food store business. Mr. Bailey replied that Mr. Collins said he has hired someone to install the fence and that it should be complete by January 1st.

SPECIAL USE PERMIT – BEN CARROLL – BIG KAHUNA ICE CREAM

This application was withdrawn.

PUBLIC HEARING – SPECIAL USE PERMIT – BEN AND JERRY’S ICE CREAM

Mr. Jim Crilly and Mr. Mike Brown presented an overview of their proposed business which is planned for location at 5 South Main Street. This Ben and Jerry’s franchise, if approved, will be the first in the Rochester area. A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to open the Public Hearing. **Vote:** Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.** The following offered comments regarding this application.

Peter Brizee, owner of 5 South Main Street: Mr. Brizee said he would make it a condition of the lease that trash be removed on a daily basis.

Jim Cronin, owner of the Pendleton clothing store at 3 South Main: Mr. Cronin stated that he is supportive of this application. He believes that Ben and Jerry’s is a great name business, that it fits in well with other village businesses, that it will result in an efficient use of available parking and that it will bring people into the retail district.

The Secretary reported a phone call from **Sue Triolo**, owner of Ewe Too and The Black Sheep. Ms. Triolo is concerned about non-retail businesses being allowed to occupy first floor space in the B1-A district. She is opposed. **Joe and Peg Willard**, owners of Pittsford Picture Framing, also expressed opposition to non-retail businesses occupying first floor space in the B1-A district.

Trustee Maddox said the Board should be aware of how many non-retail businesses are being granted permits for this district. However, he said that Ben and Jerry’s is a service to the public and is good for the village. Mayor Corby told the applicants that they would be responsible for monitoring and emptying public trash containers that are used by their customers on a daily basis, especially on weekends. He also stated that they must instruct their employees not to park in the Burdett lot or on South Main Street, in the business district. When asked about outdoor seating, the applicants said they were not planning on tables and chairs outside at this time. The Board said that within reason outdoor seating is good for the village and they would like to see a plan at a future time. The applicants stated that deliveries would be approximately one time per week and there will not be any large tractor trailer delivery trucks. The business can dictate when the deliveries will take place. Board members reminded the applicants that signage would need APRB approval and possibly a variance from the Zoning Board. The applicants told Board members that there will be a handicap entrance, possibly in the back, because Ben and Jerry’s won’t approve a franchise without handicap accessibility.

SEQR: The Board reviewed the short SEQR form and declared this an unlisted action. They determined there would be no adverse impacts.

There being no one further to speak for or against this application, a **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to close this public hearing.

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

The Board reviewed a **memo from the Planning Board** that is dated December 13, 2005. The memo listed three concerns about this business. Regarding **franchise requirements for signage**, the Board noted that APRB approval would be required and that a variance might need to be requested, a decision that

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would be up to the Zoning Board. Mr. Brizee said it would be a requirement of the lease that the new sign be the same as the existing sign. The Planning Board stated that the **retail base of Main Street** is diminishing. The Board considered comments from retail merchants. They determined that a goal of the Comprehensive Plan is to attract a broad spectrum of businesses to the central business district. According to the NYCOM Main Street conference speakers, food services are an important component of a successful downtown. This business would help restore incentive for younger families to patronize South Main Street, attract foot traffic, bring a balance to South Main, and extend business hours into the evening resulting in a benefit for retail shop owners. Peak business for the ice cream would not coincide with the peak times for most uses in the area. It was pointed out that the proposed use is permitted unless it doesn't meet one of the criteria listed in the Village Code. Bob Corby suggested that perhaps the Board should initiate a discussion with the Planning Board to determine whether additional criteria are needed for special use permits.

Parking and take-out refuse were listed as concerns. The applicant has agreed to monitor and empty nearby village trash receptacles. Business owners will ask employees of the franchise not to park in the Burdett Lot or on South Main Street in front of the ice cream store.

The Board of Trustees reviewed Section 210-74, the standards for special permit application review.

