

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
January 11, 2011 – 7:00 PM

Present:

Trustees Paula Sherwood
Trip Pierson
Tim Galli

Absent Trustee Steve Maddox
Mayor Robert Corby

Attorney Jeff Turner
DPW Superintendent John Cufari
Recording Secretary Anne Hartsig

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

TREASURER’S REPORT

The Treasurer’s report will be given at the budget meeting on January 13th at 3 PM.

DPW REPORT – JOHN CUFARI

Mr. Cufari asked the Board to read an Urban and Community Forestry Grant Program application that is being prepared by Doug McCord. The deadline for submission is early in February. Mr. Cufari said the application as written pertains largely to removing existing ash trees and replacing them with other species of trees. It was his understanding that the grant application was going to be a general tree grant. This grant will be a matching grant so the Village will be responsible for funding in the amount of \$15,695. Trustee Galli said the topic will be discussed at the January 25th meeting.

Mr. Cufari said the Village pump out station is partially repaired. Warmer weather is needed to complete the work. He said that the Wood Creek pumps and the generators are working well and were recently tested.

Mr. Cufari’s written reported included information about the record December snow fall, flushing of the sanitary sewer system, tree trimming, disposal of obsolete electronic equipment from Village Hall, the tree grant, servicing of Village equipment, cleaning and refinishing canal bollards, recent Christmas season and decorations, and repairs for the sweeper.

BUILDING INSPECTOR’S REPORT

There was no Building Inspector’s report for this meeting.

FIRE MARSHAL QUESTIONS

Kelly Cline, Town Fire Marshal, is going to begin performing required Fire Inspections at village businesses as part of a cooperative agreement. She will send a letter to the businesses to inform them that the inspection is forthcoming. She submitted a sample letter and asked the Board review it. The Board approve the letter and determined that it will be signed by a Village Official and will be printed on Village letterhead.

Ms. Cline also submitted a sample ID card that all Village staff and elected officials will be required to have as part of the NIMS program. The Village Board concurred that the sample was adequate. They gave the go ahead for the ID cards to be produced.

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RELAY FOR LIFE

This request for a non-municipal use permit will be added to the agenda for the meeting scheduled for January 25, 2010.

TEMPORARY EVENT SIGN REQUEST – ST. LOUIS SCHOOL

The Village Board received a request for two temporary signs to advertise an open house at St. Louis School in conjunction with Catholic Schools Week. Upon review of the sign tracking sheet, a **motion** was made by **Trustee Sherwood, seconded by Trustee Galli**, to approve the sign request as follows:

- One sign may be placed on the southwest corner of the Four Corners
- One sign may be placed at the intersection of South Street and Route 31.
- Signs may be erected on January 25, 2011 and removed at the conclusion of the event on January 30th, 2011.

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

EXECUTIVE SESSION

A **motion** was made by **Trustee Pierson, seconded by Trustee Galli** to enter executive session to discuss collective bargaining negotiations.

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

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

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

MINUTES

December 14, 2010: A **motion** was made by **Trustee Galli, seconded by Trustee Pierson**, to approve these minutes as amended.

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

December 27, 2010: A **motion** was made by **Trustee Galli, seconded by Trustee Pierson**, to approve these minutes as written.

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

January 5, 2011: A **motion** was made by **Trustee Galli, seconded by Trustee Pierson**, to approve these minutes as written.

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

EXPENDITURE OF FUNDS

A **motion** was made by **Trustee Pierson, seconded by Trustee Sherwood**, to authorize the Treasurer to pay \$250.00 each, less applicable withholdings, to three members of the Department of Public Works.

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

COMPREHENSIVE PLAN PROCEDURAL DISCUSSION

The Board of Trustees wishes to amend the Comprehensive Plan of 2002 by adding the Speed Hump Policy, the Pedestrian Safety-Traffic Calming Plan, and the Town and Village Erie Canal Master Plan. A **motion** was made by **Trustee Pierson, seconded by Trustee Sherwood**, to hold a public hearing at the March 8, 2011 meeting to consider amending the Comprehensive Plan to include the Speed Hump Policy, the Pedestrian Safety-Traffic Calming Plan, and the Town and Village Erie Canal Master Plan.

