

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
April 12, 2011 – 7:00 PM

Present

Mayor: Robert C. Corby
Trustees: Paula Sherwood
Tim Galli
Trip Pierson
Lorie Boehlert
Attorney: Jeffrey Turner
Treasurer: Mary Marowski
DPW: John Cufari

Recording Secretary: Anne Hartsig

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

FIRE MARSHAL – KELLY CLINE

The Board of Trustees stated that they appreciate the periodic reports that Ms. Cline has been providing to them.

Clarification was provided for the following items:

- New businesses: Mayor Corby will instruct the Building Inspector to notify Ms. Cline when a new business opens in the village.
- Operating permits and hazardous materials permits: Ms. Cline will need a list of operating permits for places of public assembly that hold more than 100 people. Mayor Corby will ask Mr. Bailey to transfer the information to Ms. Cline.
- Mr. Bailey will be asked to email the Excel inspection list to Ms. Cline so that she can maintain it.
- The Board requested that Ms. Cline use her own inspection form and indicate on the form that the inspection is for a Village property rather than a Town property.

GIS PRESENTATION – PAUL SCHENKEL

Mr. Schenkel manages the GIS program for the Town. He gave a brief history of the GIS program, including the needs assessment that was initially conducted several years ago. Mr. Schenkel said that a cooperative agreement was proposed but never fully executed due largely to personnel changes. He explained the various ways that the Town has made use of the GIS System and suggested possible ways that the Village could utilize them as well.

A new formal agreement has been prepared changing the dates that the agreement will be in effect. Mr. Schenkel said the financial responsibilities that are proposed are as follows: 84% Town, 8% school, 4% fire department, 4% Village. The cost to the Village for the first year would be \$3286.00. A 1% increase per year is included in the agreement. Future upgrades of hardware and software is factored into that increase. In terms of staffing the GIS program, Mr. Schenkel said that the Town has budgeted enough money for one full time person and one summer intern. He said Village projects should be able to be completed in a reasonable amount of time.

Board members said that the Village will need to see progress over time and will need to build up a data base. Mr. Schenkel responded that the Village will eventually be able to access GIS on the

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web from the Village Office. He said that Michelle Debyah would be happy to give the Board members a hands-on tour from her office at the Sewer Department. Another option would be for her to set up a “tour” of the GIS system on the web for the Board to look at.

Mr. Schenkel said he has a target date for having a fully executed agreement in place within the next couple of months. Board members agreed that they should appoint a GIS/Technology liaison at the Organizational Meeting.

TREASURER’S REPORT – MARY MAROWSKI

The Treasurer presented vouchers listed on Abstract #015 of 2010/11 fiscal year for approval. A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to approve payment of vouchers listed on Abstract #015 in the amounts stated below and to charge them to the appropriate accounts.

Abstract #015 – 2010/11

General Fund (#503-#533, #535-#547):	\$ 12,418.76
Sewer Fund (#512, #534,):	<u>\$ 47.82</u>
Total vouchers for approval:	\$ 12,466.58

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

Other Business:

- Bank Balances were presented.
- A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to authorize payment of \$140.00 in additional medical expenses to Audrey Johnson relating to her accident on February 10, 2011.
VOTE: Corby–yes, Sherwood–yes, Boehlert–yes, Galli–yes, Pierson–yes. **Motion carried.**
- The Treasurer presented a copy of the contract agreement for the 2009 CDBG grant for the Schoen Place ADA Improvement Project. The agreement needs to be signed. It is a \$30,000 “use it or lose it” grant. Members decided to discuss this at a budget meeting on Friday, 4/15/11.
- The Treasurer presented the status of the current year’s budget as of 3/31/11. The Board would like her to add projections to the chart to determine what the status might be at the end of the fiscal year.

PUBLIC HEARING – TENTATIVE BUDGET

Proof of the legal notice below having been published, a **motion** was made by **Mayor Corby, seconded by Trustee Pierson**, to open the public hearing to consider the adoption of the tentative budget for fiscal year 2011/12.

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

**NOTICE OF PUBLIC HEARING
VILLAGE OF PITTSFORD**

Pursuant to Section 5-508 of the Village Law, the tentative budget for the Village of Pittsford 2011-2012 fiscal year has been prepared and filed with the Village Clerk at the Village Office, 21 North Main Street, Pittsford, New York, where it may be inspected by interested parties between the hours of 9:00 a.m. and 3:30 p.m., Monday through Friday until April 12, 2011. Said tentative budget includes maximum compensation for the Mayor of \$12,859.32 per annum; for the Trustees, \$5,465.24 per annum.

