# PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES March 8, 2011 – 7:00 PM

Present

Mayor: Robert Corby Trustees: Paula Sherwood

> Tim Galli Trip Pierson

**Absent:** Steve Maddox (absent)

Attorney: Jeff Turner
Treasurer: Mary Marowski
DPW: John Cufari
Recording Secretary: Anne Hartsig

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

# MOMENT OF SILENCE

A moment of silence was observed in memory of Jennifer Simson who died on February 25<sup>th</sup> as a result of a snow related accident in the parking lot at 19 South Main Street.

#### TREASURER'S REPORT - MARY MAROWSKI

The Treasurer presented vouchers listed on Abstract #013 of 2010/11 fiscal year for approval. A **motion** was made **by Trustee Galli, seconded by Trustee Pierson**, to approve payment of vouchers listed on Abstract #013 in the amounts stated below and to charge them to the appropriate accounts.

# Abstract #013 - 2010/11

General Fund (#435-#445, #447-#477):	\$ 36	5,368.67
Sewer Fund (#437, #446, #461):	\$	156.62
Grant HD (Greenway) (#454)	\$	520.00

Total vouchers for approval: \$37,045.29

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

### **Other Business:**

- Following a review of the circumstances, Board members instructed the Treasurer to reimburse Village Historian Audrey Johnson following her accident..
- The Treasurer reported that \$10,393.51 is the amount of the outstanding sewer rents.
- The Treasurer reminded Board members that there will be a budget meeting at 3 PM on March 11<sup>th</sup>

# **DPW REPORT - JOHN CUFARI**

Mr. Cufari reported the following:

- The Village is over the budgeted figure for salt by approximately \$2000. There is still \$3200 in the overtime line.
- The flush truck is out of service due to a hose leak and a radiator leak. The cost for the radiator is \$647.50. The Town is covering for the Village.

- Several pieces of equipment have been serviced including truck #12 and truck #14. The Kubota floor was patched, warning lights were installed on the John Deere and the main plow truck, and a back-up alarm was installed on the pick up truck.
- The security system at the garage will be upgraded.
- The time clock is not working. Mr. Cufari has hired a company to fix it if the parts required are available.
- If the Board decides to inject the ash trees, an appointment should be scheduled for the month of May.
- Mr. Cufari said the Village is up to date on all disaster plans.

# INFORMATION ONLY - 5 STATE STREET - SPECIAL PERMIT

Charles Fitzsimmons, owner, and his assistant Tucker Kuhe, informally presented plans for a retail bakery to be located in the former Schoen Place Auto building at 5 State Street. Hours of operation, ingress and egress, delivery trucks, noise, smell, garbage dumpsters, and snow removal were items that were briefly discussed and are issues that will need to be fully addressed.

It was noted that in addition to a special permit from the Board of Trustees, site plan approval will be required from the Planning Board. Approvals for exterior changes will be required from the APRB.

A coordinated review of the environmental issues surrounding this application is necessary due to the proximity of the location to the Phoenix Building, which is on the National Register. The applicant was asked to return Part 1 of the long form SEQR to the Village Clerk. Letters will be mailed to interested and involved agencies and the Board of Trustees will seek lead agency status for the purposes of the SEQR review.

The applicant will attend the PZBA meeting on March 28<sup>th</sup> to explain the proposal so the Planning Board can forward comments to the Board of Trustees. The applicant will submit an application to the APRB for the meeting on April 4<sup>th</sup>. A site plan application could be heard at the April 25<sup>th</sup> Planning Board meeting. A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood,** to hold a public hearing on April 12, 2011, to consider a special permit for the operation of a bakery at 5 State Street.

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

# TEMPORARY EVENT SIGN REQUESTS

# **Pittsford Garden Club:**

Pursuant to Village Code § 168-12 A. (2), a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to grant permission for Pittsford Garden Club to erect two signs to advertise their annual Plant Sale, which will be held on May 21, 2011, as follows:

- One sign may be erected at the Four Corners by the Village Clock,
- One sign may be erected at the entrance to the Town Parking Lot at Copper Beech Park.

