

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
January 8, 2013 – 7:00 PM

Present

Mayor:	Robert Corby
Trustees:	Tim Galli Paula Sherwood Lorie Boehlert Trip Pierson
DPW Superintendent	Doug Yaeger
Attorney:	Jeff Turner
Recording Secretary:	Anne Hartsig

CALL TO ORDER

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

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

PROCLAMATION FOR TRUSTEE PAULA SHERWOOD

Mayor Corby read the following proclamation in honor of Trustee Sherwood who resigned her position effective 1/15/13. Trustee Sherwood will be moving out of the village and has served the community as a Village Trustee for nearly twenty years. Trustee Sherwood received a standing ovation.

WHEREAS, Paula Sherwood has provided the Village of Pittsford with an outstanding level of public service throughout her four terms as Village of Pittsford Trustee and,

WHEREAS, while serving on the Village Board for nearly twenty years, Paula has played a pivotal role in Village government, her knowledge, patience and dedication having been instrumental in guiding the Village through both times of great change as well as individual crises, and

WHEREAS, highlights of Paula’s tenure include:

1. Instituting seasonal flowers and numerous landscaping improvements throughout the village,
2. Improving and expanding Village holiday decorations including the reintroduction of live wreaths and trees,
3. Defending the Village against a variety of challenges,
4. Improving the seven village gateways,
5. Assisting with the development, adoption, and implementation of the Village Comprehensive plan, the Town/Village LWRP and numerous capital projects,
6. Arranging numerous public village events, and
7. Serving as liaison to village merchants, village volunteer boards and other groups, and

WHEREAS, Paula Sherwood’s design expertise, planning knowledge, enthusiasm, diplomacy, and dedicated service have been key factors in the Village’s success in overcoming great challenges, and

WHEREAS, despite increased traffic and development pressures, the Village has prospered, has preserved its historic character, has become a model for other communities and most importantly, has remained a great place to live, and

WHEREAS, Paula Sherwood, through innumerable meeting hours, has demonstrated a fervent commitment to make our Village a better place,

NOW THEREFORE BE IT RESOLVED that I, Robert C. Corby, Mayor of the Village of Pittsford, do hereby salute Paula Sherwood and call upon all residents of the Pittsford Community to join me in this tribute on this 8th day of January, 2013, and

BE IT FURTHER RESOLVED, that in honor of her outstanding record of service, the Village Board and I do hereby express our gratitude as well as our best wishes for the future.

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The Proclamation was signed by Mayor Corby.

RELAY FOR LIFE

Alex Santiago, Emma (last name unknown), and Ian Marshall, three Pittsford Sutherland High School students, came before the Board to request a non-municipal use permit to hold the third Relay for Life event, an event to promote cancer awareness. The dates of the event are July 13 and 14, 2013. The students described the events held in 2011 and 2012 and shared photos of last year's event. In addition to the non-municipal use permit, the students asked to place sandwich board signs on the Four Corners, purple flyers in the windows of willing merchants and purple ribbons on street lights, planters and benches.

Mayor Corby stated that he is impressed with the organization and in support of it. A **motion** was made **by Trustee Galli, seconded by Trustee Sherwood**, to approve a non-municipal use permit for this event noting the following:

- Students may place a sandwich board sign on the southeast corner (Phoenix Bldg. corner) of the Four Corners and at the northwest corner (high school corner) of the Jefferson Road/Sutherland Street intersection from July 6th to the conclusion of the event on July 14th, 2013,
- Students may place purple bows on street lights, planters and benches as they did for the event in 2012,
- Students will be asking merchants to display purple flyers in their windows to help promote the event,
- Students will visit neighbors in the surrounding area to explain the event and to discuss any concerns with them,
- Students will be conscious of the noise level during the event.

Conditions of this approval are as follows:

1. Prior to the event, students must contact the Monroe County Sheriff's Office, the Pittsford Fire Department, the Pittsford Village Fire Marshal Kelly Cline, and the Pittsford Volunteer Ambulance in writing so that those organizations are made aware that the event will be taking place,
2. Prior to the event, insurance certificates must be submitted to the Village Clerk as follows:
 - a copy of a Certificate of Liability Insurance naming the Village of Pittsford as additional insured for this event **on a primary and noncontributory basis** (must include those words) must be submitted. This certificate must reflect a \$1,000,000 single limit of liability for bodily injury and property damage.
 - a copy of the actual endorsement of the insurance policy must be submitted. The endorsement document must list the policy number and set forth the Village of Pittsford as an additional named insured. The endorsement does not need to include the words "on a primary and noncontributory basis".
 - These certificates must be current and on file in the Office of the Village Clerk prior to the event.

