

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
December 9, 2014 – 7:00 PM

Present

Mayor: Robert C. Corby (arrived 7:28 PM)

Trustees: Lili Lanphear
Lorie Boehlert
Frank Galusha

Building Inspector: John Limbeck

Recording Secretary: Dorothea M. Ciccarelli

CALL TO ORDER

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

BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE

Trustee Lanphear questioned the Board if there were any conflicts of interest or gifts with any of the agenda items. All Board members indicated that they had no conflicts of interest to report.

PUBLIC COMMENT

Meredith Utman, 75 North Main Street – Discussed with the Board her concerns with parking and traffic in conjunction with the Pickle Factory. She requested that the Board have the Village traffic consultant review the neighborhood. Ms. Utman presented the Board with photographs of parking concerns and showed examples of parents dropping off students at the back entrance of the Pickle Factory. She further requested that the Board consider making the following changes in the neighborhood:

1. Place a sidewalk on Grove Street and remove the on-street parking;
2. Place a stop sign at the corner of High Street and Grove Street; and
3. Move the speed limit sign on Grove Street and place the sign facing French Rd.

Ms. Utman also suggested a location for the motion detection lighting in the parking lot that runs parallel to High Street by the Pickle Factory to deter young people from congregating in the parking lot.

Alyssa Plumber, 66 South Main Street – Informed the Board that additional landscaping on the street would help with the speeding problem in the neighborhood. She also indicated that on-street parking spaces have been abused by the patrons of the businesses at the Pickle Factory. She stated that the patrons must use the proper parking.

SHEILA FUSTANIO, PROPERTY MANAGER FOR THE PICKLE FACTORY

Ms. Fustanio, Property Manager for the Pickle Factory, informed the Board that she had questions about the issues presented regarding the Pickle Factory. She expressed concern regarding reports of young people congregating in the parking lot, and stated that her maintenance personnel has deterred this activity in the past. She questioned whether this was a new development or has increased. Meredith Utman informed Ms. Fustanio that it seems to be a problem on the weekends after midnight; the neighbors have called the police department in the past. The neighbors bordering the property have also found debris on their property from the activity. Ms. Fustanio stated that she does not have a solution at this point for the congregating, but assured the Board and Ms. Utman that they are concerned about these problems, because they want to be good neighbors.

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Ms. Fustanio and Ms. Utman discussed the traffic flow and parking on Grove Street, and Trustee Lanphear informed them that those issues would need to be reviewed by the Board. Ms. Fustanio discussed with Trustee Lanphear the issues with the tenants parking on Grove Street. Ms. Fustanio informed the Board that they have spoken to the tenants and will speak to them about using the appropriate spots.

Mayor Corby arrived at 7:28 PM

The Board discussed with Ms. Fustanio the issues with the music school and a recent event where the proper doors were not open and parents were dropping students off at the facility.

Mayor Corby discussed narrowing the roadway to help control speed on Grove Street. Ms. Utman reiterated her request to install a stop sign as well as landscaping to help decrease the speed and make the area more walkable for residents. Mayor Corby agreed, and stated that decreasing the road width to 10 feet would assist with the problem. Mayor Corby also stated that they need to have the traffic consultant, Steve Ferranti do a traffic study of the area, as suggested by Trustee Lanphear. The Board also discussed how the food cupboard affects the area traffic, and a suggestion was received on posting signage for designated pickup and drop off to assist with the traffic. Ms. Utman questioned if anything could be done immediately. Mayor Corby informed her that due to traffic laws, he would like to have the study done before any changes are made.

Trustee Lanphear asked John Limbeck if he had anything to add to the discussion. Mr. Limbeck stated he would request that the residents give him a call when these issues are occurring. He further noted that he could have started the enforcement if he had received notification.

Mayor Corby informed the Board he would contact Steve Ferranti for a quote on a traffic study.

PUBLIC HEARING ON LOCAL LAW 17 - APPEALS

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by Trustee Lanphear**, to open the public hearing on Local Law 17 to eliminate appeals from decisions of the Planning Board/Zoning Board of Appeals and Architectural and Preservation Review Board to other Village boards, and providing direct review to the New York Supreme Court.

