

ROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
February 26, 2013 – 7:00 PM

Present

Mayor: Robert Corby
Trustees: Tim Galli
Lili Lanphear
Lorie Boehlert
Trip Pierson
Attorney: Jeff Turner
Recording Secretary: Anne Hartsig

CALL TO ORDER

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

SALLY CHAMBERLIN

Mayor Corby asked that a moment of silence be observed in memory of PZBA member Sally Chamberlin who passed away on February 25th after a brief illness. Following the moment of silence, Mayor Corby said Sally would be sorely missed. He said her enthusiasm for the village and her service on the Planning Board are so representative of the great people that make up our village and she certainly embodied those characteristics. He said certainly the news over the last week has been heartbreaking for so many people in the village.

NON-MUNICIPAL USE PERMIT FOR CORN HILL NAVIGATION

Vicki Schmitt, President of Corn Hill Navigation came before the Board to request a non-municipal use permit to dock Sam Patch at Schoen Place for the 2013 boating season. A **motion** was made **by Mayor Corby, seconded by Trustee Lanphear**, to approve a non-municipal use permit for Corn Hill Navigation to dock Sam Patch at the waterfront on Schoen Place for the 2013 boating season with conditions, noting that the application fee for a temporary zoning permit will be waived because Corn Hill Navigation is a not-for-profit organization which performs a public purpose of promoting the canal and tourism in Pittsford and our waterfront as a regional destination. The conditions are as follows:

1. Corn Hill Navigation will attempt to coordinate signage with Ted Collins to direct customers to parking areas.
2. The landscaping around the ticket pavilion will be improved and maintained in a tidy fashion by Corn Hill Navigation personnel and ARC throughout the boating season, including elimination of weeds and litter.
3. Village trash receptacles will not be used for trash, food waste, recycle waste, or other debris generated by the *Sam Patch* boating operation.
4. Customers will be informed by phone about designated parking areas for *Sam Patch* tours to avoid conflicts with merchants in the area.
5. Trash and recycling waste will be removed from the site daily and will not be left overnight on Village or Canal Corporation property.
6. Chains may not be used to moor the Sam Patch to Village owned wooden bollards unless they are covered in some manner to protect the bollards.
7. Prior to the start of the season, 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 the season **on a primary and noncontributory basis** (must include those words) must be submitted. It must reflect a \$1,000,000 single limit of liability for bodily injury and property damage.

Proceedings of a Regular Meeting of the Village of Pittsford Board of Trustees
February 26, 2013

- 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 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 docking the boat on Schoen Place.

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

Following the vote, a discussion was held regarding the shallow depth of the canal in some places in the village. Ms. Schmitt will ask the Captain to check on those places that were mentioned. Ms. Schmitt noted that there will most likely be cuts in canal services because the Thruway tolls were not raised. Cuts might affect the hours that locks are open among other services. She mentioned that the Director of the New York State Canal Corporation, Brian Stratton, will be visiting the area. Ms. Schmitt encouraged the Board members to attend the gathering when he is here.

TREASURER’S REPORT – TRUSTEE GALLI

Trustee Galli presented vouchers listed on Abstract #017 of 2012/13 fiscal year for approval. A **motion** was made **by Trustee Galli, seconded by Trustee Pierson**, to approve payment of vouchers listed on Abstract #017 in the amounts stated below and to charge them to the appropriate accounts.

Abstract #017 – 2012/13

General Fund (#464-#484):	\$26, 653.98
Sewer Fund (#472):	<u>\$ 24.48</u>
Total vouchers for approval:	\$26, 678.46

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

Other Business:

- A budget meeting will be held on February 28th.
- Bank balances were presented.
- Trustee Galli requested approval to attend a training session sponsored by the Monroe County Department of Training on April 18th. The cost is \$40.00. A **motion** was made **by Mayor Corby, seconded by Trustee Boehlert**, to authorize Trustee Galli to attend the training session.