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

DPW REPORT – DOUG YAEGER

Wood Street Parking: The Village received a letter from Craig West, the Safety Coordinator for the Pittsford School District Transportation Department. His concern was that cars that park on Wood Street make it difficult for school buses to turn left onto Wood Street from Boughton Ave. Board members discussed the situation. They noted that the geometry is not right for buses to turn on to that street. Trustees further determined that the parking spaces should not be eliminated because the houses on the

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street have very short driveways. They agreed that the best solution would be for the buses to avoid using Wood Street as a cut through street. Mr. Yaeger will request that Mr. West have the buses avoid the use of Wood Street altogether.

December snowstorm: Mr. Yaeger discussed the snowstorm that took place in December and noted that we had a significant amount of snow in a short period of time. Due to equipment breakdowns and the large volume of snow, the sidewalks were not cleared as quickly or as well as he would have liked. Mr. Yaeger distributed a written procedure for snow removal that the department will be following in the future.

Other issues:

- The large dump truck is having a back-up camera installed.
- Trustee Galli stated that the John Deere tractor with the auger mounted on the front appears to be dangerous when in use near people.
- Members discussed the width of the snowblower attachment. Mr. Yaeger said he has asked the crew to try to keep it off the ground so it won't tear up the grass or hit rocks.
- Trustee Boehlert will send out a communication regarding equipment repairs.
- The fire hydrant at the Four Corners was hit.
- The globe from a street light on North Main Street has been knocked off. Mr. Yaeger has notified the RG&E and Livingston Lighting.
- Mayor Corby suggested that it is time to remove the garlands and other decorations that are turning brown. The Board decided that the ribbons and birds which are decorating the trees in the urns at the Four Corners should also be removed.

TREASURER'S REPORT – ANNE HARTSIG

Trustee Galli noted that he had reviewed the bills. There was a discussion about the bill for Town GIS services. Members agreed that Mr. Yaeger and Mr. Limbeck should set up an appointment with Michelle Debya at the Town to talk about ways the GIS could be of benefit to each of them.

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to approve payment of the bills listed on a voucher statement dated 1/4/13 in the amount of \$12,232.87, the bill listed on the voucher statement dated 1/7/13 in the amount of \$36.46, and the prepaid bills to Excellus, Verizon, and Frontier Communications, all of which were reviewed by Trustee Galli.

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

The refrigerator in the office is no longer working. A request was made to purchase a replacement. A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to approve the purchase of a small refrigerator for the office and to ask the DPW to measure for the correct size, purchase the replacement and to install it.

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

Members scheduled the **first budget meeting** for January 17th at 5 PM. The Clerk will post the meeting, notify the press and ask that the meeting notice be posted on the website. To begin budget discussions, Trustee Galli asked that Board members bring thoughts and lists of items that are needed or desired for the coming fiscal year.

Mayor Corby explained that the Village owes \$50.00 to the NYS Canal Corporation for a **Use and Occupancy Permit of Canal Corporation property**. A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to authorize payment to the Canal Corporation in the amount of \$50.00 and to authorize Mayor Corby to sign the permit.

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

PARKING REGULATIONS FOR SIGN ADVERTISING TRUCKS

Trucks that display large advertising panels have been parking for long periods of time, usually during the morning rush hour, near Thirsty's on State Street. Board members discussed the possibility of regulating this type of sign advertising. Mayor Corby will ask John Limbeck to research this issue to determine if it is one that can be regulated by code.

REQUEST FOR "NO PARKING" SIGNAGE

The Board received a letter from Lincoln Avenue resident Matthew Lennarz asking that additional "no parking" signage be installed on Washington Avenue. Vehicles have been parking in front of the large driveway apron across from his driveway, making it difficult and dangerous to exit and enter his driveway, particularly in snowy conditions. Mayor Corby suggested that that parking spots in front of that driveway apron need to be eliminated seasonally. Lili Lanphear, 14 Jackson Park, stated that if those spots are taken away, it takes away parking for those who work in the village. Mayor Corby said this is a safety issue and it is necessary to remove those parking spaces during the winter season.

NATIONAL REGISTER DISTRICT EXPANSION

Mayor Corby distributed a proposal prepared by Katie Comeau of Bero Architecture to apply for a grant that would pay for the Village to expand the boundary of the National Register District. He said a reasonable grant application amount would be for \$5-\$10,000. Expanding the District would give the village protection from such occurrences as the widening of Jefferson Road. Currently, most of Main Street is not in the National Register District. Newer portions of the village such as Courtenay Circle, East Jefferson Road, Delmonte Lodge, the DPW property, the office parks and 75 Monroe Avenue, would not be included in the District. Mayor Corby stated that there was no cost for the proposal. He will research the grant cycle but would like to move forward with this grant application.

