

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
May 8, 2012 – 7:00 PM

Present

Mayor: Robert Corby
Trustees: Tim Galli
Paula Sherwood
Trip Pierson
Lorie Boehlert
Village Attorney: Jeffrey Turner
DPW Acting Superintendent: Doug Yaeger
Building Inspector: Skip Bailey
Recording Secretary: Anne Hartsig

CALL TO ORDER

A **motion** was made by **Mayor Corby, seconded by Trustee Galli** to call the meeting to order at 7:00 PM.

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

TREASURER’S REPORT

Trustee Galli presented vouchers listed on Abstract #019 of 2011/12 fiscal year for approval. A **motion** was made by **Trustee Galli, seconded by Mayor Corby**, to approve payment of vouchers listed on Abstract #019 in the amounts stated below and to charge them to the appropriate accounts.

Abstract #019 – 2011/12

General Fund (#597-#639):	\$30,647.75
Sewer Fund (#617)	<u>\$ 39.18</u>
Total vouchers for approval:	\$30,686.93

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

DPW REPORT – DOUG YAEGER

- Mr. Yaeger spoke to James Willer from the NYS Canal Corporation regarding the graffiti on the canal bridges and other State property. If the Village wants to paint over the graffiti, Mr. Yaeger would have to contact the State and obtain their approval. He was told that the Village would be allowed to do certain things but that others are contracted out by the State. Mr. Yaeger said he cleaned up the signs and is willing to paint the concrete but he would have to receive permission first. Trustee Sherwood would like to have the graffiti painted over before the Town’s grand reopening of Port of Pittsford Park.
- The sweeper has been repaired and is being used.
- The Village Office parking lot project will be starting on June 4th. Mr. Yaeger will be finalizing the plans with Paula Smith from Monroe County. Ms. Smith will oversee the meeting with the Town employees who will assist with this project. It is expected to take about two weeks. Mr. Yaeger mentioned that the driveway will be paved in concrete. The Board noted that they must know the cost and the driveway portion must be approved before it begins.
- The Monroe County Water Authority turned on the drinking fountains on Schoen Place.

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- Mayor Corby walked with Mr. Yaeger on Rand Place to discuss where the speed humps would be placed. There was a discussion about removing them in the winter for snow plowing purposes. The comment was made that if they are removed in the winter, they may lose their effectiveness. The Board decided to seek feedback from the Rand Place residents at the end of the season.
- Mr. Yaeger said he would target landscaping at the Village Hall, the flag pole area, the North Main Street island, and Remembrance Park before the Memorial Day Parade. Trustee Sherwood will meet with Mr. Yaeger on May 11th to compile a schedule for taking care of the weeding, mulching and other landscaping tasks. She offered to meet with crew members to identify gardening tasks. Hiring a part-time seasonal employee was discussed. This employee would be hired to manage watering the flower baskets and to take care of the landscaping. The position would be for 20 hours per week, four hours per day from Memorial Day to Labor Day. The Board would like to hire someone with an interest in and experience with landscaping.
- Mayor Corby said the larger Village ash trees should be treated for the Emerald Ash Borer but the smaller ones should be removed. Mr. Yaeger will call area tree businesses for estimates on the cost of treatment.
- The department will place topsoil and seeding in the areas identified at the last meeting when the reflector posts arrive.
- The flower baskets will be picked up from Bristol's on May 22nd or 23rd so that they can be in place before Memorial Day.
- The Board discussed the pros and cons of purchasing equipment at auctions. More information is needed and the cost of painting the vehicles would have to be taken into consideration.
- Mr. Yaeger will notify O'Shea's to arrange for portable toilets to be delivered to Schoen Place for the season. He will specify that they need to be cleaned at least one time per week.
- Village trees on Washington Avenue and at 12 Elmbrook Drive are in need of trimming.
- Mr. Yeager will look at the fence in the Burdett Parking lot and he will discuss the repair of it with Paul Schenkel at the Town.