Signs may be placed on the lawns of homeowners, with their permission, so long as they are no closer than 18" from a property line abutting a public right of way.

Signs may be erected on May 15<sup>th</sup> and must be removed at the end of the sale on May 21<sup>st</sup>. **VOTE:** Corby – yes, Sherwood – yes, Galli – yes, Pierson – yes. **Motion carried.** 

# **Pittsford Cooperative Nursery School**

The Village Board received a request to place one sign in the village to advertise a nursery school open house to be held on April 10, 2011. A motion was made by Mayor Corby, seconded by Trustee Sherwood, to approve this request as follows:

- One sign at the northeast corner of Locust Street and South Main Street.
- Signs may be erected on April 4<sup>th</sup> and removed at the end of the day on April 10<sup>th</sup>. The sign must be put out and taken in daily to avoid causing a hazard.

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

# **B1-A PERMITTED USES DISCUSSION**

Due to a recent application received by the PZBA, Board members discussed the current allowed uses in the B1-A district. Members concurred that the uses for that district should be carefully reviewed. Mayor Corby and Trustee Pierson will examine that section of the Code and will bring recommendations to the Board.

### **RAND PLACE**

Trustee Galli reviewed the background of the steps that have been conducted by the Village Board to explore traffic calming measures on Rand Place. The steps included neighborhood meetings and surveys. He reported that the latest survey that was conducted indicated that speed humps proposed by the traffic engineer, between houses at #51 and #61, are desired by 60% or more of the residents that completed the survey. Therefore, Trustee Galli will write a letter to the residents to notify them that the Village will be installing paved speed humps on the street.

# **COMPLETE STREETS**

Following discussions with traffic expert Steve Ferranti, Mayor Corby suggested that it would be in the best interest of the Village to adopt a Complete Streets policy to insure the future walkability of the community. Adopting such a policy provides opportunities for grant funding for projects that could improve streets and sidewalks and the walkable environment within the village. Mayor Corby suggested that if the Board agreed to adopt the policy, it should also be included as an amendment to the Comprehensive Plan of 2002. Upon review and discussion in which minor changes were made, the following resolution was presented and adopted:

# Resolution #2 of 2011 - Complete Streets

WHEREAS, "Complete Streets" are comprehensive, integrated roadways that safely accommodate the passage of pedestrians, bicyclists, motor vehicle drivers, and riders of public transportation. "Complete Streets" allow transportation choices and grant mobility to those unable or who prefer not to drive, including children, youth, older adults, and persons with disabilities. "Complete Streets" incorporate streetscape design elements that promote slower speeds, increased safety for all roadway users, and a hospitable and comfortable environment. "Complete Streets" utilize both traditional village street characteristics (curbs, traffic lanes ten feet or less in width, sidewalks, crosswalks, striped on-street parking, two-lane streets, ten-foot traffic lane widths, tight turning radii at street intersections, landscaped medians, ornamental pedestrian-scale street lights, street trees etc. and newer traffic calming elements ("Yield to pedestrian in the crosswalk" signs, speed tables, pedestrian refuge islands, speed humps, etc.);

WHEREAS, during the second half of the twentieth century, suburban development and planning policies reshaped the American landscape. Since 1950, conventional engineered roadway improvements have prioritized the accommodation of increasing motor vehicle volume and speed at the expense of safety, a comfortable pedestrian environment, and the other qualities possessed by traditional streets and neighborhoods. These changes have stripped villages and city neighborhoods of their walkability, aesthetic character, and economic viability. In the Village of Pittsford, poor road design, ill conceived road improvements, and excessive street width have caused unsafe vehicular speeding and made some streets inhospitable to pedestrians and other users.