UNITED SPINAL ASSOCIATION – JEFFERSON RD./SOUTH MAIN INTERSECTION

Mayor Corby spoke to representatives from the United Spinal Association, an advocacy group for those with disabilities. The walk button at the Jefferson Road/south Main Street intersection has been mounted in an inaccessible location facing the street. Representatives from the Association will look into this and report back to Mayor Corby.

BUILDING INSPECTOR'S REPORT

John Limbeck submitted a written building inspector's report prior to the meeting. The report described his activities since he began his position on December 18th.

Mr. Limbeck requested permission to order an identification badge for use as he carries out his duties. This type of identification is recommended by the NYS Department of State for Code Enforcement Officials. Board members agreed that the badge and case should be ordered for a cost of approximately \$100.

FERRANTI PROPOSAL

The Village received a proposal from Ferranti Associates to assist with site plan review of 75 Monroe Avenue for such elements as the driveways, and DOT median. Two meetings with the Village Board are included in the proposal. Trustee Galli suggested that the proposal should be increased to include four meetings. A **motion** was made **by Mayor Corby, seconded by Trustee Galli**, to approve the Ferranti proposal dated 1/3/13, conditional upon adding two more meetings at the same hourly rate as is listed in the proposal dated 1/3/13.

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

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Board members discussed other consultants such as a specialized building inspector. Trustee Pierson stated that the consultant building inspector will have to be in constant communication with Village Inspector John Limbeck. Attorney Turner suggested that the consultant should be made a deputy village building inspector so that he will have the authority to sign permits. The Board discussed the need for an environmental consultant. Trustee Galli said that the developer questions the need for an environmental consultant because the DEC is overseeing that aspect of the project. He said that a DRC meeting will be taking place. Two representatives from the DEC will attend and will give an overview of what their plan is and how they are approaching it. Trustee Galli said Village Engineer Scott Harter will also attend the DRC meeting and will offer his opinion after the meeting of whether or not an environmental consultant will be needed. Trustee Galli will report back following the DRC meeting.

CODE OF ETHICS

The December 13, 2012 version of the Code of Ethics will be emailed to the Trustees and to Attorney Turner for his review. This topic will be on the agenda for the January 22nd meeting.

GREENLIGHT DISCUSSION

The Village has been approached by Greenlight Networks, a company which provides ultra-high-speed internet service to residential customers. The representative told Mr. Turner that the company would execute a Rights of Way Use Agreement similar to the one the Village had with Fibertech in 2003. Attorney Turner discussed this with NYCOM. He said he needs to explore with Greenlight how to measure their revenue in order to understand the fees that the Village should collect. It was decided that Mr. Turner will discuss this with the Building Inspector. He said there should be a bond added to the agreement for equipment removal. Mayor Corby added that a condition of approval should be made that only black wires would be permissible. The Board would like a list of municipalities that Greenlight has done business with.

SECTION 103-g – GENERAL MUNICIPAL LAW

Attorney Turner spoke to the Board about a newly enacted law requiring a specific statement regarding the noninvestment by bidders in certain activities in Iran. He said NYCOM recommends that the Village require the same certification for all procurement, not just bidding. Attorney Turner said the following certification must be provided by each bidder in a competitive bidding situation and that it should be required from all suppliers with whom the village does business. The language for the certification is as follows:

By Submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to Paragraph (b) of Subdivision B of Section 165-a of the State Finance Law.

PRIVATE MEETING

A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to enter into a private meeting to seek the advice of legal counsel which is a matter made confidential by Public Officers Law § 108 (3).

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

A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert** to reenter the regular session of the meeting.

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

PUBLIC HEARING – 23 SOUTH MAIN STREET – EXPANSION OF SPECIAL PERMIT

David Watkins, one of the owners of Hicks and McCarthy's, explained that he would like to have a full liquor license in the restaurant to help increase revenue during the dinner hour. He stated he would not be

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reconfiguring the restaurant, there will be no seating changes, there will be no bar and the hours of operation will remain the same. He simply would like to be able to offer a high end drink list.

Trustee Pierson noted that the Village Attorney checked to make sure all State regulations would be met. Mr. Watkins said he had been working with a business broker that handles liquor licensing. The broker did the research to make sure this license meets the requirements of the State. The broker said they would be in compliance with the regulations.

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.

“Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, January 8, 2013 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Carve Pitt, LLC, for the expansion of a Special Permit. The request for expansion is to allow a for a full liquor license at a restaurant known as Hicks & McCarthy, located at 23 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.”

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

The following comments were received from PZBA Chairperson Remegia Mitchell.

