

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
June 12, 2007

Present:

Trustee	Mary Beth Cleary Paula Sherwood Tim Galli Steve Maddox
Excused	Bob Corby, Mayor
Attorney	John C. Osborn
Treasurer	Mary Marowski
Recording Secretary	Anne Hartsig

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

TREASURER'S REPORT

Treasurer Marowski presented the vouchers listed on Abstract #025 for fiscal year 2006/07 for approval. Following discussion of the vouchers, a **motion** was made **by Trustee Sherwood, seconded by Trustee Cleary**, to approve the following vouchers and to charge them to the appropriate accounts.

General Fund (#678-717):	\$42,515.96
#718 Audrey Johnson stipend for 2006/07	<u>250.00</u>
Total 2006/07 vouchers for approval:	\$42,765.96

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

Treasurer Marowski presented the vouchers listed on Abstract #001 for fiscal year 2007/08 for approval. Following discussion of the vouchers, a **motion** was made **by Trustee Sherwood, seconded by Trustee Cleary**, to approve the following vouchers and to charge them to the appropriate accounts.

General Fund (#1-#12):	\$28,350.92
#13 NYS Comptroller/DOT project	\$21,544.99
#14 Mason Trenching/VH downspouts	\$ 500.00
#15 John Cufari/phone reimbursement	<u>\$ 13.39</u>
Total General Fund	\$50,409.30

Sewer Fund (#10)	<u>\$ 36.98</u>
Total 2007/08 vouchers for approval:	\$50,446.28

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

Ms. Marowski presented tentative information regarding the 2006/07 budget based on revenues, expenditures, reimbursable monies. She explained that adjustments regarding the Greenway Grant, Mortgage Tax and other miscellaneous information would affect the final outcome.

PITTSFORD YOUTH SERVICES – NON-MUNICIPAL USE PERMIT REQUEST

The Board of Trustees received a request from Pittsford Youth Services for a non-municipal use permit to hold their 9th annual Duck Drop fundraiser event in the village. A **motion** was made **by Trustee Sherwood, seconded by Trustee Cleary** to grant a non-municipal use permit to Pittsford Youth Services for the 9th Annual Duck Drop Fundraiser to be held on July 20, 2007 with the understanding that required permits will be obtained from the NY State Canal Corp, that the Town of Pittsford, the Monroe County Sheriff's Office, the Pittsford Fire Department and the Pittsford Ambulance Corp will be contacted and with the condition that prior to the event, the Village will be provided with a current Certificate of Liability Insurance naming the Village as additional insured.

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

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PZBA MEMO RE: ESL CONCERNS

Mrs. Donohue and several Church Street neighbors voiced concerns to the PZBA regarding the ESL site. The concerns were summarized and sent to the Board of Trustees in memo form for discussion at this meeting. Trustee Galli stated that he had discussed the memo with the Code Enforcement Officer, Skip Bailey. He said Mr. Bailey will address all of the outstanding issues. He will be asked to give an update at the next Board meeting.

Resident Janet Reynolds stated that Mr. Bailey told the neighbors that the exit only driveway would be narrowed within a week's time. Three or four weeks have passed and the driveway has not been changed. She said that it was a basis of approval by the PZBA and it is not being enforced. She asked who would enforce it. She stated that she wants to see patrons and employees exit the driveway properly and questioned how that would be enforced.

Resident Pauline Riley told the Board that "no parking" signs installed by ESL have not been effective. She said that during Memorial Day and Positively Pittsford festivities, the ESL lot was being used for parking causing increased "in and out" traffic on the street. She asked how the "no parking" would be enforced.

Trustees replied that these situations can be enforced but that it is not possible to enforce them "24/7". They suggested that Mr. Bailey could make a call to ESL management. Trustees also noted that Memorial Day and Positively Pittsford were special days in the village and that most villagers realize that adjustments to increased traffic and parking on their streets during these events is part of village living.

Ms. Reynolds said that a condition of approval from the PZBA was a certain number of parking spaces in the ESL lot. She stated that ESL put in a lesser number of spaces. In addition, she said that dumpsters, which have been there since the opening, are taking up even more spaces.

Trustee Cleary said she would have a dialog with Mr. Bailey and ask him to respond to Ms. Reynolds' concerns. She will ask him to update the Board of Trustees at the next meeting.

Mrs. Donohue arrived. She left her phone number with the Village Clerk. Mayor Corby will telephone her regarding her concerns.

APRB APPOINTMENT

A vacancy has occurred on the APRB. Mayor Corby discussed the position with village resident Maria Huot who attended some of the APRB meetings as an observer. Ms. Huot expressed her interest in the position and Mayor Corby recommended her appointment. Therefore, a **motion** was made **by Trustee Galli, seconded by Trustee Sherwood** to approve the appointment of resident Maria Huot as a member of the APRB for a 3 year term, ending April 2010.

