

**PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES**  
**December 14, 2010 – 7:00 PM**

**Present:**  
**Mayor** Robert Corby  
**Trustees** Paula Sherwood  
Trip Pierson  
Tim Galli  
**Absent** Steve Maddox  
**Attorney** Jeff Turner  
**Treasurer** Mary Marowski  
**DPW Superintendent** John Cufari  
**Recording Secretary** Anne Hartsig

Mayor Corby called the meeting to order at 7:05 PM.

**BROWN AND BROWN INSURANCE PRESENTATION**

Brian Hart, the Village's representative from Brown and Brown Insurance, met with the Village Clerk and Trustee Galli in November to discuss employee health care options for 2011. At this meeting, he presented an overview of the options to the Trustees and explained his recommendation for a 2011 health care plan. Following his presentation, a **motion** was made by **Trustee Galli, seconded by Trustee Pierson** to continue to offer the Excellus Healthy Blue \$25/\$40 Hybrid \$250 Deductible Plan for 2011 health insurance for eligible Village of Pittsford employees based upon the research and recommendation of Mr. Hart.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

**TREASURER'S REPORT – MARY MAROWSKI**

The Treasurer presented vouchers listed on Abstract #9 of 2010/11 fiscal year for approval. A **motion** was made by **Trustee Galli, seconded by Mayor Corby**, to approve payment of vouchers listed on Abstract #9 in the amounts stated below and to charge them to the appropriate accounts.

**Abstract #79– 2010/11**

General Fund (#273-#291, #293-#321):	\$ 42,753.36
Sewer Fund (#288, #292, #305, #321):	\$ <u>2,854.50</u>
<b>Total vouchers for approval:</b>	<b>\$ 45,607.86</b>

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

**Other Business:**

- **Bank Balances:** The Treasurer presented bank balances for the Village accounts.
- The **Residential Assessment Ratio** of 92.17 was received from the NY Office of Real Property Tax Service. The Treasurer noted that this is a tentative figure.
- **Escrow monies:** Received from Town of Pittsford = \$7,029.00 for Scott Harter invoice
- **Lateral file request:** The office is in need of more filing space. The Clerk requested the purchase of a lateral file cabinet to match the existing office furniture for use by the Treasurer. This would free up another cabinet for general files. The cabinet will cost \$475 if ordered before the end of the year. A **motion** was made by **Trustee Sherwood**,

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**seconded by Mayor Corby** to approve the purchase of a lateral file from Brontman's Furniture at a cost of \$475.00.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

**PUBLIC HEARING – PROPOSED LOCAL LAW #6 – AMEND §101 FIREARMS**

Proof of publication of the legal notice below having been provided, a **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to open the public hearing to consider Local Law #6 of 2010.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – 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, December 14, 2010 at 8:00 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY, to consider the adoption of Proposed Local Law #6 of 2010, which local law would amend § 101 FIREARMS of the Code of the Village of Pittsford. A complete copy of the proposed local law is available for review Monday through Friday during the hours of 8:00 AM to 3:30 PM in the Village Office, 21 North Main Street, Pittsford, NY.

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

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to approve local law #6 of 2010 as presented.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

Following this vote, Board members discussed placing signs on Village property to warn people that hunting is not allowed. Suggestions were to place signs on utility poles, one on the south west corner of the DPW property next to the towpath trail and some mounted high in trees. DPW Superintendent Cufari will use his discretion.

**PUBLIC HEARING – GUYS PIZZA – REQUEST FOR SPECIAL PERMIT**

Proof of publication of the legal notice below having been provided, a **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to open the public hearing to consider an application for a special permit made by Greg Kissell, the owner of Guys Pizza.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

**VILLAGE OF PITTSFORD  
NOTICE OF PUBLIC HEARING**

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at meeting on Tuesday, December 14, 2010 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Greg Kissell, for a Special Permit to allow the operation of Guys Pizza Co., a carry out restaurant which will operate as a pizzeria, in the building located at 18 South Main Street, Pittsford, NY, which location is in a B-1A District, pursuant to Chapter 210-74 A (2), Special Permit Uses in B-1, B-1A, B-2, B-4 and M-1 Districts.