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General Fund **\$ 1,020, 887.00**
Sewer Fund **\$ 109,541.00**

A public hearing on the proposed budget will be held before the Board of Trustees of the Village of Pittsford, 21 North Main Street, Pittsford, New York, on the 12th day of April 2011 at 8:00 p.m., to consider same before final adoption of the tentative budget.

There being no one present to speak for or against the adoption of the tentative budget, a **motion** was made by **Mayor Corby, seconded by Trustee Pierson**, to close the public hearing.

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

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to adopt the tentative budget as presented.

VOTE: Corby–yes, Sherwood–yes, Boehlert–yes, Galli–no, Pierson–yes. **Motion carried.**

PUBLIC HEARING – SPECIAL PERMIT - 5 STATE STREET

Charles Fitzsimmons applied for a special permit to open a retail bakery in the former Schoen Place Auto building at 5 State Street.

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

VOTE: Corby–yes, Sherwood–yes, Boehlert–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 on Tuesday, April 12, 2011 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Charles C. Fitzsimmons, for a Special Permit to allow the operation of a restaurant in the building located at 5 State Street, Pittsford, NY, which location is in a B-1 District, pursuant to Chapter 210-74 A (2), Special Permit Uses in B-1, B-1A, B-2, B-4 and M-1 Districts.

Members asked questions about plans for exhaust, ingress and egress, delivery vans, retail hours, vendor deliveries, placement of dumpsters, and pick-up times for dumpsters. It was noted that large trucks are prohibited to be on Church Street.

Members discussed comments received from Remegia Mitchell as a result of the Planning and Zoning Board meeting held on March 28th. PZBA asked the Trustees to consider issues including ingress and egress from the site, cooking odors, the number of seats, outdoor seating as it affects parking lot safety, access to the entrance from safe walkways, dumpster location and screening, and all aspects of deliveries.

SEQR: The applicant previously completed Part 1 of the long form SEQR. It was mailed to interested and involved agencies on March 9, 2011 along with the request from the Board to act as lead agency for this process. The thirty day comment period has expired. No objections were received.

A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to declare the Village of Pittsford Board of Trustees lead agency as it relates to the completion of the SEQR process for 5 State Street.

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

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The Board of Trustees reviewed and completed Part 2 of the long form SEQR and determined a negative declaration because the project will not have a significant impact on the environment. There being no one present who wished to speak for or against this application, a **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to close the public hearing.

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

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to conditionally approve the application submitted by Charles Fitzsimmons for a special permit to operate a retail bakery and restaurant at 5 State Street noting that the application meets the standards listed in §210-74. B. (3) a-h. Hours of operation shall be from 6 AM to 8 PM. This approval is contingent upon site plan approval from the Planning Board during which all issues of concern submitted in the memo to the Trustees from Remegia Mitchell regarding this application, will be satisfactorily resolved. Those issues include ingress and egress from the site, cooking odors, the number of seats and the placement or allowance of outdoor seating as it affects parking and parking lot safety, access to the entrance from designated safe walkways, dumpster location and screening and delivery truck elements including times of day, size of vehicles, and safe ingress/egress.

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

The decision was filed in the office of the Village Clerk on 4/12/11.

PUBLIC HEARING – PROPOSED LOCAL LAW #3 – AMEND §210-6

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

VOTE: Corby–yes, Sherwood–yes, Boehlert–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 on Tuesday, April 12, 2011 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law #3 of 2011, which law will amend §210-6 of the Village Code. 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.

Attorney Turner gave a brief overview of the reasoning behind this local law. The purpose is to clarify the term “extension” as it pertains to nonconforming buildings, structures, lots or uses.

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

A **motion** was made by **Trustee Galli, seconded by Mayor Corby** to adopt proposed local law #3 as submitted.

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

PUBLIC HEARING – PROPOSED LOCAL LAW #4 – TERMINATE THE VILLAGE’S STATUS AS AN ASSESSING UNIT

Mayor Corby and Trustee Galli gave an overview regarding the Village’s status as an assessing unit and the benefits to the Village if that status was terminated. Proof of the legal notice below having been published, a **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to open the public hearing.