WHEREAS, The Village of Pittsford's historic, pleasant, and walkable environment is both a defining characteristic and a key community asset. Streets are a primary component of the Village's infrastructure and a large part of its total land area. Village streets are Pittsford's most important public spaces. They host parades, festivals, and numerous public events throughout the year. Every day, sidewalks and streets in the village host walkers, strollers, bicyclists, and runners and serve as a social gathering space for many of the greater Pittsford community's 30,000 residents.

WHEREAS, Attractive and pedestrian friendly streets are an integral part of the Village's historic charm and contribute greatly to the physical setting and quality of its neighborhoods, and commercial districts. Village real estate values, commercial viability, neighborhood health, and resident quality of life are directly affected by how streets look and function. The street environment influences business opportunities and shapes resident, visitor and shopper experiences. Pleasant walkable streets are required to attract and sustain compatible community development. Residents are attracted to and remain in the village because of its walkable environment. The future vitality of the village will depend in part on how its streets are improved, managed, and maintained.

WHEREAS, the Village of Pittsford has already adopted many of the principles of "Complete Streets" as official policy in its (2002) Comprehensive Plan and (2004) Traffic Calming Plan. Some recommendations from these planning initiatives have been completed while others await funding and implementation.

**WHEREAS**, the Village focus on Complete Streets is consistent with State and Federal policies to integrate pedestrian and bike facilities more fully in overall transportation planning, implementation and operations and that a more holistic view of transportation priorities and street character will yield many other benefits including:

- Increasing opportunities for residents to integrate exercise into their daily activities and lead healthier lives;
- Increasing pedestrian traffic will aid village businesses and will enhance the vitality of the village's downtown area.
- Improving safety by reducing walking and biking injuries and reducing the severity of motor vehicle accidents;
- Slower vehicular speeds will result in safer streets; enhance residents' quality of life; and increase property values.

**WHEREAS**, walking and biking on Village streets should be a pleasant and safe activity and pedestrian traffic is essential to civic life, commerce, and the visitor experience;

**NOW, THEREFORE, BE IT RESOLVED,** that the Village of Pittsford encourages walking, bicycling, and public transit for transportation, health, fitness, and recreation, it recognizes the importance of creating Complete Streets that enable safe travel by all users, including pedestrians, bicyclists, public transportation riders and drivers, and people of all ages and abilities, and it supports education about the need for accessibility through events, programs, outreach, and incentives.

**BE IT FURTHER RESOLVED,** that it is the intent of the Village of Pittsford's Complete Streets Policy to recognize pedestrians, bicyclists, transit riders and people with disabilities on the same level as motorists in the planning and design of street reconstruction and upgrades and as part of new street development within the Village;

**BE IT FURTHER RESOLVED,** that the Village considers each transportation plan and project as an opportunity to explore the potential to improve safety, access and mobility for all travelers and to position bicycling, walking and transit as integral elements of the local transportation system.

**BE IT FURTHER RESOLVED,** that the Village will inventory and evaluate how well each village street is serving each category of users; will identify desired projects and redesigns and

options for achieving a quality community and appropriate street environment, including improved accessibility; provide recommendations on policies and priorities; and assess opportunities to integrate, accommodate, and balance the needs of all users in street projects and address potential obstacles to implementing Complete Streets practices in the Village of Pittsford.

A motion was made by Mayor Corby, seconded by Trustee Galli to adopt the Complete Streets policy as Resolution #2 of 2011 and as amended this evening, and to incorporate the policy as an amendment to the 2002 Comprehensive Plan.

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

# LIGHTING PLAN FOR WEST PAVILION ON SCHOEN PLACE

Mayor Corby suggested that a more appropriate lighting fixture should be installed at the west pavilion on Schoen Place. The fixture is currently a high pressure sodium fixture that is not in keeping with this important and scenic area of the village. The fixture should be a downcast, no glare, metal halide light. Mayor Corby will research appropriate fixtures and will bring cost estimates to the Board.

#### ANNUAL EMPLOYEE TRAINING

The Board authorized the Clerk to schedule required annual workplace violence and harassment training for employees.