The following were present representing Guys Pizza: Greg Kissell, business owner, Joe DiPasquale, realtor, Jay Birnbaum and Bernard Birnbaum, owners of 18 & 20 South Main Street.

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Mr. Kissell explained the plan for his take out pizza business. He addressed questions regarding mechanical equipment, parking for patrons and employees, dumpsters, grease disposal, and the in-house design of the building. Mr. Kissell stated that:

- he is aware he would have to seek APRB approval for the screening of mechanical equipment; and
- he is committed to having his employees park on such streets as Boughton, and South Main in the vicinity of St. Louis Church because he knows spaces must be available for customers; and
- he has an agreement with the lessee of the former Great Northern Pizza building to use some parking spaces in that lot; and
- there will be 2-3 cars on site for delivering pizza for which temporary parking spots will be needed; and
- grease and trash pick up will take place multiple times per week until it is determined how often pick up is needed; and
- the building owner will have its employees maintain trash receptacles near the store and will provide additional ones if necessary.

Trustees suggested that Mr. Kissell provide something in writing from the owner of the Great Northern Pizza building. They also suggested that perhaps an arrangement can be made for space for the dumpster in that lot as well.

Board members were generally in favor of the concept with the understanding that residents must be protected from sights, smells, sounds etc. of the working business. Members wish to see finalized details regarding an exhaust hood, trash, parking, grease disposal, deliveries, and the indoor floor plan. Members encouraged the owner to consider outside seating in the spring. Mayor Corby said outside seating would require a non-municipal use permit.

Mayor Corby stated that the public hearing will remain open and will be continued at a special meeting on Monday, December 27<sup>th</sup> at 10 AM at the Village Office. At that time, the applicant agreed to supply a more detailed plan.

**JUST ENERGY – REQUEST FOR SOLICITOR’S PERMIT**

The Village Clerk received application materials for a solicitor’s permit from independent contractors who wish to market the products and services for Just Energy, an energy supplier in various areas of North America. A proper insurance certificate was not submitted. The required character witnesses were not submitted.

Therefore, the Board adjourned the consideration of this application until such time as the required materials are submitted.

**TEMPORARY EVENT SIGN REQUEST – 1<sup>ST</sup> PRESBYTERIAN CHURCH**

The Village Board received a request for a temporary sign to advertise a vocal concert that will be held on May 1, 2011. The Board reviewed the request and found no conflicts. A **motion** was made by **Trustee Pierson, seconded by Trustee Galli**, to approve this request with the following conditions:

- one sign may be placed at the intersection of South Street and Route 96;
- one sign may be placed on the southwest corner of the Four Corners near the former Pendleton Store; and
- signs may be erected on April 26, 2011 and removed on the day of the concert.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

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**DPW REPORT – JOHN CUFARI**

- Pittsford Crew would like to install permanent ramps at the DPW pump out station dock. Mayor Corby stated that the Board needs a written proposal. If the Village Board granted approval, that approval would be conditional upon Pittsford Crew obtaining a permit from the NYS Canal Corporation.
- Mayor Corby discussed an Urban Forestry grant application. It is a 50/50 matching grant. Doug McCord gave a quote of \$520 to Mayor Corby to prepare the application and administer the grant. A **motion** was made by **Mayor Corby, seconded by Trustee Galli** to accept the proposal from Doug McCord to submit and administer a \$12,000 Urban Forestry matching funds grant for a fee of \$520.00. This expenditure is unbudgeted.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

- Mr. Cufari reported that a request for funding for repairs to the Howitzer cannon has been submitted to Senator Alesi’s office.
- There was a discussion regarding the testing of a Bobcat tractor. The cost for the tractor would be \$24,500. Mr. Cufari said this piece of equipment would be more maneuverable than our current tractor. Board members said that more information is needed for the budget meetings regarding this piece of equipment.
- Mr. Cufari presented a written report addressing a leaf season summary, holiday decorations, vehicle incidents, pump station failure, snow removal, equipment quotes, the cost of work clothing per DPW employee for a year’s time, a plug-up in the Monroe Ave. siphon, a storm sewer issue on Locust Street, and moving the gas line on South Main and Jefferson Rd.
- Trustee Sherwood stated that the crew did a great job preparing the village for Candlelight Night and that crew member Steve Green did a commendable job at the actual event.

