

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
March 11, 2008

Present:

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

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

TREASURER'S REPORT

Ms. Marowski presented the Treasurer's report. Voucher #454 for \$118.99 from Abstract #017 was clarified. A **motion** was made **by Mayor Corby, seconded by Trustee Maddox** to approve payment of voucher #454 to Fairport Ford in the amount of \$118.99. **Vote:** Corby – yes, Galli – yes, Maddox – yes, Sherwood – yes, Cleary – yes. **Motion carried.**

Following discussion of the vouchers listed on Abstract #018, a **motion** was made **by Mayor Corby, seconded by Trustee Galli**, to approve the vouchers listed in Abstract #018, and to charge them to the appropriate accounts.

General Fund (#475-#480, #482-#497):	\$ 42,282.35
Sewer Fund (#485):	\$ 35.18
Canal Improvements – Greenway Grant	<u>\$ 2,696.58</u>
Total vouchers for approval:	\$ 45,014.11

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

ERIE CANAL BOAT COMPANY – PETER ABELE

As requested at the February 26th meeting, Mr. Abele presented a copy of the agreement he has with Fairport Village to operate his business from their canal waterfront.

Mayor Corby said this application must be reviewed by the Planning Board to verify that it is consistent with the adopted LWRP. Mr. Bailey will be asked to review the LWRP and note the pertinent sections of the document for use by the Planning Board.

Attorney Osborn said the application falls under the recreational use category of the B-4 Canal Waterfront Business District, § 210-41 A. (28). He said a public hearing is not required. Therefore, Mr. Abele will be placed on the March 24, 2008 PZBA agenda for LWRP consistency review by the Planning Board and for Zoning Board review of § 210-41 A. (28).

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Mayor Corby will draft a letter to the Canal Corporation stating that the Village approves of the plan and will allow the use of the village dock for ingress and egress to Mr. Abele's floating dock. Attorney Osborn will review the letter.

CORN HILL NAVIGATION – VICTORIA SCHMITT

Ms. Schmitt requested permission to operate *Sam Patch* from the dock adjacent to the Erie Canal Park again this season. Mayor Corby stated that this application must be reviewed by the Planning Board to verify that it is consistent with the adopted LWRP. The application will be placed on the March 24th agenda since a public hearing will not be required.

Board members discussed trash, parking and landscaping issues. It was noted that trash generated from the boat cruises shouldn't be left in Village receptacles and that the area around the ticket booth must be kept presentable and tidy for all since it is public property. Ms. Schmitt was notified of upcoming projects that will take place along Schoen Place. Ms. Schmitt told the Board of the desperate need for public bathrooms. Mayor Corby said restrooms are on a list of projects but will not be constructed this year.

PROPOSED LOCAL LAW #2 OF 2008 – CHAPTER 176-6 AND 176-6.1 AND 176-6.2 – CONTINUATION OF PUBLIC HEARING

The Board discussed liability issues regarding the adoption of this law. Attorney Osborn stated that if the law is adopted, the Village will have an obligation to inspect and monitor the snow and ice conditions on village buildings. Unsafe conditions cannot go unaddressed. He said any orders to comply given by Mr. Bailey must be verbally issued and followed immediately with written communication.

Board members said that Mr. Bailey will be asked to send a letter to business owners at the beginning of each winter season to remind them of the regulation.

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

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

A **motion** was made **by Trustee Maddox, seconded by Trustee Sherwood** to approve proposed Local Law #2 as written in the 2/12/08 draft version and to authorize the Village Clerk to file this law with the Department of State.

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

PROPOSED LOCAL LAW #3 OF 2008 – AMEND CHAPTER 210-56.4 DISTRICT BOUNDARIES

Proof of the legal notice below having been published in the February 27th edition of the Brighton Pittsford Post, a **motion** was made **by Trustee Maddox, seconded by Mayor Corby** to open the public hearing to discuss amending Chapter 210-56.4.