- a. access to the site and size of the site are adequate
- b. proposed use won't adversely affect the pattern of development of the area
- c. the nature of the business will not alter the character of the neighborhood nor be detrimental to the residents
- d. proposed use won't create a hazard to health, safety or general welfare
- e. proposed use won't be detrimental to the flow of traffic
- f. proposed use won't place an excessive burden on public improvements, facilities, services or utilities
- g. the proposed site is located in a business district and should not have an adverse effect on residential property
- h. the proposed business won't create noise, late night activity, odors or other conditions that will be detrimental to the quality of life of nearby residents and businesses.

Findings of Fact

1. peak hours of this business won't correspond with peak hours of other businesses in the area
2. this business will help increase pedestrian traffic from a planning perspective
3. employees will park in long term parking areas and will not use the Burdett lot or South Main Street parking
4. the peak ice cream season is of short duration

A **motion** was made **by Trustee Maddox, seconded by Trustee Galli** to approve this application for a Special Permit with the following conditions:

1. refuse will be stored inside and will be disposed of daily
2. the applicant has agreed to monitor and remove trash from three public receptacles (two to the south and one to the north) of the business on a daily basis or as needed
3. employees will be required to park in designated long term areas.

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

CONTINUATION OF PUBLIC HEARING – PROPOSED LOCAL LAW #8 OF 2005 – COMMERCIAL SIGNS

The Building Inspector presented a revised draft of a proposed change to Chapter 168: Signs. Board members discussed the revision and heard comments from John Del Monte. The Board reviewed comments from the Zoning Board that were submitted in a memo dated October 26, 2005. After discussion, the proposed Local Law read as follows:

Amend Chapter 168 – 7 E

E. Hotel, motel or motor inn. Signs shall be permitted as follows:

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(1) In lieu of the building mounted sign permitted by this chapter, a pole mounted, a freestanding or a monument sign may be erected for the purpose of identifying the name of a hotel, motel or motor inn. A pole sign shall not exceed 12 square feet in area per side and shall have a maximum height of 15 feet and a minimum clearance of 7.5 feet from grade. A freestanding or monument sign shall not exceed 16 square feet in area per side and shall not exceed 7 feet in height from grade to the highest point of the sign structure.

(2) No hotel, motel or motor inn sign shall obstruct pedestrian or vehicular visibility, project into the public right-of-way, or cause glare to neighboring properties, pedestrians or drivers.

(3) Only one additional sign is permitted for any and all accessory business operation, which are open to the public and not exclusively to guests, such as a restaurant or spa. Such sign shall conform to the requirements of 168-7E (1).

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 Galli** to close the public hearing.

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

A **motion** was made by **Trustee Sherwood, seconded by Trustee Maddox** to approve the adoption of proposed Local Law #8 of 2005, which local law amends Chapter 168-7E regarding signage for hotels, motels and motor inns.

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

HANDBOOK UPDATE – LENS PROGRAM DRAFT

Trustee Galli and the Village Clerk wrote a draft statement regarding the LENS program to include as a new section for the employee handbook so that the Village would have a definite policy regarding this program. Attorney Osborn reviewed the draft and it was amended as follows:

**EMPLOYEE CONDUCT
SECTION 312 DRIVER'S LICENSE**

312 Driver's License

Requirement

An employee who is required to drive either a Village-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the Village, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license.

Commercial Drivers

An employee who operates a vehicle that requires a Commercial Driver's License (CDL) must maintain such license throughout employment. In accordance with the Federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the Mayor or his/her immediate supervisor within thirty days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

Verification of Driver's License

The driving records of applicants applying for positions that require and involve operating motor vehicles are checked following a conditional offer of employment to ensure that the employee has a valid New York State driver's license and that no suspensions or revocations exist. Also checked are individuals who regularly use their personal vehicles for village business. Regularly is defined as several times a week for which mileage reimbursement is paid.

Lens Program

Since April 2002, the Village of Pittsford has been a participant of the License Event Notification Service (LENS), a program created to serve the highway safety needs of the organizations in, and citizens of, New

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York State. The Village acts in accordance with Federal Law established on September 13, 1997, the Driver's Privacy Protection Act (DPPA) and has filed a completed New York State Department of Motor Vehicles Memorandum of Understanding (MV-15MOU) with our LENS Program Application.