#### APRB CODE LANGUAGE

Attorney Turner reported that he has drafted language for §210-61 that has been reviewed, discussed, and endorsed by APRB members. The next step is for the Board of Trustees to approve the language. Mayor Corby will review the draft and discuss it with APRB Chairperson, Paul Zachman. If necessary, he will draft additional language for structures built in specific eras that will reflect what has been included in the Design Guidelines.

# **EXPANSION OF NON-CONFORMING USE**

Attorney Turner wrote suggested language that specifies the prohibitions of extending a non-conforming use. The Board reviewed the new language. **Mayor Corby** made a **motion**, **seconded by Trustee Pierson**, to hold a public hearing on April 12, 2011 to consider the adoption of a proposed local law to amend § 210-6 of the Village Code.

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

# **EXECUTIVE SESSION**

A motion was made by Mayor Corby, seconded by Trustee Sherwood, to enter executive session to discuss proposed, pending, or current litigation.

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

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

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

#### **TOLLING AGREEMENT**

A motion was made by Mayor Corby, seconded by Trustee Pierson, to approve the extension of an existing tolling agreement with St. Louis Church until July 29, 2011, as stated in the agreement, and to authorize the Mayor to sign this extension agreement.

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

#### ATTORNEY DISCUSSIONS

Attorney Turner discussed the following: the lease and municipal agreement pertaining to the Burdett Parking lot, and the possibility of legislation that would authorize the Building Inspector to issue a residential C of O when a tenant change takes place in rental properties.

#### EXECUTIVE SESSION

A motion was made by Mayor Corby, seconded by Trustee Pierson, to enter executive session to discuss the employment history of a specific employee.

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

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, Galli – yes, Pierson – yes. **Motion carried.** 

# **ENFORCEMENT**

Board members and the Village Attorney discussed the recommended steps that should be taken regarding enforcement issues, especially those that are on-going. Mr. Turner said that the Code Enforcement Officer should issue an order and notice, send a follow-up letter, send a second follow-up letter and finally, an appearance ticket. Mr. Turner said he realizes that that an appearance ticket may cost money but it is the tool that often provides for compliance.

#### PERFORMANCE EVALUATIONS

It was noted that some 2010 employee evaluations still need to be completed.

# **VILLAGE AS AN ASSESSING UNIT**

Trustee Galli told the Board that he has met with the Assessor and with the Town Supervisor about abolishing the Village as an assessing unit. He will have another meeting with the Assessor, the Clerk, and the Treasurer this week to talk about any consequences that might not have been taken into consideration thus far.

# **SMOKING RESTRICTIONS**

The Building Inspector drafted language that could be added to the Code to prohibit smoking on park property, in parking areas, and on sidewalks adjacent to those areas. Members discussed the difficulty in enforcing such a code. Discreet signage was one suggestion as a means of enforcement. Mayor Corby said he would discuss the draft with Mr. Bailey.

#### **MEMBER ITEMS**

**Economic Development:** Mayor Corby said invitations have been sent to village businesses inviting them to a meeting on Tuesday, March 15<sup>th</sup> at the library. He has been asked to do the introduction portion of the meeting.

**Traffic calming:** Mayor Corby met with Supervisor Carpenter and Steve Ferranti to discuss Monroe Avenue traffic topics.

# **MINUTES**

January 5, 2011: A motion was made by Trustee Pierson, seconded by Trustee Sherwood, to approve these minutes as presented.

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

January 11, 2011: A motion was made by Trustee Sherwood, seconded by Trustee Pierson to approve these minutes as presented.

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

**January 25, 2011:** A motion was made by Mayor Corby, seconded by Trustee Sherwood, to approve these minutes as presented.

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

February 8, 2011: A motion was made by Mayor Corby, seconded by Trustee Sherwood, to approve these minutes as presented.

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

February 22, 2011: A motion was made by Mayor Corby, seconded by Trustee Pierson, to approve these minutes as presented.

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

# **ADJOURNMENT**

There being no further business, Mayor Corby adjourned the meeting at 9:40 PM.

Anne Z. Hartsig, Recording Secretary