

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
May 8, 2007

Present:
Mayor Robert C. Corby
Trustee Mary Beth Cleary
Paula Sherwood
Attorney John C. Osborn
Excused Tim Galli
Steve Maddox
Recording Secretary Anne Hartsig

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

TREASURER'S REPORT

Prior to this meeting, Trustee Galli reviewed the **vouchers**. Mayor Corby presented them for approval. Following discussion of the vouchers, a **motion** was made **by Trustee Sherwood, seconded by Mayor Corby**, to approve the following vouchers and to charge them to the appropriate accounts.

General Fund (#617-#629, #631-#642):	\$11,221.46
Sewer Fund (#630, #639):	<u>\$ 89.53</u>
Total vouchers for approval:	\$11,310.99

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

Mason Trenching: An estimate of \$500.00 was presented to install a new 4 inch sewer branch to the existing downspout on the north side of the Village Hall. Board members agreed to go forward with this repair for a cost of \$500.00 as indicated on the estimate.

Tax Rate: Because of a court order as a result of the Monoco Oil Company bankruptcy, the amount of taxes that the Village will collect in 2007/08 on this property has changed since the final assessment roll was established. The Village levy will be approximately \$371 less. Board members discussed changing the new tax rate from \$2.119 to \$2.12. Members agreed to leave the tax rate at \$2.119.

MONROE COUNTY YOUTH BUREAU AGREEMENT

Attorney Osborn reviewed the contract sent to the Village from Monroe County. He had some concerns about this contract and will investigate it further with Monroe County Youth Bureau representatives. The issue was tabled pending more information.

VILLAGE HALL CLEANING ESTIMATES

Three estimates for cleaning services have been submitted for consideration. Mayor Corby and the Clerk will review the estimates and make a recommendation to the Board.

NON-MUNICIPAL USE PERMIT REQUEST FOR PVCA COMMUNITY GARDEN

Lisa Onoff, a representative of the Pittsford Village Civic Association, addressed the Board with information and questions regarding the establishment of a community garden to be located on the Village's DPW property. She stated that the PVCA is currently a community/neighborhood organization. The intention of the group is to become registered as a NY State charity. At the present time, the group does not have any sponsorship. The following issues were discussed:

1. Attorney Osborn stated that the group should be established as an entity with by laws. Once they have done that, for the group's own protection, the PVCA should have a liability insurance policy. If a non-municipal use permit for the garden is approved, the Village should be named as additional insured on the insurance policy. The group should submit a map to identify the exact location of the proposed garden.

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2. Mayor Corby said that because the Village is legally prohibited from giving a gift to a specific organization, if this permit is granted, the garden would have to be for use by any member of the public.
3. Trustees were enthusiastic about the concept of the garden but had concerns about the ramifications of the NW quadrant development, possible vandalism, any proposed structures such as fences to keep animals out of the garden and the Village's liability. In addition, it was noted that APRB approval might be needed if fences were visible from the public way
4. Ms. Onoff explained that the group has developed a 3 part project planning committee consisting of a group to work out the site plan specifics, one to establish policies and rules and a third to develop fund raising strategies.

Ms. Onoff said the group will continue discussions and planning so they can address the issues raised by the Board of Trustees. She said that actual gardening may be postponed until next year so that there is enough time for adequate planning. Board members emphasized that the concept is very favorable.

**CONTINUATION OF PUBLIC HEARING – PROPOSED LOCAL LAW #3 – CHAPTER 195-18.
AUTHORITY TO IMPOUND VEHICLES**

Members discussed including the written policy for the use of the vehicle immobilizer (boot) within the written context of the Code. Attorney Osborn said the policy/procedure should be written as part of the Code. He also stated that it would be wise to include a course of action for having the device removed during non-office hours. If these modifications are made, the proposed law will change substantially. Mr. Osborn therefore recommended that the public hearing be closed and that changes be made for review at the next meeting. Once the draft has been approved by the Board, a new public hearing can be scheduled. Board members will ask Mr. Bailey to work on another draft that includes the policies within the text of the law. A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to close the public hearing regarding the authority to impound vehicles.

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

20 COURTENAY CIRCLE DRAINAGE

Board members discussed the drainage issue at 20 Courtenay Circle. A request was made by Michelle Madore, the owner, for stone to be supplied by the Village to help alleviate the problem. Attorney Osborn advised that the Village would be spending public funds to improve private property. This is not legally possible. Ms. Madore will be notified.

SECTION 173 SOLID WASTE

A draft (version 5/7/07) including changes to Chapter 173 Solid Waste was reviewed. Attorney Osborn suggested that the following sentence be added as the last line of §173-15A (6): *The Village of Pittsford shall be named as additional insured.* Mr. Bailey will be asked to add this sentence. A **motion** was made **by Mayor Corby, seconded by Trustee Cleary** to hold a public hearing at the June 26th meeting to consider amendments to Chapter 173 Solid Waste, of the Code of the Village of Pittsford.