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

MONROE COUNTY YOUTH BUREAU CONTRACT

Attorney Osborn reviewed the proposed contract with Monroe County Youth Bureau. He is concerned about the language in the agreement which refers to the Village as a "contractor". He questioned why the Village is referred to as "contractor" when the Village doesn't perform any service. He has attempted to contact Amy Auberger, Department of Purchasing and Central Services for Monroe County, to discuss his concerns. He has not had a return call. Mr. Osborn recommends that the Village Board not enter into this agreement at this time. He will continue to try to have a dialog with Ms. Auberger. The Clerk will telephone Ms. Auberger to tell her that the Village will not be entering into the contract at this time and that Attorney Osborn is still interested in discussing this with her.

NEWSLETTER

Trustee Sherwood reported that the spring newsletter production went well. Due to the number of letters that are returned undeliverable, members agreed to add change the address labels to read "or current resident" to the address labels.

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The Village Clerk reported that she had a meeting with Nancy Wayman from the School district and Sue Wicks from the Town, regarding publication of a joint newsletter that emphasizes the cooperative efforts between the School, Town and Village.

Resident Janet Reynolds stated that in her opinion, there seems to be too many publications arriving too close together. She said many of the publications contain the same information.

B1A USE DISCUSSION

Merchant Sue Triolo addressed the Board about concerns regarding many vacancies on South Main Street. She said vacancies are being filled with service businesses which require extra parking spaces. She presented a petition signed by other village merchants. The petition asked the Village Board to place a moratorium on any future service businesses being allowed to open in street level store fronts for the purpose of enhancing the general retail environment in the village.

Trustee Sherwood offered the suggestion that the different merchant groups within the village discuss together the possibility of hiring a business development professional to conduct a workshop/seminar and to share success stories.

Ms. Triolo said the merchants would like to get together with Mayor Corby. The Clerk will ask Mayor Corby to contact Ms. Triolo. The Board decided that another Trustee, willing to do research to see what other villages have done, should also attend this meeting. It was suggested that a member of the PZBA also attend.

PUBLIC HEARING – PROPOSED LOCAL LAW #3 OF 2007 – REMOVE CHAPTER 210-73

Trustee Galli explained that the reason the Board of Trustees is considering this law is to prevent commercial spill into residential areas. Proof of the legal notice below having been published, a **motion** was made **by Trustee Galli, seconded by Trustee Cleary** to open the public hearing.

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

**NOTICE OF PUBLIC HEARING
VILLAGE OF PITTSFORD**

*Please take notice that a public hearing will be held before the Village of Pittsford Board of Trustees, Tuesday, June 12, 2007 at 8:00 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY, to consider the adoption of **Proposed Local Law #3 of 2007**, which local law would amend the Code of the Village of Pittsford as follows:*

Remove § 210-73. Lots in more than one district.

Janet Reynolds, village resident, said that the code allows commercial uses to extend into residential areas. She stated this is a threat to residential properties on Church Street. Attorney Osborn discussed split lots such as the ESL lot. He said that there is not a threat to Church Street because there are no other split lots that would affect that street. He said that another example of a “split lot” is the Pittsford Dairy property.

Pauline Riley, village resident, stated that the current concern is with 15 State Street. She mentioned other possible concerns such as the red house at 10 Lincoln Avenue, houses along Washington Avenue, Lincoln Avenue, Church Street and Rand Place.

Trustee Galli noted that the PZBA should look at the issue and forward their comments to the Board of Trustees. Therefore, a **motion** was made **by Trustee Galli, seconded by Trustee Sherwood**, to leave the public hearing open in order to give the PZBA members the opportunity to comment on the proposed local law.

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

COMPREHENSIVE PLAN

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It was noted that at the July meeting, Mayor Corby will discuss the process of updating the Comprehensive Plan.

PITTSFORD CREW REGATTA

Trustee Galli told the Board that the annual crew regatta, held on June 8-10, was a success. He presented the Village Trophy to the overall girls' team winner, which was Fairport. He said that Fairport teams won all three trophies.

Trustee Galli said the Village of Pittsford was presented a plaque in appreciation of our participation and support of the regatta from 1998 to 2007.

GREENWAY GRANT UPDATE

A committee composed of members of the Board of Trustees, the PZBA chairperson, the APRB chairperson, and resident volunteers interviewed two landscape firms who responded to the Village's request for proposals. The purpose of the meeting was to determine who will be managing the design of the project. McCord Landscape Architects were selected. The committee will meet again with the architect on June 14th to walk the along the canal to discuss the plans. Such topics as safety, sidewalks, drinking fountains, landscaping and decorative fencing on the water side will be discussed.

REQUEST FROM CHRIST EPISCOPAL CHURCH PROPERTY COMMITTEE

The Village Board received a letter from the Property Committee Chairman of Christ Episcopal Church asking the Trustees to consider a safety concern that involves poor drainage on South Main Street. He would like the Board to discuss the drainage situation with the NYSDOT prior to their resurfacing project that is scheduled to take place this summer.

Trustee Galli said that Trustee Maddox and DPW Superintendent Cufari should discuss this letter with DOT representatives as soon as possible.

Trustee Maddox arrived at 8:30 PM

JULY & AUGUST MEETING SCHEDULE

Board members discussed the pros and cons of holding only one meeting during the months of July and August. It was suggested that the meeting could begin earlier and that members could bring a bag lunch. The schedule will be considered again at the June 26th Board of Trustees meeting.