Memo to: Board of Trustees:

From: Remegia Mitchell, Chair Planning and Zoning Board of Appeals

Re: David Watkins, Hicks and McCarthy Restaurant

23 South Main Street ~ Modifications to special use permit

On behalf of the PZBA, I report that David Watkins presented his plans to the Board in December 2012. Mr. Watkins stated that he is requesting expansion of the special use permit to allow full liquor service at the restaurant located at 23 South Main Street. He stated that customers have requested this service. He also stated that this change will not alter the type of business that now exists. He stated that currently, the restaurant closes between 9 and 9:30 pm.

Member Lanphear stated a concern with changing the dining atmosphere of the restaurant into a tavern-type of establishment. The Board discussed the contention that this business’s revenue is limited by its inability to serve liquor, which could create a competitive disadvantage with other restaurants. There was further discussion about how the layout of the counter seating area and access to the kitchen would not allow for standing area around a bar and that retaining the configuration of table seating should ensure this.

PZBA members recommend permitting of this expansion while maintaining existing hours of operation as originally approved in order to discourage the conversion of this restaurant setting into a tavern type of operation. To further this effort, members strongly recommend a Trustee approval that will require retention of the table seating.

The Clerk reported that there had been no letters or phone calls submitted for or against this application.

There being no one in attendance wishing to speak for or against this application, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood**, to close the public hearing.

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

Mayor Corby stated that one concern he had was that the intent when writing the special permit section of the Code was to ensure that we do not create a nuisance for abutting residential areas. He said the Burdett parking lot has residences very close by. He reviewed the standards in §210-74 B. (3) (a)-(h).

(a) Access to the site and the size of the site are adequate for the proposed use. *Members agreed.*

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- (b) The proposed use will not adversely affect the orderly pattern of development in the area. *Members agreed.*
- (c) The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof. *Members agreed.*
- (d) The proposed use will not create a hazard to health, safety or the general welfare. *Members agreed.*
- (e) The proposed use will not be detrimental to the flow of traffic in the vicinity. *Members agreed that the flow of traffic would be unchanged.*
- (f) The proposed use will not place an excessive burden on public improvements, facilities, services or utilities. *Members agreed.*
- (g) The proposed site is located more than 100 feet from any residentially zoned and/or used property or is situated so that it may be demonstrated that existing or proposed features of the site will mitigate any potential adverse effect on the residential property. *Members concurred that the entrances to this establishment are more than 100 feet from any residentially owned property.*
- (h) The proposed use will not create noise, late-night activity, extended hours of operation, odors, noise from mechanical equipment or other conditions that may be detrimental to either the quality of life of nearby residents and businesses or to the general welfare of nearby residential neighborhoods. *Members agreed that conditions of approval shall be that the hours of operation shall remain the same, that the layout of the seating area, fixed seats and other seats and other elements shall remain the same including the counters and booth seating.*

A **motion** was made by **Trustee Galli**, seconded by **Mayor Corby** to approve the expansion of a special permit for Hicks and McCarthy to allow for a full liquor license in the restaurant at 23 South Main Street noting the conditions of approval listed above.

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

The decision was filed in the office of the Village Clerk on January 8, 2013.

75 MONROE AVENUE LEGAL MATTER

A **motion** was made by **Mayor Corby**, seconded by **Trustee Pierson**, to authorize Karl Essler to defend the Notice of Claim against the Village of Pittsford brought by Friends of Pittsford Village, Inc. pursuant to the Mayor's administrative responsibilities defined by section 4-400 of NY State Village Law.

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

MINUTES

November 13, 2012: A **motion** was made by **Mayor Corby**, seconded by **Trustee Boehlert**, to approve these minutes as submitted.

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

November 19, 2012: A **motion** was made by **Mayor Corby**, seconded by **Trustee Sherwood**, to approve these minutes as submitted.

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

December 11, 2012: A **motion** was made by **Mayor Corby**, seconded by **Trustee Boehlert**, to approve these minutes as submitted.

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

December 18, 2012: A **motion** was made by **Trustee Galli**, seconded by **Mayor Corby**, to approve these minutes as submitted.

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

January 4, 2013: A **motion** was made by **Trustee Galli, seconded by Mayor Corby**, to approve these minutes as submitted.

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

MEMBER ITEMS

- Members discussed their gratitude toward Kelly Cline for her help as Building Inspector during the period of time when the village was without an inspector. They agreed to individually donate toward the purchase of a gift card to express their appreciation. Mayor Corby will write a proclamation.
- **Mayor Corby made a motion, seconded by Trustee Pierson**, to compensate the Village Clerk in the amount of \$1500.00 for added responsibilities and hours of work during the time the Treasurer was out of the office for medical reasons from November 29th to January 14th, 2013.

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

ADJOURNMENT

A **motion** was made by **Mayor Corby, seconded by Trustee Pierson**, to adjourn the meeting at 9:20 PM.

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

Anne Z. Hartsig, Recording Secretary