**BUILDING INSPECTOR’S REPORT**

Mr. Bailey submitted a written report. Board members stated that they will require his input at the meeting on January 11, 2011.

Trustee Pierson said he would like to discuss the following with the Building Inspector:

- the status of a site plan application for Northfield Common, including a permanent sign for Dolce Cupcakery;
- a history and update on improvements at Aladdin’s including stairs and HVAC issues; and
- the fallen tree in the front yard at 71 North Main Street.

Mayor Corby discussed code issues at Aladdin’s on Schoen Place regarding HVAC installation.

Cars parked on the CSX right of way is an on-going issue. Attorney Turner has spoken to Eric Wade from CSX. Mr. Wade said he will come and mark the boundary of the right of way.

The Board discussed 9 East Jefferson Road. The interpretation of “expansion of use” is in question. The Building Inspector determined that because the number of units was not increasing, the addition didn’t expand the use. Others have interpreted that because the building footprint was made larger, there was an expansion of use. Board members decided that the wording in the Code should be clarified. New language regarding “expansion of use” should include size, density, and intensity of use. Attorney Turner will draft new language for the Code.

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**SEQR – LEAD AGENCY FOR PORT OF PITTSFORD AND SCHOEN PLACE IMPROVEMENTS GRANT #C006861**

Following discussion in which Board members expressed the desire to be the lead agency for the Port of Pittsford/Schoen Place SEQR process, a **motion** was made **by Mayor Corby, seconded by Trustee Galli** to declare the Board's intention to act as lead agency and to authorize the Village Clerk to send letters of intention to involved agencies to begin the 30-day comment period.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

**2011 MEETING SCHEDULE**

Members of the Board of Trustees reviewed and approved the proposed meeting schedule for 2011. The Clerk will forward the schedule to the webmaster and post it on the bulletin board.

**PROPERTY TAX CAP - RESOLUTION #20 OF 2010**

Members discussed the problem of NYS mandates and the effect of those mandates on local governments. NYCOM suggested that village boards consider passing a resolution to be sent to State government officials pointing out that property tax caps will only work if there is a repeal of state mandates that require local governments to increase spending. A **motion** was made **by Trustee Pierson, seconded by Trustee Sherwood**, to approve Resolution #20 of 2010, a resolution regarding the proposed imposition of property tax cap legislation.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

**A Property Tax Cap Must Include Mandate Relief**

**Whereas** the level of property taxation throughout New York has reached dangerously high levels; and

**Whereas** New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

**Whereas** two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

**Whereas** in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

**Whereas** state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

**Whereas** as a solution to New York's property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider the enactment of legislation imposing a cap on the annual growth in property taxes; and

**Whereas** a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

**Whereas** a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

**Now, therefore be it resolved** by the Village of Pittsford Board of Trustees that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and business of New York.

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**Be it further resolved** that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Alesi, Assembly Member Errigo, and the New York State Conference of Mayors.

**SPEED HUMP POLICY**

As a result of discussions with residents on Rand Place regarding traffic and pedestrian safety, a temporary speed hump was installed on the south portion of that street as an experiment. The consensus was that the speed hump was largely effective. In anticipation of other residents' requests for traffic control measures, Trustee Galli developed a draft speed hump policy that provides a process and criteria for deciding locations for the installation of speed humps. Board members reviewed the proposed policy and were in favor of adopting the policy and including it as an amendment to the Comprehensive Plan. A **motion** was made **by Trustee Galli, seconded by Trustee Pierson** to adopt the village speed hump policy, as drafted by Trustee Galli, and to hold a public hearing to consider including it as an amendment to the Comprehensive Plan that was completed in January, 2002.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

**RAND PLACE**

The Board discussed future plans for Rand Place now that the temporary speed hump has been removed for the winter. Superintendent Cufari said he can install four asphalt speed humps on that street for approximately \$2700. Locations that were considered were on the straight stretch (2 humps) and one on either side of the bend. Funds for this expense have not been budgeted. Members decided that considering the meetings, research, input from residents, and the experimental installation which was deemed successful, the asphalt speed humps should be installed. A **motion** was made **by Trustee Sherwood, seconded by Mayor Corby**, to authorize Superintendent John Cufari to install four asphalt speed humps on the south portion of Rand Place in the spring.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

Trustee Galli will draft a notification letter to be mailed to the residents.