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

LEGAL NOTICE IS HEREBY GIVEN that pursuant to Section 20 of the Municipal Home Rule Law that the Board of Trustees of the Village of Pittsford shall hold a public hearing at 7:30 PM on December 9, 2014 at the Village Hall, 21 North Main Street, Pittsford, New York 14534, for the purposes of considering and possibly adopting a local law amending the Village of Pittsford Code to eliminate appeals from decisions of the Planning Board/Zoning Board of Appeals and Architectural and Preservation Review Board to other Village boards, and providing direct review to the New York Supreme Court. Copies of the proposed local law are available at the Office of the Village Clerk at 21 North Main Street, Pittsford, New York 14534. At the time and place above, all members of the public shall be heard.

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

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

Motion Trustee Galusha, seconded by Mayor Corby, to approve Local Law 17 amending the Village of Pittsford Code to eliminate appeals from decisions of the Planning Board/Zoning Board of Appeals and Architectural and Preservation Review Board to other Village boards, and providing direct review to the New York Supreme Court.

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

AL HERDKLOTZ – AMERICAN LEGION

Mr. Herdklotz discussed signage concerns and a monument sign for the memorial. Mayor Corby stated that he will discuss with Supervisor Smith the type of sign and installation. Mr. Herdklotz also discussed flying the American Legion flag on the flagpole. The Board requested the flag size be 3' x 5'.

Motion by Mayor Corby, seconded by Trustee Boehlert, to make a resolution that the American Legion flag be flown on the Village flagpole.

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

Mr. Herdklotz discussed with the Board a grant he will be applying for from Home Depot for a shed for the American Legion. He requested permission from the Board to place the shed in the back of the Village offices. He also informed the Board the shed would also be available for the Village's use as well. The Board informed Mr. Herdklotz that he would need to get a variance from the Zoning Board for the shed, and return to the Board of Trustees for their approval after he received the variance.

Mr. Herdklotz discussed the back entrance to the building and obtaining a grant to provide an awning, lighting, and a concrete path for entrance into the building. Mayor Corby suggested applying for an additional CDBG grant through the Village Office.

SPECIAL PERMIT – INFORMATION ONLY - 50 STATE STREET

The Board tabled the item to a future meeting date.

DISCUSSION ON AMENDMENT OF VILLAGE CODE ARTICLE XIV-"HISTORIC DISTRICT / ARCHITECTURAL AND PRESERVATION REVIEW BOARD"

Mayor Corby opened the discussion commenting on information provided by John Limbeck for an update to the code section. He indicated that it was a good start, but stated that further changes should be added as well. Mayor Corby discussed adding a checklist to the three sections of the code specifying the minimum information necessary to be submitted with any application. He stated that this checklist should be added to all the applications so that the applicants are aware of what is needed. The Mayor also discussed creating an in-house process for a checklist to be reviewed when an application is presented. Mayor Corby indicated that the Board needs to take the time to review the sections of code before moving forward. Jeff Turner also stated that deadlines for applications should be addressed as well.

Mayor Corby indicated that the person to handle the review should be the Building Inspector; Mr. Turner agreed but indicated that this was another area that needed to be addressed in the code as well. The Board discussed the current procedure and what changes would be required for the certifications to be changed in the code. The Board also discussed establishing firm deadlines within the code, so that documentation is received well in advance for the Village Boards, as well as the public, to review. The code would indicate that all documentation should be submitted by the submission date.

Justin Vliestra, Boughton Avenue - Questioned if it was possible to also add to the policy that if the application is found to be incomplete or additional information is required, the applicant will have up to 7 days prior to the meeting to submit the requested information.

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Trustee Boehlert agreed with Mr. Vliestra that an applicant could be delayed if not given time to hand in missing information. The Board discussed whether the policy could reflect this type of situation. Mr. Limbeck could have a submission date and an approval date; this would provide the applicant an opportunity to respond.