TRAFFIC CALMING ACTIVITIES – TRUSTEE MADDOX

Trustee Maddox reported that he and Mayor Corby discussed initiatives that have been completed and/or discarded as well as future traffic calming activities. As a result of the meeting, he compiled a chart that was reviewed by the Board. Board members offered additional items that should be included on the chart. Trustee Maddox will review, reprioritize and add a time schedule column to the chart. It was suggested that Mayor Corby might be able to generate a visual demonstration such as a color coded map. Trustee Sherwood mentioned that some of the traffic calming projects possibly overlap with planned street repairs. She said the initiatives should be coordinated. Trustee Maddox will discuss this with John Cufari.

Village resident Janet Reynolds stated her concern about traffic on Main Street from a pedestrian perspective. She said the situation is urgent and that traffic control on Main Street and State Street should happen immediately. She mentioned another city that has flashing lights on their Main Street crosswalks. She said in her opinion, Monroe County Sheriff's deputies are not helping by giving out speeding tickets. Ms. Reynolds also said that the Village should be putting in new sidewalks but only sidewalk repairs have been budgeted for this year. She also said that the Board should put a 20 mph speed limit on all village streets.

Members replied that State law prevents the Village from enacting a village-wide a 20 mph speed limit. (NY Vehicle and Traffic Law states that villages can enact a maximum speed limit for the entire municipality. However, that speed limit cannot be less than thirty miles per hour. In addition, villages

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can't alter speed limits on State highways (Rt. 31 and Rt. 96) maintained by the State. Municipalities are able to set the speed limits near school buildings.)

Board members informed Ms. Reynolds and others in attendance that the Village purchased new software that is being used to gather data from the Speed Sentry. This data will be shared with the Sheriff's office. Trustee Galli said he has been informed that the Sheriff's office will have a "detail" in the village in the near future to help with pedestrian safety.

DPW EQUIPMENT REPLACEMENT PROGRAM

Trustee Maddox presented a DPW large equipment summary which suggests a replacement plan. He said the report could be affected by the result of the recycling grant for which the Village has applied. Secondly, the report could be affected by whether or not there are surplus funds at the end of the 2006/07 fiscal year.

HISTORIC SPENDING ON STREETS AND SIDEWALKS

Trustee Maddox deferred this topic to the June 26th meeting agenda.

STARBUCKS PARKING

Trustee Maddox explained that DPW Superintendent John Cufari has concerns that installing planters or curbs will narrow the driveway at Starbucks and cause problems other than parking on the sidewalk and driving on the sidewalk. Members determined that the Parking Monitor will be asked to be present at the Starbucks parking lot frequently to monitor parking on the sidewalk and illegal parking in the handicap spot. Mayor Corby will be asked to contact the owner of 5 State Street and report back to the Board at the June 26th meeting.

ACTION ITEM LIST UPDATE

Board Members briefly reviewed the Action Item list. Regarding violations, it was decided that a column should be added to the list that would note whether or not personal contact has been made. The procedure for handling violations was discussed. Members agreed that the Code Enforcement Officer should first make personal contact with the violator and then follow up the visit with a letter that summarizes the visit for the record.

CODE VIOLATION LIST

Board members reviewed the Code Violation Status that was provided by the Code Enforcement Officer. Members determined that more detail is needed on the list. Trustee Cleary will discuss the list with Mr. Bailey.

VEHICLE IMMOBILIZER UPDATE

The public hearing regarding the authority to impound vehicles was closed on May 8, 2007. At that time it was decided that a policy for the use of the immobilizer should be developed. Since a policy that is included in the text of the law would change the proposed law substantially, Attorney Osborn recommended re-publicizing for a second public hearing on the issue. The Board of Trustees asked to have this item included on the Action Item list. Mr. Bailey and Mr. Weinstein will be reminded to work on a policy for the use of this immobilizer.

RAND CREEK

A village resident, who recently purchased a home on Rand Place, contacted Trustee Maddox about the erosion problems that are associated with the creek. The Building Inspector told Trustee Maddox about an upcoming Federal statute that may require the Village to develop a plan regarding the erosion. Trustee Maddox will discuss this further with Mr. Bailey and ask him for an update at the June 26th meeting. Attorney Osborn stated that the property in question is private property, not Village property.

MINUTES

May 22, 2007 Regular meeting: A motion was made by Trustee Galli, seconded by Trustee Cleary to approve these minutes as written.

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

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EXECUTIVE SESSION

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

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

Due to extenuating circumstances regarding village employee #30, a **motion** was made **by Trustee Maddox, seconded by Trustee Cleary** to allow this employee to carry over 91 hours of unused vacation from fiscal year 2006/07 in addition to the 35 hours that are permitted to be carried over per the employee handbook, with the understanding that the hours are to be used by 12/31/07 or they will be forfeited and with the condition that the Village is under no obligation to pay the employee for these 91 hours if a separation occurs before 12/31/07.

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

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

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

ADJOURNMENT

There being no further business, Deputy Galli adjourned the meeting at 10:30 PM.

Anne Z. Hartsig, Recording Secretary