BUILDING INPSECTOR'S REPORT – SKIP BAILEY

- Mr. Bailey did a photo survey of the dumpsters that are in the village. Many are not screened, including all of the dumpsters in Northfield Common. He will send a notice to owners of dumpsters that are not in compliance regarding screening. Trustee Pierson asked Mr. Bailey to send a letter to the owners of Breathe and Hicks regarding their dumpsters.
- Mayor Corby will contact the new owner of the Burdett Parking lot to set up a meeting with him and Supervisor Carpenter to discuss the lease for that lot.
- Regarding permits for waste haulers doing business within the village, Mr. Bailey was asked to give a date to Youngblood Disposal and Coakley Disposal Service by which insurance certificates must be submitted to the village.
- Mr. Bailey reported that additions to 3 & 4 Elmbrook Drive have been approved by the APRB.
- The owner of 28 South Main Street plans to renovate the façade. Renovations were approved by the APRB.
- The APRB has approved the demolition and reconstruction of a shed at 35 State Street.

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- An appearance ticket was issued to the owner of 15 State Street. A representative has begun correcting the violations.
- Retail space at 19 South Main is being renovated.
- There is a list of violations at the Chase Bank, 31 State Street. Mr. Bailey said bank representatives are planning to come to the Planning Board. Trustee Pierson instructed Mr. Bailey to set a deadline for this application. Both Mayor Corby and Mr. Bailey will follow up on this.
- The owner of 18 Washington Road was given a deadline from the court to complete renovations for the front porch.
- The lease for Great Northern Pizza at 14 South Main Street expires in January. The owner has an obligation to maintain the property. Trustee Pierson suggested a deadline should be given for the clean-up to take place. It was also suggested that the Village DPW clean up the property and then send a bill to the owner.
- The proprietor of Jembetat Gallery Inc./Artesian Gelato has applied for a special permit. Mr. Bailey will contact him to tell him he must go to the Planning Board on May 21st.
- The Sam Patch ticket booth is in need of painting. Mayor Corby will send a letter to Vicki Schmitt.
- The owner of Fido's on State Street has been notified of sign violations. Board members said the next step should be taken if the violations continue. Mayor Corby reviewed the allowable uses for the B-1 district. The Building Inspector determined that the doggy day care is an allowed use. Mayor Corby said the whole B-1 section should be updated.

RESOLUTION #7 OF 2012

LICENSING OF HAULERS AND CONDITIONS OF COLLECTION

WHEREAS, § 173 of the Village Code states that all refuse haulers engaged in business in the Village of Pittsford must apply for and be issued an annual license by the Board of Trustees at the Organizational Meeting and,

WHEREAS, The Board of Trustees accepts the applications of the following: Youngblood Disposal Service, Waste Management of NY, LLC-Rochester, Heberle Disposal Service, Inc., Suburban Disposal, Coakely Disposal Service, Inc. for commercial and residential solid waste removal in the village, having determined that they meet the requirements of §173-15 and,

WHEREAS, As stated in § 173-15 A. (7), the Board of Trustees has determined that there will be no fee associated with the 2009/10 license and,

WHEREAS, According to § 173-15 B. (1), the Board of Trustees has determined that the days of the week for residential refuse collection will be Wednesday and Friday except as noted in § 173-3.1 (holidays, storms, etc) and,

WHEREAS, the haulers listed above have provided evidence to the satisfaction of the Building Inspector that reasonable alternatives and explanations exist for the collection of refuse not considered in normal service such as yard waste, bulky refuse, and appliances as specified in § 173-15 B. (5),

NOW THEREFORE BE IT RESOLVED that we, the members of the Village of Pittsford Board of Trustees, do hereby issue a license to engage in business in the Village of Pittsford to the haulers specified above for a period of one year, noting that the license will expire at the time of

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the Organizational Meeting in 2013, with the condition that these haulers continue to comply with all conditions and provisions listed in Chapter 173, Solid Waste of the Code of the Village of Pittsford.