Suspension or Revocation of Driver's License

An employee who is required to possess a New York State driver's license and/or CDL license in order to perform certain job duties and responsibilities must immediately notify the Mayor or his/her immediate supervisor in the event their New York State driver's license privilege is suspended or revoked. The suspension or revocation of an employee's New York State license or CDL may be cause for termination of employment with the Village if the employee is unable to perform the assigned duties. Failure to notify the Mayor or his/her immediate supervisor of a suspension or revocation will be cause for termination of employment with the Village.

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to incorporate the newly written Section 312 Driver's License into the employee handbook and to distribute a copy of this section to all employees for their records.

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

Regarding the employee handbook revision of May 2005, the Clerk was instructed to put a memo in the employee file of those employees who have not returned their acknowledgement form. The memo will state the date that the handbook revision was distributed and that a request was made for employees to read their book and return the acknowledgement form.

Trustee Maddox will write another amendment for the Employee Handbook which will state that reviewing the handbook and signing the acknowledgement form is a condition of employment. The Board of Trustees will review the draft for that amendment at the January meeting.

ALTERNATIVE VETERAN'S EXEMPTION

The County of Monroe has adopted the maximum level of a veteran's exemption according to the Real Property Tax Law. The Town is in the process of adopting the same. In order to have all three taxing jurisdictions treat veterans the same, the Village Assessor recommended that the Village Board consider making the change as well. A **motion** was made **by Trustee Sherwood, seconded by Mayor Corby** to approve the change to the exemption levels for veterans.

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

REQUEST FOR USE OF VILLAGE PHOTOS

The Village Board received a request from Danyelle Hildreth, Director of Sales for the Del Monte Lodge. She asked if we have village/canal photos that she could use on the Del Monte Lodge website. Board members were not in favor, especially since some of our photos belong to Walkable Communities.

HEALTH CARE COST DISCUSSION

The Village Board discussed the increasing cost of health care benefits. The Clerk created a spreadsheet based on a survey of how the other villages in Monroe County handle health care for their employees. One suggestion was to ask employees to pay 5% of the cost the first year, increasing the employees' cost by 5% every year up to 25%. At that time, the Trustees would revisit the issue.

Board members decided that the Village plan should be changed to a calendar year basis. In addition, it was suggested that there might be an alternative plan for retirees to use that is less costly for the Village. Members agreed that the Village must develop a strategy to deal with increasing costs. Trustee Galli and the Village Clerk will work together to develop an analysis.

CANAL WINTER FESTIVAL – TRUSTEE MADDOX

Trustee Maddox told the Board about a winter festival that the Village of Fairport is planning. It is his understanding that the festival will include ice skating and hockey on the canal. The Board discussed the feasibility of a similar event in Pittsford. It was decided to observe the Fairport festival this year and

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consider such an event for winter of 2007. Trustee Maddox will contact Fairport Mayor Clark King for more details.

PERFORMANCE EVALUATIONS

Trustee Maddox reminded the Trustees that employees have been requested to forward accomplishment lists to their Supervisor or to the appropriate Trustee by December 15th. Evaluations are scheduled to take place during the month of January.

ACTION ITEM LIST REVIEW – TRUSTEE MADDOX

The Action Item list of tasks was reviewed. The Village Clerk will update the Excel spreadsheet and send an email copy to the Board of Trustees and to the Building Inspector no later than one week before the next meeting. She will provide the Superintendent of Public Works with a hard copy.

GIS MAP

The Mayor asked the Clerk to obtain a map of the village showing lot lines, sidewalks, curbs and buildings. The Clerk will request this map from Mike Ross, the GIS Administrator for the Town of Pittsford.

PARKING ON JEFFERSON ROAD

The Board of Trustees discussed the dangers of cars parking on the north side of West Jefferson Road. A **motion** was made **by Trustee Farlow, seconded by Mayor Corby** to hold a public hearing in January to amend the parking regulations on West Jefferson Road to prohibit parking on the north side of West Jefferson Road from South Main Street west to the Village line.

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

UPDATES

Parking Monitor: Mayor Corby will discuss the parking monitor position in greater detail with Supervisor Carpenter.

APRB member: The Board discussed making a code change to allow a non-village resident to serve as a member of the APRB to allow for a wider selection of qualified members. This topic will be discussed further in January. In the meantime, Mayor Corby will send a letter to a list of possible candidates who are currently village residents to inquire about their interest in serving on the APRB. He will communicate with the Chairperson of the ARP.