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

***Legal Notice
Village of Pittsford***

Proposed Local Law Subject to Permissive Referendum

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, April 12, 2011 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider proposed Local Law #4 of 2011, which law if enacted, will terminate the Village of Pittsford's status as an assessing unit for village real property tax purposes. A complete copy of the proposed local law 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.

There being no one present wishing to speak for or against the adoption of proposed local law #4 of 2011, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood**, to close the public hearing.

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

A **motion** was made **by Mayor Corby, seconded by Trustee Galli**, to approve proposed local law #4 of 2011 as written subject to permissive referendum.

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

DPW REPORT – JOHN CUFARI

- A light pole at 59 State Street was destroyed in a hit and run accident. Mr. Cufari is awaiting the police report and the cost estimate before reporting it to the insurance company.
- Trustee Galli stated that residents who have called to say that the new street lights are too bright, should be personally contacted.
- The conifer tree in front of the Village Hall has been treated.
- There is enough money in the budget to purchase approximately 8 trees.
- The department is servicing the winter equipment.
- Spring clean-up is underway.
- The Canal Corporation will resurface the towpath from Monroe Avenue to Fairport. A public meeting will be held.
- Some equipment is ready to go to auction. Mr. Cufari estimates the proceeds to be between \$6,000 to \$10,000.
- Highway Rehab introduced a new process called “Heat In Place” which recycles existing asphalt and is then treated with chip seal. The process may save money if it can be used on village streets. If it's determined that it will work, the DPW will try to do a project next year.

RAND PLACE

Trustee Galli received a letter from a Rand Place resident who thanked the Board for agreeing to install speed humps on the street and asked if the topic of the installation of sidewalks could be revisited. Trustee Galli will respond to the resident. He wanted the other Board members to be aware of the letter. Members agreed that sidewalks are a part of a long range plan but are not affordable at this time. Members also commended Trustee Galli on his work regarding traffic and safety issues on Rand Place.

NON-MUNICIPAL USE PERMIT – NAZARETH DANCE FESTIVAL

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The Village received a request for a non-municipal use permit to hold the 2nd Annual Nazareth College Arts Center Dance Festival strolling performance along the canal on July 10th. A **motion** was made **by Mayor Corby, seconded by Trustee Pierson** to approve a non-municipal use permit for the 2nd Annual Nazareth College Arts Dance Festival strolling performance to be held on July 10th along Schoen Place, across the North Main Street Bridge, and down the path to the stage in Port of Pittsford Park with the following conditions:

1. The applicant is required to provide the Village with a copy of a Certificate of Liability Insurance naming the Village of Pittsford as additional insured on a primary and noncontributory basis. It must reflect a \$1,000,000 single limit of liability for bodily injury and property damage. The applicant is also required to submit a copy of the actual endorsement of the insurance policy. The endorsement document must list the policy number and set forth the Village of Pittsford as an additional named insured. These certificates must be current and on file in the Office of the Village Clerk prior to the event.
2. The applicant must notify the Monroe County Sheriff's Office, the Pittsford Fire Department, and the Pittsford Volunteer Ambulance prior to the event.
3. The applicant will obtain required permits from the Town of Pittsford prior to the event.

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

NON-MUNICIPAL USE PERMIT – PITTSFORD YOUTH SERVICES DUCK DROP

The Village Board received a request for a non-municipal use permit to hold the 13th Annual Duck Drop on July 15, 2011. A **motion** was made **by Trustee Sherwood, seconded by Trustee Boehlert**, to approve a non-municipal use permit for Pittsford Youth Services to hold the 13th Annual Duck Drop on July 15, 2011 with the following conditions:

1. The applicant is required to provide the Village with a copy of a Certificate of Liability Insurance naming the Village of Pittsford as additional insured on a primary and noncontributory basis. It must reflect a \$1,000,000 single limit of liability for bodily injury and property damage. The applicant is also required to submit a copy of the actual endorsement of the insurance policy. The endorsement document must list the policy number and set forth the Village of Pittsford as an additional named insured. These certificates must be current and on file in the Office of the Village Clerk prior to the event.
2. The applicant must notify the Town of Pittsford, the Monroe County Sheriff's Office, the Pittsford Fire Department, and the Pittsford Volunteer Ambulance prior to the event.
3. The applicant must contact the New York State Canal Corporation to obtain any required permits.