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

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75 MONROE AVENUE ESCROW ACCOUNT

The Board of Trustees reviewed an escrow deposit agreement that has been proposed by Pittsford Canalside Properties LLC regarding consultant expenses pertaining to the application for the development of 75 Monroe Avenue. The amount that would be held in the escrow account was discussed. A **motion** was made by **Trustee Pierson, seconded by Trustee Sherwood** to authorize Deputy Mayor, Tim Galli, to sign the Escrow Deposit Agreement with Pittsford Canalside Properties LLC on behalf of the Village of Pittsford.

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

UMBRELLA INSURANCE DISCUSSION

Attorney Turner researched raising the amount of umbrella liability insurance that the Village carries. He explained two theories to the Trustees. Following the discussion, the Board decided to keep the amount that is currently in the policy.

PUBLIC HEARING – 21 LINCOLN AVENUE APPEAL

Pursuant to §210-87 of the Village Code, the Board of Trustees determined the fee for the appeal to be \$100.00.

Trustee Pierson recused himself from participating in this application due to a conflict of interest. However, he will participate in procedural issues.

Proof of the legal notice below having been published, a **motion** was made by **Trustee Galli, seconded by Trustee Sherwood** to open the public hearing.

Vote: Sherwood – yes, Galli – yes, Pierson – 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 a meeting to be held on Tuesday, January 11, 2011 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider the appeal of James Aiello, owner of property located at 21 Lincoln Avenue, from the November 22, 2010 decision of the Village of Pittsford Planning Board, which decision denied an application for subdivision of the property identified above.

James Aiello, owner of the property, gave a history of events in order of the date, regarding his application to the Planning Board for subdivision of the property. He said he attended three Planning Board meetings. The Planning Board's concern was setting a precedent by creating two substandard lots as opposed to the one substandard lot that currently exists. Neighbors offered unanimous support for the subdivision. At the 11/22/10 Planning Board meeting, the applicant provided a map that showed that the property had once been divided into two separate lots. The Chairperson suggested that the applicant seek approval to subdivide the property as it had once been which would require moving the barn. The applicant said this was not an acceptable solution.

Mr. Aiello said he had meetings with Mayor Corby and with the Building Inspector, both of whom indicated that removing the parking lot and subdividing the property into two single-family residential lots would be beneficial to the surrounding neighborhood and preferable to a vacant property, another business, or a multi-family property. Trustee Sherwood said she appreciated the documentation regarding his application to the Planning Board.

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Attorney Turner noted that the discussions with the Mayor and with Mr. Bailey are not relevant to the Planning Board's decision. He said that the appeal must be based on the information that the Planning Board had in the sub division application. The Trustees must decide if, based on the information the Planning Board had, whether or not they were arbitrary and capricious when voting on this application.

David Weir, 19 Lincoln Avenue, stated that all of the neighbors are in support of this application and that it would be in the best interest of the community to have the building sold, occupied, and lived in.

Paul Zachman, Chairperson of the APRB, said that he looked at the sketches of a proposed renovation for the barn. He said the drawings were compelling and the barn could be physically moved. He also suggested removing the embalming room that is on the back of the house to improve lot coverage and the looks of the home.

A motion was made by Trustee Galli, seconded by Trustee Sherwood, to leave the public hearing open until a special meeting which will be held on Friday, January 14th at 3:30 PM, at which time, full board attendance is anticipated.

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

PROPOSED LOCAL LAW # 1 OF 2011 – AMEND ARTICLE XIV OF VILLAGE CODE

Proof of the legal notice below having been published, a **motion was made by Trustee Galli, seconded by Trustee Sherwood** to open the public hearing.

Vote: Sherwood – yes, Galli – yes, Pierson – 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, January 11, 2011 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law #1 of 2011 to amend Article XIV, Historic District/Architectural and Preservation Review Board, of the Code of the Village of Pittsford. A complete copy of the proposed amendment is available for review in the office of the Village Clerk, 21 North Main Street, Pittsford, NY between the hours of 8:00 AM and 3:30 PM, Monday through Friday.

Paul Zachman, APRB Chairperson, explained the background behind this proposed local law. He said there was growing discord among post war village home owners regarding the standards to which they were held when trying to maintain or replace architectural features of their homes. The current Village Code, if held to the letter of the law is very restrictive and may even be negative in regards to these post war homes. Therefore, Design Guidelines were developed and adopted with input from the Landmark Society. Julian Adams from the State Historic Preservation Office noted that the Village Code could use some updating. Therefore, with the assistance of Village Attorney Jeff Turner, these amendments were written.