Flour Mill project: The Board discussed the status of the letter of credit that the Planning Board has required as part of site plan approval. This is a condition of the site plan approval that was granted by the Planning Board last evening.

EXECUTIVE SESSION

A **motion** was made **by Trustee Sherwood, seconded by Trustee Maddox** to enter executive session to discussion the employment history of a specific employee.

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

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

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

JOINT MEETING SURVEY DISCUSSION

The Board discussed the survey results from the joint meeting held in October. Trustee Galli said that as point person for website updates, many items on the survey list will be incorporated when changes are made to the website. It was suggested that to keep progress moving, Trustees who are in a leadership role, need to ask the other boards to generate an action list. Trustees will talk to each group and ask them to create an action plan to address significant issues. Trustee Maddox will talk to the PZBA, Mayor Corby will talk to the APRB, Trustee Farlow will talk to the office staff and Trustee Galli will lead the discussion for the Trustees. It will be on the agenda for the January meeting.

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INTRABOARD COMMUNICATIONS UPDATE

Minutes taken at a meeting that was attended by the Building Inspector, the Mayor, Trustee Galli and the chairpersons of the APRB and the PZBA were reviewed. They are incorporated as follows:

November 18, 2005

Meeting of Skip Bailey, Bob Corby, Tim Galli, Steve Melnyk, Remegia Mitchell

The purpose of the meeting was to discuss how we could improve communications among ourselves for issues before the Boards. We agreed that the following would help.

- ? Distribute the agendas and unapproved minutes for each board meeting to Skip and all other board members in a timely manner.
- ? Distribute Linda Habeeb's list of completed and pending items (the "hot topic" list) to Skip and all board members.
- ? Need to reconcile the perceived differences of opinion or conclusions of our two attorneys to avoid mixed signals.
- ? Need to form a Village Development Review Committee to plan for upcoming projects which are perceived to be complex, out of the ordinary, and involve many Village personnel. Membership will probably be the Mayor, Building Inspector, and one person from each board. Meetings may be called by any member. The purpose is to anticipate, plan ahead, communicate, and coordinate while at the same time respecting the independence of the boards.
- ? Update the site plan requirements of the Village Code.
- ? Tim to act as the liaison with the three boards for the Flour Mill project. The Chairs of the boards need to know what others are doing and talking about. Bob will be the backup. People need to keep Tim in the loop.
- ? Village officials need to avoid making commitments that may contradict what others are doing and/or saying and avoid advocating for applicants in a manner that may be perceived as attempting to change a process or influence a decision.

Minutes by Tim Galli

Revised 11/30/05

Other process improvements were discussed. Trustees agreed that provisions for requesting a letter of credit should be included in the Village Code. The section of the Code that allows for engineering costs to be charged back to the applicant is not being followed. It was decided that Mayor Corby and Trustee Galli shall meet with the Building Inspector and the PZBA Chair to craft a charter for the development committee. The Board will ask Mr. Bailey to research this. It was also mentioned that members of the Village Development Review Committee could be rotating members.

MINUTES

October 15, 2005 - A motion was made by Trustee Maddox, seconded by Trustee Sherwood to approve these minutes as presented.

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

November 9, 2005 – A motion was made by Trustee Maddox, seconded by Trustee Galli to approve these minutes as amended.

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

November 15, 2005 – A motion was made by Trustee Sherwood, seconded by Trustee Maddox to approve these minutes as written.

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

EXECUTIVE SESSION

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

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

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Having taken no action, a **motion** was made **by Trustee Maddox, seconded by Mayor Corby** to leave executive session and reenter the regular session of the meeting.

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

ELECTRICITY OPTIONS

Trustee Galli, with approval from the Board of Trustees, investigated options for the purchase of electricity and determined that there would be a cost savings by using MEGA. The Board authorized switching to the new company.

PEDESTRIAN SAFETY-TRAFFIC CALMING PLAN

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to adopt the Pedestrian Safety-Traffic Calming Plan for the Village of Pittsford.

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

Trustee Maddox suggested that the Board determine some initiatives and include completion dates and anticipated costs.

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 12:01 AM, December 14, 2005.

Anne Z. Hartsig, Recording Secretary