

**PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
December 11, 2007**

Present:

Trustees

Tim Galli
Mary Beth Cleary
Steve Maddox arrived at 7:45 PM
Paula Sherwood
Robert Corby, Mayor - absent
Jeffrey L. Turner
Mary Marowski
John Cufari
Anne Hartsig

Attorney

Treasurer

DPW Superintendent

Recording Secretary

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

TREASURER'S REPORT – MARY MAROWSKI

In order to move forward with the previously approved replacement of lights on State Street, the Village must pay to have the old lights removed. A quote from the RG&E for \$3,843.36 for the removal and unexpired life of seven street lights has been received. Following discussion, a **motion** was made by **Trustee Galli, seconded by Trustee Cleary** to approve the cost of \$3843.36 to cover the removal and unexpired life of seven street lights on State Street.

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

Treasurer Marowski presented the vouchers listed on Abstract #13 for approval, as well as the prepaid bills. Following discussion of the vouchers, a **motion** was made by **Trustee Galli, seconded by Trustee Cleary**, to approve the prepaid bills (check numbers #8223-#8226 from the General Fund totaling \$1750.59), and the vouchers listed below as amended (withdrawing Voucher 339 for Bristol Garden Center for \$1221.00) and to charge them to the appropriate accounts.

General Fund (#301-#316, #318-#322, #324-#345, #348-#350):	\$ 66,167.66
Sewer Fund (#317, #331, #347):	\$ 2,082.77
Canal Improvements –Greenway (#323, 346)	<u>\$ 5,077.98</u>
Total vouchers for approval:	\$ 73,328.41

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

Treasurer Marowski presented a review of some accounts for budgeting purposes. In addition, a tentative schedule for budget meetings, which will begin in 2008, was presented.

ERIE CANAL BOAT COMPANY, INC. – PETER ABELE

Mr. Abele addressed the Board to determine the feasibility of positioning a floating dock attached to the existing permanent dock across from 35 Schoen Place, for the purposes of providing canal access for non-motorized vessels. He provided details about the proposed dock. He explained that the NY State Canal Corporation will require approval from the Village before they will issue him a permit.

Mayor Corby will be asked to contact Mr. Abele to discuss the Greenway grant project that will be taking place along Schoen Place and to determine if Mr. Abele's proposed business would be compatible in that location. If so, Mr. Abele will return to the Board in January with more visual material regarding the dock that is in place in the Village of Fairport.

25 STATE STREET – CONTINUATION OF PUBLIC HEARING

Trustee Galli stated that the public hearing regarding a request for a special permit to operate a people and canine café was left open from the November 27th meeting to obtain further comments from the public and from the PZBA. The Village Clerk reported that there had been no comments or phone calls submitted to

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the Village Office regarding this application. Included in the comments from the PZBA were concerns about parking, loss of walk-in retail shopping, and sensitivity to the abutting residential district.

In a good faith effort to address the comments, concerns and recommendations of the PZBA and the Trustees, the applicants reduced the hours of operation from those listed in the original application and they reduced the number of seats that are being requested. Regarding waste removal, the applicants stated that there will not be an additional dumpster on the site, they will use a trash compactor and garbage disposal and will remove both human and canine waste from the property daily. The applicants anticipate that the majority of the customers will be walk-in customers. If additional lighting is needed in the parking lot area, it would be directed away from residential properties. The applicants are aware that approval for lighting requires both Planning Board and APRB approval. Signage requires APRB approval.

Some concerns expressed by the Trustees were the loss of retail space, setting a precedent, parking for employees, possible animal/bike sidewalk obstacles and the proximity to a residential neighborhood. However, the Board determined that the application meets standards listed in § 210-74 B. (3) (a-h) and noted the following additional findings of fact:

1. Due to the nature of the accommodation of dogs and pedestrians, it is believed the business will primarily consist of walk-in customers.
2. Although five parking spaces are available on site, due to the condition that employees must park off site and due to the projection that peak times for business will be at the beginning of the day and at the end of the day, the Board determined that the five parking spaces available on site will be adequate to meet the projected demand.
3. A self-contained warming unit without an exterior exhaust will be used, thus minimizing the potential for cooking odors.
4. The applicant stated that no additional dumpsters will be required.

There being no one further wishing to comment on this application, a **motion** was made **by Trustee Galli, seconded by Trustee Maddox** to close the public hearing.

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

A **motion** was made **by Trustee Galli, seconded by Trustee Maddox** to approve a special permit for the operation of a people/canine café at 25 State Street noting the finding of facts listed above, the assumption that the majority of customers will be walk-in customers, and with the following conditions:

1. Hours of operation will be Sunday-Thursday, 6:30 am to 8:00 pm; Friday and Saturday, 6:30 am to 10:00 pm as stated on a memo to the Trustees dated 11/29/07.
2. Seating capacity will be limited to 20 seats as stated on a memo to the Trustees dated 11/29/07.
3. Employees will be required to park off-site.
4. The applicant will monitor the site and will remove all litter, and endeavor to keep animals, bikes and other obstacles from blocking the public sidewalk.
5. All refuse will be removed from the site daily.
6. No frying or grilling will be permitted.
7. If outside seating is considered in the future, the applicant will seek further approvals as required.