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

DOT UPDATE

Mayor Corby and Trustee Galli met with Dave Goehring, Sandy Zutes, Paul Schenkel from the Town of Pittsford, and traffic consultant Steve Ferranti to discuss the development of 3750 Monroe Avenue and the effect that will have on Monroe Avenue traffic. A large office building is proposed for the rear of the site. The higher concentration of vehicle use that will result within a three year time frame would overwhelm the existing traffic light. A second traffic light and pedestrian crosswalk at Woodland Road is being proposed. The DOT could make an alternate proposal but Mr. Ferranti said the added traffic light and cross walk is the best scenario. Mayor Corby said there are approximately 20,000 cars per day on Monroe Avenue. When the office building is built, the estimate is that there will be up to 26,000 vehicles per day. It was noted that the traffic increase from the proposed office building far outweighs any traffic increase expected from the project at 75 Monroe Avenue. It was further noted that the Village has no control over the proposed office building or the traffic it will generate. Mayor Corby said he and Paul Schenkel both expressed support for the added traffic signal and crosswalk.

BUILDING INSPECTOR'S WRITTEN REPORT

Building Inspector John Limbeck was unable to attend this meeting. However, he submitted a written report to the Board of Trustees which is on file and of record.

Certificates of Insurance: In his report, Mr. Limbeck suggested a code change to §105-4 (C) Building Permits regarding providing certificates of insurance before a building permit can be issued. This is currently not addressed in the Village Code. He provided suggested language after reviewing it with Attorney Turner. A **motion** was made by **Trustee Boehlert, seconded by Mayor Corby**, to hold a public hearing at the meeting on April 9th to consider the adoption of proposed local law #1 of 2013 as follows:

Proposed Local Law #1 of 2013

§105-4 Building Permits

C. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent or the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (5) *Certificates of insurance providing:*
 - (a) *Proof duly subscribed that Worker's Compensation Insurance and disability benefits coverage issued by an insurance carrier in a form satisfactory to the chair of the Worker's compensation Board as provided for in section 57 of the worker's compensation Law is effective; or*
 - (b) *An affidavit that such permit application has not engaged an employer or any employees as those terms are defined in section two of the Worker's Compensation Law to perform work relating to such building permit.*
 - (c) *A copy of a Certificate of Liability Insurance naming the Village of Pittsford as additional insured on a primary and noncontributory basis. (These words must be included on the certificate.) It must reflect a \$1,000,000.00 single limit of liability for bodily injury and property damage.*
 - (d) *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 construction.

The current (5) would become (6).

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

23 Boughton Avenue: For informational purposes, Mr. Limbeck submitted a memo to the Board of Trustees regarding a code enforcement action he had taken at 23 Boughton Avenue.

Westport Crossing update: Mayor Corby said he explained the proposal from KCI for building inspector and code enforcement officer services for 75 Monroe Avenue to Chris DiMarzo. The Village Board approved this proposal on 2/12/13.. Mayor Corby said it is in everyone's best interest to have one

Proceedings of a Regular Meeting of the Village of Pittsford Board of Trustees
February 26, 2013

person overseeing the project rather than having Mr. Limbeck share the responsibilities with another building inspector.

Attorney Turner said the biggest concern is in regards to the regulating plan. He said Mr. Limbeck can't issue a building permit until the regulating plan has been complied with. If it is not, he said the applicant would ask for a modification of the regulating plan from the Board of Trustees. Mr. Turner noted that the Planning Board has 90 days from 2/25/13 to approve or deny the preliminary site plan. He said there will be a joint meeting of the APRB and the PZBA to coordinate the review.

There was a storm sewer pipe that was broken during recent site excavations. Mr. Limbeck is trying to assist the developer in finding information about this pipe. Mayor Corby said that Larsen Engineers may have archive records about this pipe. He also noted that the land was once owned by the Town. There could be documentation in the Town offices. The broken pipe does not appear to be a Village problem but members concurred that it would be beneficial to have documentation regarding this pipe.

The DEC had to bring large equipment to the site to move huge concrete blocks. Mayor Corby said that Charlotte Theobald from the Avon office of the DEC said the investigative portion should be complete in about one month. Trustee Galli reported that Engineer Scott Harter does not think the Village needs additional environmental consultants of the site because the DEC is doing an excellent job and is on top of it.

CODE OF ETHICS

Attorney Turner reviewed the 2/22/13 draft of the Code of Ethics with the Board. Some modifications were made. A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to hold a public hearing at the April 23rd meeting to consider the adoption of proposed local law #2 of 2013, a local law to replace the current Chapter 21 of the Village Code regarding the Code of Ethics.