Mr. Limbeck questioned how to proceed until the code has been redone to reflect the changes discussed. Jeff Turner suggested that until the code has been changed, the Village continue with the current submission dates for applications to the various Boards, and John Limbeck will review the applications one week prior to the meeting date. He further stated that the current trustee policy of one week in advance for the completed application would provide the Building Inspector the time between the submission date and the meeting to certify they are complete, so that the appropriate Board secretaries can place the items on the agenda.

MEMBER ITEMS

Trustee Lanphear suggested that the signage information letter recommended by the Building Inspector be sent to all the residents and business owners. The Board discussed problems currently being experienced with the signage and requested that the letter to be presented to the Board at the next meeting for the members to review and sign.

BUILDING INSPECTOR'S REPORT

Residential:

- Mr. Limbeck reported that he had a telephone conversation with a representative of Safeguard Properties regarding the Notice of Violation that he issued for 12 East Jefferson Road. The firm stated that they could address issues outside of the house (debris in yard, overgrown vegetation, etc.), but that they cannot address the clutter and debris within the house and garage, as they have not yet foreclosed on the property. Mr. Limbeck sent a letter to the owner of the property that contained the Notice of Violation and the expectations for immediate actions.
- Constant complaints have been filed in the office by a neighbor of 2 Greenhill Lane; Mr. Limbeck stated that he is unable to satisfy the complaints since there is no legal remedy. The owner of the property has requested that all complaints be directed to him.
- 75 South Street has a small pickup truck and trailer parked in the front yard. Mr. Limbeck reported that he has notified the owner that he is currently violating three sections of the Village code. Mr. Limbeck will issue a notice of violation if the vehicle and trailer are found on the front yard in the future.

Commercial:

- New York State has adopted a revised Energy Code. Mr. Limbeck will receive a notice for mandatory training that he is required to attend. He explained that The Village Code requires that applicants adhere to the most recent version of the New York State Codes, so he did not foresee any issues with implementation.
- New York State has also revised wooden truss, pre-engineered wood, and timber construction to include required notifications and the posting of labels to warn firefighters. He stated that he has devised a form for the Village's use that includes all of the State requirements in the event that the Village receives any applications.
- He reported that with Terry Robin's assistance, he has completed his review of any sign approvals for JoJo's at 60 North Main Street. They did not find any approvals for the projecting sign in question. Mr. Weins insists that he appeared before the APRB in 2003 and received verbal

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approval. Mr. Limbeck spoke to a previous Board member, Trip Pierson, and questioned if he remembered the issue and any approvals. Mr. Pierson remembered the issue but did not have any memory of the decision. The Board directed Mr. Limbeck to issue the notice of violation.

- Mr. Limbeck reported that in May and June of this year, he finalized a five-year agreement with Mr. and Mrs. Roger Powers to effect repairs at their 25 Schoen Place property. Attorney Turner prepared a Restrictive Covenant that the Powers were to sign and have notarized. This would then be filed with the Monroe County Clerk. To date, Mr. Limbeck has not received the signed and notarized Covenant. The Board directed Mr. Limbeck to send out a letter to the Powers on enforcement of the maintenance issues.
- The Pittsford Farms Dairy appeared before the Planning Board in November to discuss their outstanding site plan issues. They were directed by the Board to incorporate some changes into their plan and return to the Board. To date, the Village has received no additional information from the Dairy or their engineer. Mr. Limbeck sent an e-mail to the Dairy informing them of the need to expedite the finalization of this plan so that the Village would not have to utilize the funds that have placed in escrow to cover the engineering and installation of the required corrections. The Board suggested sending notice to the Dairy informing them that if the work has not continued on the project by a certain date, the Village will be seeking quotes to have the work completed.
- Mr. Limbeck had a conversation with the New York State Department of Motor Vehicles regarding the registered repair shop and registered inspection shop signs that are mounted on the dormers of 58 Monroe Avenue. The DMV has no objection with having them removed from the dormers and mounted on the western face of the building, between the window and the existing conduit. Mr. Limbeck is also working with the owner on his dumpster enclosure and the installation for screening along his eastern property line.