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

NON-MUNICIPAL USE PERMIT – PITTSFORD CHAMBER OF COMMERCE – CLN

The Village Board received a request for a non-municipal use permit from the lead organization, Pittsford Chamber of Commerce, to hold Candlelight Night in the village on December 6, 2011. A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood**, to authorize a non-municipal use permit for the Pittsford Chamber of Commerce to hold Candlelight Night in the village on December 6, 2011 with the following conditions:

1. The applicant is required to provide the Village with a copy of a Certificate of Liability Insurance naming the Village of Pittsford as additional insured on a primary and noncontributory basis. It must reflect a \$1,000,000 single limit of liability for bodily injury and property damage. The applicant is also required to submit a copy of the actual endorsement of the insurance policy. The endorsement document must list the policy number and set forth the Village of Pittsford as an additional named insured. These

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certificates must be current and on file in the Office of the Village Clerk prior to the event.

2. The applicant must notify the Town of Pittsford, the Monroe County Sheriff's Office, the Pittsford Fire Department, and the Pittsford Volunteer Ambulance prior to the event.

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

ANNUAL 9/11/01 TRIBUTE

A **motion** was made by **Trustee Sherwood, seconded by Mayor Corby** to accept the following proclamation that was originally adopted by the Board of Trustees at their regular monthly meeting held on September 10, 2002.

WHEREAS, the **ONAIRE PROJECT** is designed to marshal the community spirit of our state in a tribute to police, fire, and EMS personnel lost at the World Trade Center on September 11, 2001, and

WHEREAS, the objective of the **ONAIRE PROJECT** is for communities across New York to designate a day to honor the heroes of September 11 and their families, and

WHEREAS, a further objective of the **ONAIRE PROJECT** is to assure to families of those lost on September 11, 2001 that these heroes would remain forever in the thoughts and prayers of New York State citizens, **now therefore be it**

RESOLVED, that I, Robert C. Corby, Mayor of the Village of Pittsford, do hereby salute and call attention to all personnel lost at the World Trade Center on September 11, 2001 and to their families, and in honor of the many heroes of that day, I call upon all residents in the Village of Pittsford to join me in this yearly tribute on the second Tuesday of April, 2011 and on that day each year hereafter.

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

It was mentioned that September 11, 2011 will be the 10th anniversary of the tragic events that took place on 9/11/01. At the next meeting, members will discuss ways to commemorate the anniversary date.

SEQR FOR AMENDING THE COMPREHENSIVE PLAN

A SEQR review must be conducted as part of adding the four policies previously discussed to the Comprehensive Plan. A **motion** was made by **Trustee Pierson, seconded by Trustee Sherwood**, to authorize Mayor Corby to fill out Part 1 of the long form SEQR to begin the SEQR process.

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

Members discussed their desire to be lead agency for this review. A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to authorize the Village Clerk to mail a letter requesting lead agency status to all interested and involved agencies and to include a completed Part 1 of the long SEQR form as well as a copy of the four policies that will be included as amendments.

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

CONTINUED DISCUSSIONS

Mayor Corby and Trustee Pierson will arrange a time to meet to decide what the next steps should be regarding Amending §210-61, B1-A Permitted Uses, and enacting smoking restrictions. A status report will be given at the April 26th meeting.

MEMBER ITEMS

- It was reported that a member of the Pittsford Garden Club offered to plant and maintain flowers by the sign at the eastern gateway to the village. The DPW will be asked to

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keep the flowers watered. Mr. Cufari thinks it is a doable arrangement. It was noted that it will tie in nicely to the “spruce up Pittsford” campaign that is part of the economic development efforts.

- Trustee Galli will deliver a proclamation of thanks to former Trustee Maddox. He has taken a collection for a gift which he will also deliver.

ATTORNEY TURNER STATUS REPORT

- Mr. Turner talked to an attorney for RG&E regarding an easement for the RG&E right of way. The attorney said he would discuss the easement with Deborah Wegman and then call Mr. Turner back. Mr. Turner has not received a return phone call as of this meeting.
- Mr. Turner left a message for Eric Wade, an engineer for CSX. He asked Mr. Wade to call him back regarding the cars parked on the railroad right of way on Monroe Avenue. He has not heard back from Mr. Wade but he will keep trying to reach him.

EXECUTIVE SESSION

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

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

MINUTES

March 22, 2011: A **motion** was made by **Trustee Pierson, seconded by Trustee Sherwood** to approve these minutes as amended.

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:50 PM.

Anne Z. Hartsig, Recording Secretary