Vote: Cleary – yes, Sherwood – no, Galli – yes, Maddox – yes. **Motion carried.**

DPW REPORT – JOHN CUFARI

Trustee Sherwood expressed gratitude to Mr. Cufari and to the DPW crew for the outstanding job they did with the installation of the **holiday decorations** in the village in spite of poor weather conditions. Many compliments have been received.

Trustee Maddox complimented Mr. Cufari on his excellent **supervisory skills**.

The problem of **icicles on privately owned buildings** in the business district was discussed. Mr. Bailey will be asked to send a letter to property owners and merchants to remind them of their responsibility to remove icicles from their buildings. He will also be asked to draft an amendment to Article II, Snow and Ice Removal that will contain similar language to § 76-3 of the Village Code. The adoption of this

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language would allow the Village to charge the property owner if the owner defaults in complying with the requirement to remove the icicles, snow or any other dangerous obstacle relating to snow and ice.

A **motion** was made by **Trustee Maddox, seconded by Trustee Cleary** to approve Mayor Corby's appointment of Chris Belcher as a Motor Equipment Operator for the DPW.

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

Mr. Cufari reported that a **lock box for the highway garage** has been ordered. It is similar to the one that was installed at the Village Office. This is for use by the Fire Department in the event of an emergency.

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

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

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

BUILDING INSPECTOR'S REPORT

Mr. Bailey submitted a written report which included information about the Flour Mill sign, Flour Mill Tower, unapproved construction at 18 Boughton Avenue, notification to commercial property owners regarding the new dumpster code, 57 North Main Street, and the installation of windows at 20 Green Hill Lane.

RESOLUTION 21 OF 2007

On behalf of the Association of Villages, Attorney Peter Skivington was hired to review the intermunicipal agreement between Monroe County and its villages. He approved of the agreement and notified the villages by letter dated December 5, 2007. Therefore, the following resolution was approved.

Resolution #21 of 2007

**Inter-municipal Agreement between the County of Monroe
and
the Village of Pittsford**

WHEREAS: the Village of Pittsford joined with other members of the Association of Villages to engage the legal services of Attorney Peter Skivington to review and advise the ten villages in the matter of the proposed Inter-municipal Agreement with the County of Monroe regarding sales tax revenue and,

WHEREAS: following his review, Attorney Skivington advised that the County will provide for the payment to the Villages as part of its annual budget and that the funds paid to the villages will be paid at the same time, in the same amount as previous sales tax revenue payments and,

WHEREAS: Attorney Skivington further advised that the Agreement solidifies the position of the villages that they will continue to receive the sales tax revenue under the Morin/Ryan formula, despite the election of the Intercept Program by the County of Monroe,

NOW THEREFORE BE IT RESOLVED: that the Village of Pittsford Board of Trustees, on a **motion made by Trustee Sherwood and seconded by Trustee Maddox**, authorizes Mayor Corby to sign two originals of the Agreement and return it to the County Attorney's office.

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

SEQR FOR LWRP GRANT

The Board of Trustees, as lead agency, must review Part 2 of the long form SEQR for purposes of the LWRP grant and complete a determination. Board members postponed this review to obtain additional information on the qualitative aspects of this project.

MEMBER ITEMS

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Trustee Galli led the members in a discussion regarding **electricity costs**. He reviewed the bills from 2007 and discussed choices for an electric plan for 2008. He noted that Monroe County is analyzing Village bills in order to make a recommendation. Given that at this time, the Village has not heard back from Monroe County, members concurred that a variable rate for electricity would be the most cost effective choice for 2008. A **motion** was made **by Trustee Maddox, seconded by Trustee Cleary** to authorize Trustee Galli to make the final decision regarding the choice of supplier for 2008, if he has received information from Monroe County in a timely manner, noting that the Board's preference at this time is a variable rate.

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

The Board discussed some observations from **Candlelight Night**. It was suggested that for future years, a definite plan be in place noting who will actually plug in the electric cord at each tree lighting site to avoid confusion at the time of the lighting. The observation was made that on Candlelight Night, personnel from Intercept Security did not always go out into the street to assist pedestrians at crossings. Responsibilities may need to be specified.

ACTION ITEM LIST

Members reviewed and updated that Action Item list.

MINUTES

November 27, 2007: A **motion** was made **by Trustee Sherwood, seconded by Trustee Maddox** to approve these minutes as written.

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

ADJOURNMENT

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

Anne Z. Hartsig, Recording Secretary