

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
April 23, 2013 – 7:00 PM

Present

Trustees: Mayor Robert Corby
Tim Galli
Lili Lanphear
Lorie Boehlert
Stacey Freed

Attorney: Jeffrey Turner

Treasurer: Mary Marowski

Building Inspector: John Limbeck

Recording Secretary: Anne Hartsig

CALL TO ORDER

A **motion** was made by **Mayor Corby, seconded by Trustee Lanphear, to call** the meeting to order at 7:02 PM.

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

TREASURER’S REPORT – MARY MAROWSKI

Ms. Marowski presented vouchers listed on Abstract #021 of 2012/13 fiscal year for approval. A **motion** was made by **Mayor Corby, seconded by Trustee Galli,** to approve payment of vouchers listed on Abstract #021 in the amounts stated below and to charge them to the appropriate accounts

Abstract #021 – 2012/13

General Fund (#567-#577, #579-#601):	\$14,435.26
Sewer Fund (#578):	\$ 4.00
Total vouchers for approval:	\$14,339.26

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

Other Business:

- A **motion** was made by **Mayor Corby, seconded by Trustee Galli** to approve the attendance of Doug Yaeger at the Western New York Stormwater Management Training Series course on May 22, 2013.
Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Freed – yes. **Motion carried.**
- A **motion** was made by **Trustee Boehlert, seconded by Trustee Lanphear,** to approve the attendance of Mayor Corby at the NYCOM Annual Meeting on May 5, 2013.
Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Freed – yes. **Motion carried.**
- Ms. Marowski presented a quote for a phone system for the Village Hall from Integrity Home Systems. Two other quotes have been requested. The Treasurer will contact Paul Schenkel at the Town to inquire about the feasibility of joining the Town’s phone system.
- The KCI invoice for building inspector services for 75 Monroe Avenue has been forwarded to Mark IV.

BUILDING INSPECTOR’S REPORT – JOHN LIMBECK

Violations

- A notice of violations was sent to the owner of 25 Schoen Place detailing violations of the Village Code and the NYS Property Maintenance Code. Mr. Limbeck has had no response and will follow-up with the owner.

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- A directive was mailed to the owner of Northfield Common to make application for an approved site plan. Mr. Limbeck will follow-up with the owner.

Residential

- Certificates of Occupancy have been issued for 37 Courtenay Circle and 27 Washington Avenue.
- A Certificate of Completion was issued for window replacement at 90-92 South Street.

Commercial

- Mr. Limbeck is waiting for Chase Bank to award a construction contract. Once that takes place, the contractor will begin the permit process for exterior repairs at 31 State Street.
- Benches that were installed on Schoen Place near Jembetat Gallery without permission require a permit because they are on public property. They must also be approved by the Canal Corporation for legal reasons.

75 Monroe Avenue

- Chris DiMarzo requested that he be the contact person for all communications from Mr. Limbeck and will disseminate those communications to the correct persons in his organization.
- Mr. Limbeck accompanied Trustees Lanphear and Freed to the site to show them the status of the soil remediation and the results of the canal bank clear cutting.
- Mr. Limbeck has been in contact with the webmaster about setting up a portal to post information about this project. There will be an initial cost.
- The water infiltration problem continues on the site. Mr. Limbeck took part in a site meeting with representatives from the Village, CSX and Mark IV. He noted that the pipe under the railroad is an original pipe. CSX representatives noted that there was never a water problem until Mark IV began digging. CSX representatives were concerned about the proximity of this project to the tracks. The water/drainage problem is not a Village caused problem. Therefore, CSX and Mark IV must come up with a solution.
- Mr. Limbeck has presented a proposal for the extra hours that will be necessary for him to work on 75 Monroe Avenue as a consultant. Insurance would have to be provided and the proposal would be reviewed by the Village Attorney. The cost would be paid for by Mark IV. The rate is less than the other two proposals and it would be more efficient to have Mr. Limbeck oversee this project. The project cannot move forward without a designated inspector. Mayor Corby will take the proposal to a meeting that has been scheduled with Chris DiMarzo.
- Resident Peggy Brizee, South Main Street, asked about the canal permit process at the site. Mayor Corby responded that the Army Corp of Engineers would be involved if docks are built. He explained that the Canal Corporation issued a permit to the developer to remove vegetation on the bank. However, since site plan approval has not been issued by the Village Planning Board, the developer had to stop removing vegetation from the banks. The work that is taking place now is strictly soil remediation, which is allowed.