**PROPOSED UPDATE FOR ARTICLE XIV OF THE VILLAGE CODE**

Experience has shown that amendments and clarification of the language in the Village Code that addresses post war housing stock as it pertains to APRB standards is needed. Attorney Turner drafted proposed changes which were reviewed by the Board. A **motion** was made **by Trustee Pierson, seconded by Trustee Galli**, to hold a public hearing to consider the adoption of code changes regarding Article XIV of the Village Code, which changes would be known as proposed local law #1 of 2011.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

**21 LINCOLN AVENUE**

The owner of 21 Lincoln Avenue was denied subdivision approval of that parcel by the Planning Board. Attorney Turner said the applicant has sixty days from the date of that decision to appeal the decision to the Board of Trustees. He said this property presents unique issues and has variances attached to it if it was to be subdivided. Variances would include changing a pre-existing lot into substandard lots, lot coverage issues, and set back issues. Members discussed whether variance applications should have been heard before a subdivision application or vice-versa. Trustee Pierson said he would talk to the applicant and offer a meeting with Attorney Turner and Mayor Corby.

**75 MONROE AVENUE ESCROW ACCOUNT**

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Attorney Turner has discussed the escrow account with Pittsford Canalside Properties LLC. He reported that the applicant would like an estimate of consultant fees for the next six months. They have suggested keeping a balance of \$3000 in the bank and paying the bills directly. Mr. Turner will draw up an agreement for the Board's consideration.

**VILLAGE POSITIONS**

Village Board members have interviewed potential candidates for various positions that may be considered.

**INSURANCE DISCUSSION**

Trustee Galli informed Board members that he asked our insurance agent to solicit quotes from competitive insurers before renewing our policy for 2010/11. Quotes that were received were distributed to members. The Village followed the agent's recommendation because the review showed that the pricing was competitive, the coverage was good and the claims administration is superior. Trustee Galli said it is beneficial to request quotes every five years or so to establish a benchmark.

The Village's insurance agent suggested that the Board consider higher limits of umbrella liability. He recommended that the Village have \$10,000,000 which would cost an additional \$2500. Attorney Turner is going to research verdicts regarding municipal liability claims before a decision is made.

**MEMBER ITEMS**

**Newsletter:** Trustee Sherwood noted that the desired publication date for the winter newsletter is the week of January 3, 2011.

**Candlelight Night:** Trustee Sherwood reported that attendance was lower this year however, the event was a success. She said the security for this year's event was excellent. 2011 will be the 40<sup>th</sup> year for Candlelight Night.

**MINUTES**

**9/30/10 – Joint Town Board and Village Board Meeting:** A motion was made by Mayor Corby, seconded by Trustee Pierson to approve these minutes as submitted.

**VOTE:** Corby – yes, Sherwood – abstain, Pierson – yes, Galli – yes. **Motion carried.**

**11/5/10 – Special Meeting:** A motion was made by Trustee Sherwood, seconded by Trustee Pierson to approve these minutes as submitted.

**VOTE:** Corby – abstain, Sherwood – yes, Pierson – yes, Galli – yes. **Motion carried.**

**11/9/10 – Regular Meeting:** A motion was made by Mayor Corby, seconded by Trustee Sherwood to approve these minutes as submitted.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – yes, Galli – abstain. **Motion carried.**

**11/19/10 – Regular Meeting:** A motion was made by Trustee Sherwood, seconded by Mayor Corby to approve these minutes as submitted.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – abstain, Galli – yes. **Motion carried.**

**EXECUTIVE SESSION**

A motion was made by Mayor Corby, seconded by Trustee Sherwood to enter executive session to discuss collective bargaining negotiations and the employment history of a particular employee.

**VOTE:** Corby – yes, Sherwood – yes, Pierson – abstain, Galli – yes. **Motion carried.**

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Having taken no action, 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, Pierson – abstain, Galli – yes. **Motion carried.**

**ADJOURNMENT**

There being no further business, Mayor Corby adjourned the meeting at 11:30 PM.

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Anne Z. Hartsig, Recording Secretary