Mr. Zachman polled the members of the APRB regarding the proposed changes. All members had concerns about removing the words "to be open to view from a public street or waterway", from proposed section 210-58, Definitions of an Exterior Architectural Feature. The concerns included the potential for uneven enforcement and that the consensus of residents might be that the Village is being invasive. After discussion, Board members agreed to leave the definition of an Exterior Architectural Feature as it currently reads in the Code.

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Janet Reynolds, 35 Church Street expressed concern about the term “of equal or better quality” as it refers to replacement materials. She asked how that would be determined. Mr. Zachman said the APRB would have to make that determination after researching the materials in question.

There being no one further wishing to speak for or against the adoption of this local law, a **motion** was made by **Trustee Galli, seconded by Trustee Sherwood** to close the public hearing. **Vote:** Sherwood – yes, Galli – yes, Pierson – yes. **Motion carried.**

A **motion** was made by **Trustee Pierson, seconded by Trustee Sherwood** to approve the adoption of proposed local law #1 of 2011 with the exception of the portion of §210-58 Definitions, regarding exterior architectural features.

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

Board members noted that the Design Guidelines should be submitted for an award.

GUYS PIZZA – PROCEDURAL DISCUSSION

It was noted that a public hearing was held regarding a request for a special permit for Guys Pizza to operate a take out pizza establishment. A legal notice was published and property owners within 300 feet of the subject property were sent a notification letter regarding the public hearing. The public hearing was closed and a motion to approve the application was made. The applicant requested that there be a full five member board present before a vote was taken on the motion. Therefore, the motion was adjourned and a special meeting was scheduled for January 14th at 3:30 PM. There are some residents who wish to comment on this application even though the public hearing has been closed. NYCOM was consulted. They said that the Village Board could listen to comments.

Resident Pauline Riley, 26 Church Street, prepared and read a letter stating opposition to the operation of the business in the location of 18 & 20 South Main Street. The letter is included in the permanent record for this application.

Mike Reynolds, 35 Church Street, asked if the distance in which notifications are sent to property owners could be revisited. He said he didn't fall within the 300' and was not notified.

BELLA AMORE-DIRECTIONAL SIGN DISCUSSION

Dan and Deb Mason presented a proposal for directory signs to be placed at Northfield Common, Schoen Place by Naples Creek, by the Village Clock and one at the north end of Schoen Place. Mr. and Mrs. Mason said they have 20 verbal commitments for financial contributions from merchants. They would like the Village to match the funds they collect. They said that visitors who are heading east on Schoen Place don't realize that there are shops in Northfield Common. They are suggesting signs that can be easily changed when stores change. Signs would be in an enclosed case and designed for pedestrians.

Some of the considerations that would need to be resolved were

- budget issues pertaining to the initial cost and the ongoing costs,
- the design and APRB approval,
- ownership and maintenance of these signs,
- a plan that specifies how and when the signs would be updated,
- whether or not these signs would fall under the Village sign ordinance.

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Attorney Turner said that privately funded signs on public property would be similar to the village clock that was donated, accepted by the village, and maintained by the village. The general consensus of the Board was that they are not adverse to directional signs. However, they agree that the signs should be owned and maintained by the Village. It was suggested that the merchants present a more detailed proposal for further consideration. Trustee Sherwood will continue to work with Mr. and Mrs. Mason on this proposal and will send photos to them of directional signs that are used in Saratoga. She will also send information on directional signs found in Merrickville.

EXECUTIVE SESSION

A **motion** was made by **Trustee Pierson, seconded by Trustee Sherwood** to enter executive session to discuss a matter of proposed, pending, or current litigation.

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

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

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

JOHN C. OSBORN

Attorney Turner informed the Board of Trustees that John C. Osborn, Village Attorney since 1956, officially retired as of December 31, 2010.

MEMBER ITEMS

Speed Hump Policy – Trustee Galli discussed some modifications to the speed hump policy. Following discussion and legal advice from Attorney Turner, the Board decided not to change the language in the policy.

ADJOURNMENT

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

Anne Z. Hartsig, Recording Secretary