Miscellaneous Issues: Various issues were discussed including a pile of tires at the gas station on Monroe Avenue, glass block windows at the Episcopal Church, the Great Northern Pizza Building on South Main Street, the closing of Fido's on State Street, illegal signs at the Pittsford Pub, debris behind the bike shop on Schoen Place, and the selling of duck food by Jembetat Gallery.

The Board of Trustees complimented Mr. Limbeck on the outstanding job he is doing as Building Inspector.

VILLAGE DESIGN AND CONSTRUCTION STANDARDS

The Village received a proposal from Engineer Scott Harter to upgrade a design and construction standards document which was originally prepared in the 1980's. Mr. Limbeck explained that the upgrade would bring things up to current standards and possibly expand the document to include new things that are now available. A **motion** was made **by Mayor Corby, seconded by Trustee Galli** to

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approve Scott Harter's proposal for an expenditure of \$2450.00 to revise and upgrade the designs and construction standards document from Larsen Engineers that was prepared in the 1980's.

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

CONTINUED PUBLIC HEARING – ADOPTION OF THE TENTATIVE BUDGET

Mayor Corby noted that the public hearing which was opened on April 9th to consider the adoption of the tentative budget for fiscal year 2013/14 remained open. There being no further comments from the public and no one wishing to speak for or against the adoption of this tentative budget, a **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to close the public hearing.

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

A **motion** was made by **Mayor Corby, seconded by Trustee Galli** to approve the adoption of the 2013/14 fiscal year **tentative** budget as presented.

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

PUBLIC HEARING – PROPOSED LOCAL LAW #2 – CODE OF ETHICS

Proof of the legal notice below having been published in the April 11, 2013 edition of the BP Post, a **motion** was made by **Mayor Corby, seconded by Trustee Lanphear**, to open the public hearing.

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

***PLEASE TAKE NOTICE** that a public hearing will be held before the Village of Pittsford Board of Trustees on April 23, 2013 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, New York, to consider the adoption of proposed local law #2 of 2013, a local law which will eliminate the existing Chapter 21 of the Village Code entitled ETHICS, CODE OF and replace it with an updated Chapter 21, ETHICS, CODE OF to be included in the Village Code of the Village of Pittsford. A copy of the proposed local law is available in its entirety at the Village Office, 21 North Main Street, Pittsford, NY weekdays during the hours of 7:30 AM to 4:00 PM.*

Board members discussed §21-2 regarding the definition of the term "Board". Members agreed to remove the phrase "...comprised of two or more municipal officers or employees."

Justin Vlietstra, 19 Boughton Avenue: Mr. Vlietstra asked specifically about APRB Chairman Paul Zachman who may have a conflict of interest due to his business. Attorney Turner explained that the Village Board is making these changes to the current Code of Ethics so that Mr. Zachman and those in other similar circumstances can recuse themselves from applications that may pose a conflict of interest.

It was noted that the language in this proposed local law was derived from model codes supplied by NYCOM.

Mr. Vlietstra requested more time to review the proposed local law. As a result, the public hearing will be left open until the May 14th meeting.

PUBLIC HEARING – PROPOSED LOCAL LAW #3 – AMEND §168 SIGNS

Proof of the legal notice below having been published in the April 11, 2013 edition of the BP Post, a **motion** was made by **Mayor Corby, seconded by Trustee Lanphear**, to open the public hearing.

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

***PLEASE TAKE NOTICE** that a public hearing will be held before the Village of Pittsford Board of Trustees on April 23, 2013 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, New York, to*

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consider the adoption of proposed local law #3 of 2013, a local law which will amend portions of §168 Signs of the Village Code as follows:

168-12 Temporary Signs

- (1) (b) Replace "Board of Trustees" with "Building Inspector"
- (2) (c) Replace "Board of Trustees" with "Building Inspector"

168-13 Permit required

Remove "Village Clerk or the"

168-14 Application for Permit

Replace "Village Clerk" with "Building Inspector"

168-16 Issuance of Permit

Remove "Village Clerk or the" - two places
Remove "Clerk or the" - one place

168-18 Revocation of Permit

- B. Remove "Village Clerk or the"

168-19 Removal of Certain Signs

- A. Replace "The Village Clerk" with "The Building Inspector"
- B. Replace "Village Clerk" and "Clerk" with "Building Inspector" - 3 places

168-22 Review and Appeal

Remove "the Village Clerk"

168-26 Temporary New Retail Signs:

- D. Replace "the Village Clerk" with "the Building Inspector" - 2 places

Mayor Corby explained that instead of the Village Clerk, the Building Inspector will now be taking care of various aspects regarding signage. He said the purpose of the changes is to replace the title "Village Clerk" with the title "Building Inspector" in this portion of the Code. There being no one present wishing to speak for or against the adoption of this proposed local law, a **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to close the public hearing.