The question of the adoption of Resolution #7 of 2012, a resolution regarding the licensing of trash haulers who do business in the Village of Pittsford, was presented with a **motion** made by **Trustee Galli, seconded by Mayor Corby** and duly put to vote subject to the receipt of insurance certificates from Youngblood Disposal and Coakley Disposal Service within 30 days.
Vote: Corby -yes, Sherwood -yes, Galli -yes, Pierson -yes, Boehlert - yes. **Motion carried.**

PUBLIC HEARING – LOCAL LAW #2 OF 2012 – DELETE CHAPTER A215

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.

**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 on May 8, 2012 at 8:00 P.M. at the Village Hall, 21 North Main Street, Pittsford, New York, to consider the adoption of proposed Local Law No. 2 of 2012, a local law which will delete Chapter A215 Cable Television Franchise, from the Code of the Village of Pittsford.

Vote: Corby -yes, Sherwood -yes, Galli -yes, Pierson -yes, Boehlert - yes. **Motion carried.**

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

Vote: Corby -yes, Sherwood -yes, Galli -yes, Pierson -yes, Boehlert - yes. **Motion carried.**

John Limbeck, 62 State Street: Mr. Limbeck suggested that the Village Board consider adding public hearing notifications to the Village's website.

A **motion** was made by **Trustee Boehlert, seconded by Trustee Sherwood**, to approve Local Law #2 of 2012 as written.

Vote: Corby -yes, Sherwood -yes, Galli -yes, Pierson -yes, Boehlert - yes. **Motion carried.**

EXECUTIVE SESSION

A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to enter executive session to discuss a matter of potential litigation and the employment history of a specific employee.

Vote: Corby -yes, Sherwood -yes, Galli -yes, Pierson -yes, Boehlert - 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: Corby -yes, Sherwood -yes, Galli -yes, Pierson -yes, Boehlert - yes. **Motion carried.**

RESOLUTION #8 OF 2012 – AMEND THE ORGANIZATIONAL MEETING MINUTES

A **motion** was made by **Trustee Pierson, seconded by Mayor Corby**, to amend the minutes of the Organizational Meeting held on April 24th, to include the appointment of Kelly Cline as Fire Marshal, Part Time for a period of one year and to include Resolution #7 of 2012, the Licensing of Haulers and Conditions of Collection.

Vote: Corby -yes, Sherwood -yes, Galli -yes, Pierson -yes, Boehlert - yes. **Motion carried.**

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SEQR – LEAD AGENCY QUESTIONS RE: 75 MONROE AVENUE

Daniel P. Noil, P.E., an environmental engineer for Labella Associates, presented an overview to the Board of Trustees regarding the steps that have been taken thus far to clean up the site at 75 Monroe Avenue. He submitted a map of the site showing remedial investigation areas. He said that both the EPA and the DEC have standards of remediation which must be met. The DEC standards are more stringent than the EPA standards.

Mr. Noil said the EPA clean-up consisted of removing infrastructures such as the old tanks and soil. They did land farming which is also called bio cell. They tilled and aerated the soil and mixed in straw and nutrients. The DEC, who is in charge of the Brownfield cleanup, has even more stringent standards. DEC identified seven areas of concern on the site. Mr. Noil presented a map that showed the areas that were identified as DEC areas of concern. Of those seven, there are three that still need some work. One includes the removal of soil from the site, which will take place during excavation of the site at the time of construction. The other two are minor and include remediation of the former loading area and the location of former gas tanks. This process will take about a month to finish the digs.

Mr. Noil said the DEC requires two rounds of testing to confirm that the site is clean. He also said there would be third party testing. Those test results are reported to the DEC who has on-site field personnel overseeing the clean up.

