

**PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES**  
**November 18, 2014 – 7:00 PM**

**Present**

<b>Mayor:</b>	Robert C. Corby
<b>Trustees:</b>	Lili Lanphear Lorie Boehlert Frank Galusha Tim Galli
<b>Building Inspector:</b>	John Limbeck
<b>Village Treasurer:</b>	Mary Marowski
<b>Recording Secretary:</b>	Dorothea M. Ciccarelli

**CALL TO ORDER**

Motion Mayor Corby and seconded by Trustee Lanphear called the meeting to order at 7:00 PM.

**BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE**

Mayor Corby questioned the Board as to whether there were any conflicts of interest or gifts associated with any of the agenda items. All Board members indicated that they had no conflicts of interest to report.

**NON-MUNICIPAL USE PERMIT – RELAY FOR LIFE**

Emily Rudman, Alina Santiago, Madalyn Lubel, and Patty Lovallo updated the Board on the committee efforts for Relay for Life; this program is in its fifth year and has managed to raise over \$200,000 for the Cancer Society. They requested that the Board authorize their event, scheduled for July 11, 2015, and allow the placement of purple ribbons in the Village before the event. Ms. Lovallo read a letter in support from Carol Levy, a breast cancer survivor.

**Motion Mayor Corby, seconded by Trustee Boehlert,** to issue a non-municipal use permit for the Pittsford Relay for Life committee for their July 11, 2015 event and the placement of the purple bows around the Village prior to the event.

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

**PUBLIC COMMENT**

Mike Reynolds, 35 Church Street – Discussed with the Board the recent court decision by Judge Ark titled the Pittsford Board decision. Judge Ark had determined that Trustee Galusha and Trustee Lanphear had run for office for the purpose of defeating the Westport Crossing Project. Mr. Reynolds indicated he did not feel that was true. He stated that they ran to serve the public, and that one of the requirements of serving the Village is to bring the project into compliance. He suggested, as a way of setting the record straight, that a resolution be completed by the Board of Trustees, stating that the Board does not intend to defeat the Westport Crossing Project, and that the only goal of the Board of Trustees is to bring the project into compliance with all the requirements.

Mayor Corby commented that this is certainly true, and indicated that when they were running for election, that was the consistent message.

Trustee Lanphear questioned the purpose of the resolution. Mr. Reynolds stated that the purpose would be to set the record straight as to the Board members' intentions. Trustee Lanphear stated that she thought it was assumptive, but the Board cannot assume that the public understands the members' intentions.

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Mayor Corby indicated that he would be willing to make the resolution, since it has been the message all the way through. Trustee Galusha requested an opinion from the Village Attorney.

Village Attorney, Jeff Turner, requested that it be on the record that he does not represent the Village Board with anything attached to 75 Monroe Avenue.

The Board discussed the option and decided to review the resolution with the Attorney representing the Village for 75 Monroe Avenue.

**STORM WATER REPORT / MS4 – REVIEW 75 MONROE AVENUE – SCOTT HARTER**

Mr. Harter spoke to the Board regarding the Village's responsibility to the Storm Water Code. He reviewed draft language for changes including recommended language regarding ponds. Mr. Harter reviewed the current state of some of the ponds. He indicated to the Board that the new language would provide the Board more oversight in handling issues with ponds. Mr. Harter stated that further discussions at a future date needed to be had about the ponds and a possible drainage district. He informed the Board that the changes to the code needed to be completed prior to the end of the year, since it is subject to monitoring by the DEC. Mayor Corby stated that the Board should move forward with the current changes as needed and review the code at a future date for other necessary changes as required.

Mayor Corby discussed with Mr. Harter the potential storm water drainage system being proposed for 75 Monroe Avenue, and questioned whether additional language should be included in the pond section of the law for similar requirements for maintenance of the ponds on the site. Mr. Harter informed Mayor Corby that since the project will be a new build, it will be subject to the new ordinance. He further explained that anything the developer does with their drainage system will be encompassed into an easement, which will be provided to the Village of Pittsford in the event that the owner does not take care of the system properly. The legislation allows the village to enter the property to take care of the system and back charge the development.