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

A **motion** was made by **Mayor Corby, seconded by Trustee Lanphear**, to approve adoption of this local law to amend portions of §168 Signs as presented.

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

The Village Clerk noted that since this local law was approved before the proposed Code of Ethics Law, the proposed local laws would be renumbered. Amending §168 Signs will be known as Local Law #2 of 2013.

GREENLIGHT RIGHT OF WAY USE AGREEMENT

Attorney Turner presented a proposed Right-of-Way Use Agreement between the Village of Pittsford and Greenlight Networks LLC for the placement of communication equipment in the public right of way within the Village of Pittsford. He identified some changes that have been made to the agreement and noted that with the changes, he was comfortable with the document. A **motion** was made by **Trustee**

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Galli, seconded by Trustee Freed to approve the Right-of-Way Use Agreement between the Village of Pittsford and Greenlight Networks LLC as submitted and to authorize Mayor Corby to sign the agreement.

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

RESEARCH PROJECT

Matt Moyer requested permission to distribute postcards within the village to seek participants for his doctoral research project. For each participant, \$1 will be donated to the Pittsford Food Cupboard. Attorney Turner said distribution of the post cards does not violate the Village Code. Board members gave informal approval to Mr. Moyer.

MEMBER ITEMS

- Trustee Lanphear said she received a request for a recognition garden for a former Trustee. She suggested that the median garden under the trestle on North Main Street could be designated and named for this Trustee who was instrumental in the development of the garden. Mayor Corby said he was in favor of the idea but wanted to think it through before making a decision. He said the placement needs further thought.
- Three quotes for portable toilets for Schoen Place were provided. Upon review of the quotes, a **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to approve the proposal submitted by EZ Portable Restrooms for portable toilets for Schoen Place this season.
Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Freed – yes. **Motion carried.**
It was noted that the location will remain in the same place as last year for the time being.
- Three quotes were presented for the painting of the newest DPW truck which was purchased from the Town of Pittsford. The quote from Hawk Frame and Axel was \$100 higher. However, it was recommended as the best company for the job. It is a local company. A **motion** was made by **Trustee Galli, seconded by Mayor Corby**, to approve the quote from Hawk Frame and Axel to have the newest DPW truck repainted.
Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Freed – yes. **Motion carried.**
- Trustee Freed asked about providing orange flags to be carried when crossing the streets at the Four Corners. Mayor Corby explained that unless this crossing device is included in the NYS DOT highway regulations, the Village could incur liability by providing the flags. He suggested that Trustee Freed call Dave Goehring at the DOT to discuss the possibility.
- Members discussed an automated emergency call that was received by most village residents from the 911 call center regarding a missing child. The call came in the middle of the night and was upsetting to many. A second call took place when the child was located.
- There was a discussion about a proposed civic gardening group. Mayor Corby said the group must submit a proposal. If gardening is involved, the union contract will have to be reviewed before permission is given. Trustee Lanphear and Mayor Corby will walk around “Bob’s Park” and “Remembrance Park” to see if either would be appropriate locations.
- Trustee Freed compiled and sent the first e-newsletter. It was noted that there is more flexibility and less cost with an electronic newsletter. Trustee Galli said there is money in the budget for one mailing of a paper newsletter. Trustee Freed will take charge of mailing a paper newsletter to let the residents know that the Village will be changing to e-newsletters and to give residents the opportunity to send in their email address so they will receive future newsletters.
- Speed humps on Rand Place were removed for the winter. Trustee Galli said they should be put back if the residents want them back. He senses that a letter should be sent to the residents. He will review the Village’s speed hump policy and follow the policy.

EXCUTIVE SESSION

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

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

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

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

MINUTES

March 26, 2013: A **motion** was made **by Mayor Corby, seconded by Trustee Boehlert**, to approve these minutes as amended.

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

April 9, 2013: A **motion** was made **by Trustee Galli, seconded by Trustee Boehlert**, to approve these minutes as written.

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

ADJOURNMENT

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

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

Anne Z. Hartsig, Recording Secretary