Mr. Noil said there are two programs including the spills program for petroleum and the Brownfield program, which can also be used for petroleum. He noted that samples have been taken from the canal and those samples have tested clean.

Regarding drainage, Mr. Noil said the majority of the water will be collected and concentrated and filtered.

Mr. Noil was asked to describe what the Brownfield Program is. He responded that it is a program that gives tax credits to help pay back the costs of remediation so that there is incentive to clean up contaminated sites rather than just walk away from them. The Brownfield program is a way to handle any site that is not contaminated by petroleum. The spills program was designed to clean up petroleum contaminated areas. However, Mr. Noil said even if the area is a petroleum site like this one, the developer can still enter the Brownfield program. The credits off-set the cost of the remediation through taxes over a long period of time. The DEC also has what is called the Liability of Release. In order for the DEC to sign off on the site, they require full spectrum testing which includes testing for everything that you might think would be on the site and everything else that could be there, even if it's not likely. It is called "full sweep" testing. This developer has tested for PCB's, pesticides, and other things that weren't likely to be there, just to make sure. The cost estimate for the remediation is between \$300,000 and \$500,000.

The DEC has different standards of clean-up. They are 1) industrial, 2) commercial, 3) residential, 4) restricted residential and 5) unrestricted use. Unrestricted means that there are no restrictions on the use of the site. Anything can be placed on an unrestricted site. It was noted that the developer is making the determination now about whether to test to a higher standards level. The advantage would be higher tax credits.

The standard for clean up on this site is restricted residential. It is a very stringent standard. There will not be vegetable gardens or playgrounds on this site. Not allowing these two things is the only difference between restricted residential and an unrestricted use. There is a requirement that the top two inches of soil in a restricted residential area must be pristine. Mr. Noil noted that

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an in-ground pool is allowed because there is a barrier between the people using the pool and the ground. He said New York State has very strict standards.

Mr. Noil explained that the DEC can essentially re-work some of the soil on the site using a site management plan. They have an environmental easement that gives them the right to enter the site at any time in the future. The developer must submit a report to the DEC once a year stating that they have not disturbed any sites of impact that were left in place. The developer stated they are cleaning every inch of the site to an unrestricted level.

The question was asked "How does the developer keep the public up to date?" The response was that the DEC requires public participation. In the library there is a citizen participation plan and at every milestone, there is a fact sheet that is distributed. The fact sheet lists a telephone number to call for more information. The document in the library has been updated on a monthly basis.

Mayor Corby stated that a temporary permit could probably be issued to begin the remediation prior to the site plan or special permit process.

Trustee Galli asked about specific restrictions from the NYS Canal Corporation. The reply was that there are no specific restrictions but that a permit must be obtained. The Canal Corporation is aware of the project and they are on the list to receive the fact sheet.

Mayor Corby asked if there were any special concerns regarding the stormwater system due to the presence of past hazardous materials on the site. Bryan Powers, Pittsford Canalside Properties LLC, said at present, there is a concept rather than a plan, for the stormwater. He said the developer talked early in the process to the Village engineer. The concept is for there to be a network of piping in the ground. The stormwater will be distributed and received by catch basins, a manifold system in the ground. The manifold system will slowly detain the water and then slowly percolate it and let it out. There will be chambers on certain ends of the system that will do the actual quality treatment of the stormwater. The system will be a variation of dry wells but it will be built more horizontally than vertically. In rare peak events, the water will go out a pipe and into the canal. The stormwater system will not be built until the site is clean. This is the DEC's preferred way and they must approve the stormwater plan. They know this is a Brownfield site.

Board members said they want to get the word out to Long Meadow residents that the DEC is heavily involved and that there will be a major level of cleaning on the site. There will not be any toxic waste. In fact, the site will be cleaner than the average resident's back yard. Mr. Powers said that Long Meadow is not affected by the 75 Monroe Avenue site. He said they are affected by the stormwater facility that is seen from Jefferson Road which goes under the canal. The canal flows east.