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

*“Please take notice that a public hearing will be held before the Village of Pittsford Board of Trustees, Tuesday, March 11, 2008 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 2008**, which local law would **Amend § 210-56.4 District Boundaries** of the Code of the Village of Pittsford in order to rectify tax account numbers for two of the properties located in the Performance Zoning Overlay District that were listed incorrectly”.*

Board members reviewed the tax ID numbers that were in need of correction. Since questions remained, the public hearing was left open so that tax ID numbers can be verified with the Building Inspector. The Public Hearing will continue at the March 25th meeting.

REQUEST FOR NON-MUNICIPAL USE PERMITS – TOWN OF PITTSFORD

The Town of Pittsford requested a non-municipal use permit for the Memorial Day parade and for Candlelight Night, 2008. Following discussion, a **motion** was made **by Trustee Galli, seconded by Mayor Corby** to issue a non-municipal use permit to the Town of Pittsford for the Memorial Day Parade to be held on May 26th in the village.

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

ANNEXATION DISCUSSION

The Village and Town have received a petition from Pittsford Canalside Properties LLC for annexation of a portion of the former Monoco Oil property that is located within the Town of Pittsford to the Village of Pittsford. Mayor Corby told Board members that Attorney Turner is collaborating with the Town Attorney to develop a time line for the process of the annexation. May 1, 2008 is the date of a joint Town/Village Board public hearing on this matter.

INSURANCE OF VILLAGE AND RG&E LIGHT POLES

Board members discussed a quote from the village’s insurance agent for the cost of insuring Village poles and RG&E light poles within the village. After reviewing the history of incidents and the costs, the Board decided not to insure light poles at this time.

EMPLOYEE SAFETY POLICY

A draft employee safety policy was presented at the suggestion of our PERMA representative. Members will review the draft policy in detail and discuss it at the next meeting on March 25, 2008.

SPECIAL PERMIT PUBLIC HEARING – CONTINUED – 57 NORTH MAIN ST.

Mike Newcomb Jr. attended the meeting to address questions regarding this application for a gas station/take-out restaurant. Issues that were discussed included hours of operation, number of chairs and tables, type of food preparation, deliveries, and trash receptacles. Comments received from the PZBA regarding this application were

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reviewed and considered. There being no one further to speak for or against this application, Mayor Corby closed the public hearing.

A **motion** was made **by Mayor Corby, seconded by Trustee Cleary** to approve this application for a Special Permit noting that standards (a)-(f), found in § 210-74 B. (3) have successfully been met, the railroad creates a buffer from residential property (g), and the proposed use will not create exterior exhaust, odors from cooking, noise or other conditions that could be detrimental to the general welfare of residents. The application is approved with the following conditions:

1. Hours of operation will be 5:30 AM – 11 PM weekdays, 5:30 AM – 12 AM on Friday and Saturday.
2. There will be no tables, chairs or food counter in the interior.
3. There may be up to 3 picnic benches on the exterior of the front of the building.
4. There will be a minimum of 3 trash receptacles in the front of the building including one by the front door, and one at each island. The main dumpster will be located at the rear of the building.
5. Food service will consist of coffee, donuts, or foods of a similar nature, the possible assembly of sandwiches, and the possible use of a warming oven. There will not be an actual kitchen, with stoves, fryers and/or ovens.

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

PERMANENT PART TIME EMPLOYEE HOLIDAY PAY DISCUSSION

At a prior meeting, the Board received a request to consider holiday pay for permanent part-time employees. Labor Attorney Bethany Centrone was consulted. Trustees considered the request and decided to leave the policy as is and to offer holiday pay to full-time employees only.

MEMBER ITEMS

The Board listed possible topics to be included in the spring newsletter.

Mayor Corby and Attorney Osborn summarized a memo from Attorney Turner regarding the ESL Application to the ZBA, the 1957 variance and the Appellate Division decision.

Attorney Osborn informed the Board that the Village will receive an application for a franchise renewal with Time Warner. A public hearing will be required at that time. No action is necessary at this time.

MINUTES

Feb. 12, 2008: A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to approve these minutes as amended.

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

February 14, 2008: A **motion** was made **by Trustee Sherwood, seconded by Mayor Corby** to approve these minutes as amended.

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

February 26, 2008: A **motion** was made by **Trustee Galli, seconded by Trustee Sherwood** to approve these minutes as written.

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

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 10:15 PM.

Anne Z. Hartsig, Recording Secretary