Trustee Lanphear questioned how the definition of redevelopment changes the requirements. Mr. Harter indicated that if one qualifies for redevelopment, there are some liberties or a relaxation of some of the regulations that are published by the State. Trustee Lanphear questioned if the language of redevelopment needs to appear in the code. Mr. Harter indicated that it should not appear in the code. He informed the Board that the language in the code provides the municipality the ability to intervene to make sure that the property is following the State codes. Trustee Lanphear questioned who makes the determination that a property would be considered a redevelopment. Mr. Harter indicated that would be a decision for the Village Board.

Mayor Corby questioned whether there was currently a timetable for the submission of the Storm Water Pollution Prevention Plan. Mr. Harter informed the Mayor that he had a conversation with the DEC and they anticipated the wrap-up of the remediation of the property in 2015. He further reviewed what steps the applicant and Board would need to take regarding the adoption of the completed plan by the developer. Mr. Harter reviewed with the Board documentation received from the developer from Labella Associates regarding the site and its ability to support a storm water system as being proposed. Mayor Corby proposed to Mr. Harter that the Village should consider having a consultant review the information. Mr. Harter agreed that was an option the Village could take.

Mayor Corby questioned Mr. Harter as to the status of the severed storm pipe. Mr. Harter reviewed his conversation with the DEC, and stated that their determination is that there is a plug somewhere. He also informed the Board that he is going to have further conversations with them as to how the infrastructure that is there could be connected. He informed the Board that there are still some outstanding issues to be

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resolved, which were handled by the Village Planning Board as conditions for the final site plan approval. Mr. Harter further stated that the Board will have the final say as to whether they will accept the drainage system.

Motion Mayor Corby and seconded by Trustee Boehlert to set a public hearing on December 16, 2014 at 7:30 PM to amend section 165 of the Village Code, adding a section for “Stormwater Management and Erosion and Sediment Control,” and amend the Pond section of the code.

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

Mayor Corby and the Board discussed with Mr. Harter issues related to Rand Creek. Mr. Harter reviewed an area near the O’Brien property, where the Village had previously installed gabions, and informed the Board that he anticipated that the gabions would fail in approximately five years due to excess scouring from Rand Creek. The Board discussed how the flow from Rand Creek has increased and determined that actions should be taken managing the flow upstream and working with the Town of Pittsford on the issue. The Board requested that the subject be revisited in January.

### **2015 HEATH CARE**

Village Clerk reviewed the health care proposal for 2015 from the Village health insurance broker, Brown and Brown. The Clerk informed the Board that the current health care plan rates were increasing 13.1 % over last year, and. The dental plan currently offered had a minor increase of 5.6%. The Senior Health Care plan was increasing substantially by 56.1% over last year. The Clerk recommended the Board continue with Simply Blue Plus Platinum 2 Plan, the Smile Saver Dental Plan, and the Medicare Blue Choice Small Group Plan 2. Trustee Galli also proposed staying with current plans.

Motion Trustee Galli and seconded by Mayor Corby to continue in 2015 to offer the Simply Blue Plus Platinum 2 Plan, Smile Saver Dental Plan, and Medicare Blue Choice Small Group Plan 2.

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

### **PUBLIC HEARING PROPOSED LOCAL LAW TO AMEND SECTION 161**

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by Trustee Galusha**, to open the public hearing on Local Law 16 for the purposes of considering and possibly adopting a local law, to amend Section 161-“Schoen Place Waterfront Park (Erie Canal Park)”.

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

*Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, November 18, 2014, at 7:30 PM at the Village Hall, 21 North Main Street, Pittsford, New York, to consider proposed local law 16 of 2014, which law will amend § Section 161-“Schoen Place Waterfront Park (Erie Canal Park)”.*

#### ***Proposed Local Law 16 of 2014***

#### ***Amend § Section 161-“Schoen Place Waterfront Park (Erie Canal Park)”***

161

*Remove Section 161-2 A. (6) Feeding of wildlife is prohibited.*

*Renumber the remaining sections, (7), (8), (9) and (10) accordingly.*

Mayor Corby discussed with the Board posting of signage recommending that the public not feed the ducks, as recommended by the DEC. The Board discussed posting the signage on the bulletin board at the pavilion. The Board agreed that a sign should be posted to alert the public.

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

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

**Motion Trustee Boehlert, seconded by Trustee Galli**, to approve Local Law 16 to amend Section 161-“Schoen Place Waterfront Park (Erie Canal Park)”.