Board members had no further questions for either the developer or for Mr. Noil at this time.

ISO REPORT

Mayor Corby explained that ISO is an organization that analyzed the village's building code adoption and/or enforcement program improvements since March 2011. He said the Village received a Class 3 designation, which is the best classification. The evaluation is conducted every five years. The Clerk was asked to send a letter to ISO to ask them to update their records so that in the future, the Village Clerk will be notified when the report is due to be submitted to ISO.

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2012 TAX WARRANT

The 2012 tax warrant was presented to the Board of Trustees. Having found the tax warrant figures to be correct, a **motion** was made by **Trustee Pierson, seconded by Mayor Corby**, to authorize the Mayor to sign the warrant, subject to verification by the Assessor.

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

UNION CONTRACT STATUS

The union contract, which is due to go into effect on June 1, 2012, has not yet been drafted. Board members need to see the language of the contract, particularly as it pertains to health care. They need to understand what is happening to the percentage amount that the village will pay over time. A clear example is needed. Trustee Boehlert will be writing the draft and example.

MEMBER ITEMS

- **SEQR responses:** Mayor Corby will incorporate the Board’s detailed and technical issues of concern into the Part III responses for the 75 Monroe Avenue development. Technical help regarding the sewers is needed as part of the SEQR process.
- **Sample Ethics Code:** Mayor Corby presented a sample Code of Ethics and asked the Board members to read it for discussion at the next meeting.
- **NYCOM Executive Meeting:** Mayor Corby reported on information he learned at the NYCOM executive meeting regarding legal notices, appointments made by the Mayor, and Civil Service appointments.
- **Quotes for painting:** The Village Hall is in need of painting. One quote has been received. Others are needed.
- **Newsletter:** Trustee Sherwood has been working on the newsletter. She is waiting for the completion of some articles.
- **Chamber Event:** On May 24th the Pittsford Chamber is sponsoring an evening event including walking tours of the village. Stores will be open between 6-8 PM.
- **Village meetings:** Trustee Boehlert said the June and July “Love the Village” meetings that will be hosted by Trustee Pierson and Trustee Sherwood should be coordinated with Bill McBride.
- **Courtenay Circle/Heatherhurst Dr.:** A neighborhood meeting will be held on May 12th to discuss the installation of sidewalks and stop signs.
- **Arrests:** Trustee Galli reported that the Sheriff’s Department has made arrests in connection with recent crimes in the village.
- **Pittsford Regatta:** Mayor Corby will present the Village award at the conclusion of the regatta this year.

VILLAGE PAVILION PROJECT

A **motion** was made by **Trustee Pierson, seconded by Trustee Boehlert**, to authorize Mayor Corby to sign the advertisement for bids for the construction of the pavilion on Schoen Place and to authorize the publication of the advertisement in the May 17th edition of the Brighton Pittsford Post.

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

MINUTES

March 13, 2012: A **motion** was made by **Trustee Galli, seconded by Trustee Pierson**, to approve these minutes as presented.

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

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March 15, 2012: A **motion** was made by **Trustee Pierson, seconded by Trustee Galli**, to approve these minutes as presented.

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

April 18, 2012: A **motion** was made by **Trustee Pierson, seconded by Mayor Corby**, to approve these minutes as presented.

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

April 24, 2012: A **motion** was made by **Mayor Corby, seconded by Trustee Pierson**, to approve these minutes as presented.

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

April 24, 2012 – Organizational Meeting Minutes: A **motion** was made by **Trustee Pierson, seconded by Mayor Corby**, to approve these minutes as amended to include Resolution #7 (trash haulers) and Resolution #8 (appointment of a Fire Marshal) of 2012.

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

ADJOURNMENT

There being no further business, a **motion** was made by **Mayor Corby, seconded by Trustee Galli** to adjourn the meeting at 10:10 PM.

Anne Z. Hartsig, Recording Secretary