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

GREENLIGHT NETWORKS

Greenlight Networks would like to install cables on poles in the village which would offer wireless service within the village. They have a bond with Frontier. Attorney Turner advised that they should have a bond with the Village as well. He suggested that a Board member contact a Greenlight Networks representative to tell them the Village is going to ask for a bond and to ask them to work with Engineer Scott Harter to determine what the cost will be. Mayor Corby said he would call Mark Murphy from Greenlight Networks and ask him to get in touch with Scott Harter.

KAY PROPERTY – MITCHELL ROAD SUBDIVISION

As an interested or involved agency, the Village Board received a letter containing information about a subdivision request for Mitchell Road that has come before the Town Planning Board. The letter asks for comments from the village regarding the proposal and states that the Town prefers that the Town Planning Board be designated as Lead Agency regarding the coordinated SEQR review. Trustee Galli asked if or how this development will affect village sewers as well as traffic and speed in the village. Board members determined that more information is needed about the project. Mayor Corby will call Supervisor Zutes to request a discussion about this project at the next Town/Village meeting of the Supervisor, Mayor and deputies from both municipalities.

PRIVATE MEETING

The Board of Trustees entered into a private meeting to seek the advice of legal counsel which is a matter made confidential by Public Officers Law §108 (3).

Proceedings of a Regular Meeting of the Village of Pittsford Board of Trustees
February 26, 2013

SCHOEN PLACE PORTABLE OUTHOUSE UPDATE

The Village Board received comments via telephone from property owner Virginia Degenhardt regarding the consideration of a portable outhouse for Schoen Place. Ms. Degenhardt said the idea for portable toilet is fine but she asked the Board to think it through carefully. She noted that portable toilets are a target for vandalism. She said a better idea would be to save enough money to purchase a place to build a permanent structure to house bathrooms. Trustee Boehlert said that once a permanent structure is in place, it will have to be professionally maintained which will cost money.

The Board continued their discussions about a suitable location for a portable outhouse. It was agreed that the portable toilet would need to be in a safe place. Mayor Corby suggested that the Board members do a field walk and engage a few business owners as well as Vicki Schmitt from Corn Hill Navigation. Members agreed that input from others would be a good idea. A field walk will be scheduled and the topic will be on the agenda for the March 26th meeting.

EXECUTIVE SESSION

A **motion** was made by **Trustee Boehlert, seconded by Trustee Galli**, to discuss the employment history of a specific employee.

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

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

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

EMPLOYEE TRAINING

The Village Clerk will schedule annual employee training on workplace violence and harassment.

RESOLUTION #2 OF 2013 – DOT UNDERTAKING

The Village was informed that the current undertaking on file with the DOT is no longer valid. An undertaking is a method of indemnification pertaining to work performed within the New York State right-of-way under valid highway work permits. Therefore, the following resolution was approved:

RESOLUTION #2 OF 2013

UNDERTAKING – NYS DEPARTMENT OF TRANSPORTATION

BE IT RESOLVED: On a **motion** made by **Trustee Galli, seconded by Trustee Boehlert**, the Village of Pittsford Board of Trustees authorizes the Village Clerk to file an Undertaking for the benefit of The New York State Department of Transportation in connection with all operations and/or actions undertaken within state right-of-way and in so doing, agrees to terms and conditions listed on the Undertaking Form (PERM 1) signed by Mayor Robert C. Corby and dated February 21, 2013.

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

MEMBER ITEMS

Leadership Meetings: Trustee Galli will be unable to attend the next Leadership Meeting. Trustee Boehlert will attend with Mayor Corby.

Salvatore's Pizza: The Clerk was asked to let Mr. Limbeck know that he should review Salvatore's pizza operation one year from the date of opening.

MINUTES

2/12/13: A **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to approve the minutes of February 12, 2013 as written.

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

Proceedings of a Regular Meeting of the Village of Pittsford Board of Trustees
February 26, 2013

ADJOURNMENT

There being no further business, a **motion** was made **by Mayor Corby, seconded by Trustee Galli**, to adjourn the meeting at 9:15 PM.

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

Anne Z. Hartsig, Recording Secretary