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

**PUBLIC HEARING ON SPECIAL PERMIT APPLICATION – CIPOLLA AND ROMAINE INC.**

**Motion Mayor Corby, seconded by Trustee Galusha**, to open the public hearing for the Special Permit for a restaurant and carry out operations located at 5 South Main Street.

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

Joseph Cipolla reviewed with the Board their current plans to open a restaurant for dinner service four days a week, by reservation only, and indicated that they are planning to also provide lunch service at a later date. The applicant informed the Board that they are currently working with Bank of America on reserving parking spots for their patrons. They are anticipating needing 8-10 spots. Mayor Corby questioned Mr. Cipolla as to their plan for trash and grease disposal. The applicant informed the Board that they were able to work out a deal with Sutherland Auto to share an exterior bin, and that the operation would not be generating any grease, so they would not need a grease trap. Mr. Cipolla informed the Board that they will be installing a Class 1 hood through the roof of the kitchen for the stove. Trustee Lanphear questioned how deliveries would be made to the restaurant. Mr. Cipolla informed her they would be using their commissary delivery vehicle.

The applicant further stated that they will have seating for 16, and later they will be seating up to 26 people. The Building Inspector indicated that the Fire Marshall will be doing a full review. They also informed the Board that they did not have a liquor license at this time and will allow patrons to bring their own bottles. He stated that their anticipated hours of operation will be Monday – Saturday for lunch, and dinner service would be 11am – 9:30pm. The Planning & Zoning Board recommended approval of the application.

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

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

**Motion Mayor Corby, seconded by Trustee Lanphear**, to approve the application as described in the documents submitted for operation of a food service business showing 26 seats, operating 11:00 AM – 9:30 PM, Monday through Saturday at 5 South Main Street since it does not adversely impact section 210-74 A-H of the Village Code.

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

**SPECIAL PERMIT – INFORMATION ONLY - 50 STATE STREET**

The applicant was not present; the Board tabled the item to a future meeting date when the applicant could be present.

**SETTING PUBLIC HEARING ON LOCAL LAW – PARKING LOTS**

Mayor Corby reviewed with the Board proposed language regarding parking in the R-Districts. In reviewing, the code Mayor Corby noted that in each of the R-Districts, proposed uses that would have been

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appropriate back in the 1950's are not appropriate today in a residential district, such as hospitals. He also proposed adding a primary purpose statement to the code for the R-Districts along with criteria for parking for all three sections of the code. The Board discussed the criteria, and Trustee Galli questioned if this would impact existing parking areas or just proposed new parking areas. Mayor Corby indicated that the existing parking in the district will be grandfathered in, and would not be impacted by the change. The Board discussed examples of situations that could happen with the current code and the reasons necessary for the change.

**Motion Mayor Corby, seconded Trustee Lanphear**, to hold a public hearing on January 13, 2015 at 7:30PM on proposed changes to the Chapter 210- Zoning District, R-1, R-2, R-3 Residential Districts.  
**Vote:** Corby – yes, Galli – yes, Lanphear– yes, Boehlert – yes, Galusha – yes. **Motion carried.**

### **MEMBER ITEMS**

The Board discussed issuance of special permits and criteria surrounding them, the conditions that could be set for an operation, and the questions that can be asked. The Board discussed how location and other items could impact an operation that should be considered in reviewing these types of requests. Mayor Corby and Trustee Boehlert will work with the Building Inspector and review items that could be of concern related to upcoming applications.

Trustee Lanphear questioned if the directory sign at the Burdett Parking lot could be removed since there is no active business on the sign at this time. Trustee Lanphear also questioned the status of the Powers' property. Mr. Limbeck informed Trustee Lanphear that he had a conversation with Mr. Powers' son and that the failure to have the proposed agreement regarding the property signed and notarized would result in legal action. Mr. Limbeck forwarded this matter to Mr. Turner and has given the resident 30 days to comply.

### **DPW REPORT**

- Mr. Yeager reported that:
- The Department has completed 3 1/2 weeks of leaf pickup. Due to the early snow, the crew has been using the loader to pick up leaves. The superintendent anticipates using leaf machine, when the weather improves. With the use of a temporary service, he was able to have two crews picking up leaves until the recent snow. He stated that over the next week he anticipates with the use of the temporary employee continuing with a leaf crew and a crew setting up the holiday decorations.
- All holiday wreaths have been placed on the poles, they will be putting up the bows and stringing the lights on the poles next week .
- The crew has serviced the snow removal equipment and it is ready to go.
- The drinking fountains have been turned off for the season and the mirror removed.
- Village streetlights have been fixed with the exception of the flag pole. The superintendent is awaiting parts for the repair. All RG&E lights that are currently not working have been reported.
- He has requested that Mr. Limbeck work with the Department by ticketing cars for parking violations.
- The installation of the generator for Wood Creek has been delayed until spring, due to schedule conflicts with the Town Sewer Department and easements required with Rochester Gas and Electric.