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

CURBING – 5 STATE STREET – STARBUCKS

The bollards at Starbucks need to be moved back into place. They have been moved by vehicles that have hit them. The new location of the bollards is not preventing vehicles from parking on the sidewalk.

SIGNS AND BANNERS

Mayor Corby and Trustee Sherwood reported on their meeting with Supervisor Carpenter and Councilman Bernacki to discuss the installation of Town event banners on Village light poles and to discuss a sign policy. At the meeting it was agreed the Town will no longer hang Buffalo Bills banners. Supervisor Carpenter presented new banner designs for use during Positively Pittsford and Pittsford Celebrates September. It was agreed that Positively Pittsford banners and Pittsford Celebrates September banners would be installed no more than two weeks prior to each event. The Town will make every effort to remove the banners within a day or so after the event has occurred but will be granted up to a week.

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Village Board members discussed this proposal and some remaining concerns. Attorney Osborn said since the banners are installed on Village light posts, the Village should be given a certificate of liability insurance naming the Village as additional insured.

Signs: At the meeting with the Supervisor, the suggestion was made that A-frame signs advertising community events be replaced with permanent signs that will be fixed to the sidewalk for safety. They will have removable panels so they can be changed depending on the event. Supervisor Carpenter said the Town only needs one-sided signs. The signs will be permitted to be in place for one week before an event. The Board stated that the Village would be responsible for finding a fabricator and would own the signs. Members agreed that the Town should purchase the signs since they will be used largely for advertising Town events. Other organizations would have access to the use of the signs with Village Board approval. Restrictions will be according to the sign and banner policy dated 3/27/07.

ARTICLE XV, § 210-73. LOTS IN MORE THAN ONE DISTRICT.

The Board discussed removing this section of the Code because it puts residential areas at risk if they are next to a commercial area. Resident Janet Reynolds stated that this part of the Code allows commercial businesses to creep into residential areas. A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to hold a public hearing on June 12th, 2007 to consider removing § 210-73 from the Code of the Village of Pittsford.

HANDBOOK AMENDMENT

Bethany Centrone drafted additional language for Section 303, Drug and Alcohol Testing of the Employee Handbook. The purpose of the amendment is to address the issue of dilute samples. The language was submitted to Teamsters Local 118 and approved by Kevin McIntosh. The language reads as follows:

Dilute Specimens

If an MRO informs the Village that an employee's drug test was negative but dilute, the Village immediately will conduct a recollection under direct observation if directed to do so by the MRO as required by Department of Transportation regulations (49 C.F.R. §40.197).

Any employee whose drug test is reported to be negative but dilute, but for whom a recollection under direct observation is not required, will be required to report to the collection site and immediately take a second drug test. The result of this second test shall be the official result of the employee's drug test. If the result of the second test is negative and dilute, the employee will not be required to take an additional test, unless the MRO directs the Village to conduct a recollection under direct observation.

A refusal to take a second drug test following a dilute test shall be considered a Test Refusal.

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to amend the Employee Handbook to include in Section 303, Drug and Alcohol Testing, a section regarding **Dilute Specimens** as submitted by Bethany Centrone and approved by Kevin McIntosh, Teamsters Local 118.

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

OPEN SPACE PERFORMANCE ZONING DISTRICT – DISCUSSION

Mayor Corby explained that current zoning regulations in the Code may not be adequate to protect the unique qualities of open and undeveloped spaces within the village. Therefore, a draft of overlay district regulations has been written. Attorney Osborn and Board members reviewed the draft and made minor modifications.

Resident Janet Reynolds suggested that as a “devil’s advocate” exercise, the Board might want to consider envisioning the worst case scenario for each of the open space areas in the village to determine the effect of the overlay district regulations. Would the regulations worsen these areas or will it protect them? Board members will continue to research the concept of an open space performance zoning district.

RPO CONCERT – JUNE 22, 2007

The Rochester Philharmonic Orchestra will perform a concert in the village on a barge on the Erie Canal in June. Town officials expect this to be a major event with 5-10,000 people in attendance. Mayor Corby

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relayed the tentative traffic/parking plans that the Town is considering. The Town will hire private security for this event.

NEWSLETTER UPDATE

Trustee Sherwood told the Board that the newsletter text has been delivered to the graphic designer. It will be mailed during the last week in May.

TRAFFIC CALMING

Resident Janet Reynolds suggested that the Board of Trustees list the subject of traffic on the meeting agenda once per month. Mayor Corby said that Trustee Maddox has developed an implementation schedule to track traffic calming initiatives. Ms. Reynolds requested that the Board of Trustees ask the Monroe County Sheriff's office to report how many speeding tickets they have written within the village on a monthly basis.

MINUTES

April 24, 2007: A **motion** was made by **Trustee Sherwood, seconded by Trustee Cleary** to approve the minutes of April 24, 2007 as written.

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

April 24, 2007 Organizational Meeting Minutes: A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to approve the minutes of the Annual Organizational Meeting as written.

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

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 8:55 PM.

Anne Z. Hartsig, Recording Secretary