Code Issues:

- Mr. Limbeck stated that he has attached a copy of Village Code Section 210-106 that covers his entry into a building or premises. The current wording violates what New York State suggests, and he requested that the Board set a public hearing to change the section. The Board agreed that the code should be up to date, and set a public hearing.

Motion by Mayor Corby, seconded by Trustee Galusha, to set a public hearing on January 13, 2015 at 7:30 pm to amend Village Code Section 210-106 right of entry.

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

Permits:

- Mr. Limbeck received all of the required information for the annual Menorah Lighting at the four corners. He has issued the Nonmunicipal Use Permit to Rabbi Hein.
- He created a Nonmunicipal Use Permit Application Form, since the Village currently does not have one. The Board will review and suggest a change if needed.

VILLAGE ATTORNEY

Mayor Corby informed the Board that he had received a possible Ethics Code violation, and he was given direction from Hodgson and Ross to convene the Ethics Board to review the violation. The Board discussed the steps necessary to convene the Board.

TREASURER’S REPORT / VILLAGE CLERK

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Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #11 of 2014/2015 fiscal year for approval. A **motion** was made by **Mayor Corby, seconded by Trustee Galusha**, to approve payment of the amended vouchers listed on Abstract #11 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #11

• General Fund (#302-#328, #330-#339):	\$ 59,129.23
• Sewer Fund (#329, #330):	<u>\$ 271.68</u>
Total Vouchers for Approval:	\$ 59,400.91

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

Budget Transfer:

From: A1990.4 (Contingency):	\$7,000.00
To: A1420.41 (Insurance):	\$7,000.00

Motion Trustee Boehlert, seconded by Mayor Corby, to approve budget transfer to move monies from the contingency account to the litigation line to cover current expenses.

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

Village Treasurer requested the Board appoint an additional liaison for review of the bill pay to cover when the existing liaison is unavailable to conduct the review.

Motion Mayor Corby, seconded by Trustee Galusha, to amend the organization meeting liaison appointment to add Trustee Galusha.

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

The Village Treasurer and Clerk passed along the Budget Workshop Schedule and the Village Board Meeting Schedule for the Board to review.

VILLAGE CLERK

- The Village Clerk informed the Board that the Village Hall had a very successful event for Candlelight Night. Trustee Galusha commented to the Board that there had been a steady flow of residents stopping into the Village Hall, where they enjoyed performances by the Allendale Choir and trombone quartet from Sutherland High School. It had been a wonderful evening. The overall event was well attended and successful, and suggestions for next year to improve safety and resident enjoyment were discussed.
- Mayor Corby and the Board discussed the beautiful decorations at the Village Hall. The Board thanked Sophie Bennett for all the work involved.

DPW REPORT

- Leaf pickup went very well, and with the assistance of a temporary employee, they were able to run two crews for the pickup.
- The heaters at the DPW building required service and three heaters were in need of repair, which resulted in a repair cost of \$2,785.
- Trustee Galusha informed the Board that the repairs that had been completed on the sweeper were previously noted in minutes in 2010 as requiring \$35,000 worth of work, which had not been completed.

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- The crew will continue to work on necessary maintenance for the Department of Public Works as noted by the Fire Marshall's report.
- The Memorial benches along Shoen Place are being refurbished over the winter. Mayor Corby suggested the crew look at the benches in the Sam Patch area.

MINUTES

Motion Mayor Corby, and seconded by Trust Boehlert, to approve the minutes of October 23, 2014.

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

Motion Mayor Corby, and seconded by Trust Galusha, to approve the minutes of October 28, 2014, with correction.

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

Motion Mayor Corby, and seconded by Trust Galusha, to approve the minutes of November 7, 2014.

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

Motion Mayor Corby, and seconded by Trust Galusha, to approve the minutes of November 13, 2014.

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

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Galusha, to adjourn the meeting at 10:07 PM.

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

Dorothea M. Ciccarelli, Recording Secretary