### **BUILDING INSPECTOR'S REPORT**

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**Residential:**

- Mr. Limbeck informed the Board that:
- After the last Trustee meeting, he noticed a pile of board insulation and vinyl siding in the driveway at 26 Courtenay Circle. He contacted the contractor to stop work as there had been no APRB review of the siding and no building permit issued. The homeowner is working with Paul Zachman to come up with an alternate solution.
- Mr. Parker from Rand Place contacted Mr. Limbeck and inquired as to what it would take to have their private driveway dedicated to the Village. He explained that the neighbors would have to make the driveway compliant with NYS DOT specifications and then apply to the Trustees for dedication.
- Mr. Limbeck received communications from Pace Window and Door that they are going to replace the windows on the north side of 12 Washington Avenue with all-wood windows.

**Commercial:**

1. The new dumpster enclosure for JoJo's and the Pittsford Pub has been completed and is a big improvement over what was there.
2. The hearing for Mr. Newcomb for the work at 9 South Main Street has been rescheduled in December with Judge Taylor, as Judge Bernaki recused himself from the process.
3. Mr. Limbeck has issued a building permit for the dumpster enclosure at Northfield Common. The project currently seems to be delayed because of the weather. The Planning Board approved the parking and striping portion of the overall parking and loading plan for the site. The owner still must submit the drainage, lighting and landscaping portions of the plan.
4. The sidewalk repairs in the front of Saha Med Grill, at 14 South Main Street, will begin this week. There is also an issue with one of the proposed street trees that cannot be located in front of the gate to the outdoor seating area. The owner offered to donate the tree to the Village, since there does not seem to be another appropriate location for the tree. Mayor Corby indicated the Village would find a place to locate the tree.
5. The Village Attorney reviewed the actions taken by the Building Inspector related to the stop-work order issued to Mr. Powers for the proposed fence on the property. The owner was informed of the next steps necessary for approvals for the fence. Mayor Corby also suggested that if the fence moves forward, the applicant be required to install two gates for access to the sewer easement and for fire protection.
6. Mr. Limbeck also informed the Board he had a meeting with Craig Brizze regarding the service station on Monroe Avenue. He is working with the owner on updating the site plan. The owner will be installing a dumpster enclosure, which will have to be large enough to handle the tire exchange. Mr. Limbeck is also working with them to move the signage off the dormers to the side of the building with APRB approval.
7. Mr. Limbeck reviewed with the Board the status of First Presbyterian Church on the light shields. He will be providing examples to them to provide a better understanding of the type of shield necessary.

**General:**

1. The operators of the Little House on Monroe Avenue will be appearing before the PZBA this month to discuss a subdivision of the parcel that they occupy from the larger lot on Monroe Avenue. They will need to obtain numerous variances, particularly for setbacks and lot coverage.
2. Mr. Limbeck requested an update as to where the Board stands regarding his proposed code change to Village Code Section 80. He stated that this will strengthen the Village's position for

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unoccupied and/or dangerous structures in the Village. Mayor Corby requested that the Board set a public hearing on the proposed local law change.

**Motion Mayor Corby, seconded Trustee Galli** to hold a public hearing on January 13, 2015 at 7:30PM on proposed changes to buildings and maintenance code section 80.

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

3. Mr. Limbeck reviewed a conversation with the Rabbi Yitzi Hein regarding the Chabad of Pittsford's annual Menorah Lighting on December 16, 2014.

**Motion Mayor Corby, seconded Trustee Boehlert** to approve the non-municipal permit for the Annual Menorah Lighting on December 16, 2014 with all the required permit conditions, including insurance, to be submitted by December 8, 2014 and to waive the 45-day notice requirement.

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

4. Mr. Limbeck further reviewed with the Board the need to send out the letter to the residents regarding the rules about signage. The Board discussed the issues regarding the sign code and the enforcement. The Board requested the letter be presented at the next meeting for the Board members to review and sign.

#### VILLAGE ATTORNEY

Mr. Turner informed the Board that the Weis lease is completed and signed. He also discussed some code section changes regarding entry into private properties that he was reviewing with the Building Inspector.

#### TREASURER'S REPORT / VILLAGE CLERK

**Village Clerk, Dorothea M. Ciccarelli**, presented vouchers listed on Abstract #10 of 2014/2015 fiscal year for approval. A **motion** was made **by Trustee Galli, seconded by Mayor Corby**, to approve payment of the amended vouchers listed on Abstract #10 in the amounts stated below and to charge them to the appropriate accounts.

#### Vouchers for approval – Abstract #10

General Fund (#272-#301):	\$114,386.46
Sewer Fund (#297):	\$ 24.50
<b>Total Vouchers for Approval:</b>	<b>\$114,410.96</b>

**Vote:** Corby- yes, Lanphear –yes, Boehlert - yes, Galli - yes, Galusha - yes. **Motion Carried.**

The Village Clerk reviewed with the Board the current bank balances and the recent sales tax payment received for \$130,523.14.

The Board was requested to make the following transfers for October 2014 Books.

From: A1990.4 (Contingency):	\$1,300
To: A1420.41 (Insurance):	\$1,300

From: A5132.1 (Shop)	\$1,000
A8170.1 (Street Cleaning / personnel):	\$1,500

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A8540.1 (Drainage / personnel): \$1,000  
To: A5020.1 (Roads) \$3,500

**Motion Mayor Corby, seconded by Trustee Galusha,** to make the transfers for the October 2014 Book.  
**Vote:** Corby – yes, Lanphear– yes, Galli – yes, Boehlert – yes, Galusha– yes. **Motion carried.**

**Fund Balance Allocation / Resolution**

The Village Clerk requested that the Board transfer \$26,000 from fund balance to cover received litigation expenses that were not anticipated when the 2014-2015 budget was passed.

Be it resolved:

**Motion Mayor Corby, seconded by Trustee Lanphear,** to increase the 2014-2015 budget to allocate monies from unreserved fund balance (A909) to increase the following line item:

A1420.41 Litigation Costs

In the amount of \$26,000, for the purpose of managing unanticipated budget costs.

**Vote:** Corby - yes, Lanphear –yes, Boehlert - yes, Galli - yes, Galusha - yes. **Motion Carried**

**NYSFGOA Conference**

The Clerk requested the Board authorize Mary Marowski to attend the NYSGFOA Conference for a cost of \$45.

**Motion Mayor Corby, seconded by Trustee Galusha,** to authorize Mary Marowski to attend the NYSGFOA conference for a cost not to exceed \$45.

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

**VILLAGE CLERK**

- Village Clerk reviewed the Time Warner Contract with the Board and requested Authorization to sign the contract.

**Motion Trustee Galli, seconded by Mayor Corby,** to authorize the Mayor to sign the ENI Balance Work contract with the additional Indemnification paperwork to be included.

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

- The Clerk reviewed the Bero Proposal for work to be completed on the CLG Grant and requested the Board authorize the contract.

**Motion Trustee Lanphear, seconded by Trustee Boehlert,** to authorize the Mayor to accept the Bero Proposal for work to be completed on the CLG grant.

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

- The Village Clerk reviewed with the Board the proposal from Time Warner to switch services for the Village Hall for phone, internet, and email. This would provide email addresses for all the Boards and employees with the same provider, as well as expanded storage. This would also assist

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with Freedom of Information Act requests. The Clerk recommended to the Board adopting a policy that requires all Village Business email correspondence to be completed on Village provided email. The Clerk informed the Board there would be an increase in the overall cost of these services, due to the expansion of the email services.

**Motion Trustee Galli, seconded by Mayor Corby**, to authorize the expansion of the Time Warner Services Contract, based on the communication proposal.

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

## MINUTES

**Motion Mayor Corby, and seconded by Trust Boehlert**, to approve the minutes of October 14, 2014, with approved amendments.

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

The Board reviewed the minutes from October 23, 2014 and requested the Clerk review a section of the minutes for clarity. The minutes will be presented again for approval at a future meeting.

## ADJOURNMENT

**Motion Mayor Corby, and seconded by Trustee Galusha**, to adjourn the meeting at 10:04 PM.

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

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Dorothea M. Ciccarelli, Recording Secretary