

**PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES**  
**March 10, 2015 – 7:00 PM**

**Present**

<b>Mayor:</b>	Robert C. Corby
<b>Trustees:</b>	Lili Lanphear Lorie Boehlert Tim Galli Frank Galusha
<b>Building Inspector:</b>	John Limbeck
<b>Superintendent DPW:</b>	Doug Yaeger
<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 asked if any of the Board members had a conflict of interest or had accepted gifts associated with any of the meeting agenda items. Trustee Galusha indicated that he is mentioned in the Mark IV lawsuits, but that he did not feel the items on the agenda were part of the conflict. The Board members indicated that they had no conflicts of interest to report.

**PUBLIC COMMENT**

Joseph D. Picciotti, Attorney, Harris Beach, representing Mark IV, stated that the Board could not take action on Agenda item 6, regarding the resolution - Friends of Pittsford Village lawsuit, because of Judge Ark's order dated October 28, 2014. He further stated that the Village Board, particularly Trustee Galusha, was found to have a conflict of interest involving the matter of Pittsford Canalside Properties' project, and similarly, the Mayor had a conflict regarding SEQR items. The attorney expressed that the Board could not take an action, since the proposed resolution cannot look back and justify the previously filed answer on behalf of the Village. He indicated that he thought it was filed without authority. He further stated that Trustee Galusha and Mayor Corby cannot act on the agenda item per the Court order. He urged the Board not to violate that court order.

**AL HERDKLOTZ – AMERICAN LEGION**

Mr. Herdklotz informed the Board that the Legion has been granted a variance from the Zoning Board and approval from the APRB for installation of the Cypress 16 ft. x 10 ft. wood storage shed. He stated that the Legion was not able to obtain a full grant for the shed, and requested that the Village provide the concrete pad for shed. He stated that the construction of the shed would be an Eagle Scout project, with a project start time of May. The doors will be on the gable end, and the shed will be available for the Village to store items as well. The Board requested the shed not have any windows or shutters. Mayor Corby indicated that he would mark the location for the pad.

Mr. Herdklotz reviewed the current fundraisers conducted by the Post, and requested that the Board approve a garage sale on an upcoming weekend behind the Village Hall. The Board indicated that they had no concerns with the idea and told Mr. Herdklotz to meet with the Building Inspector to fill out the non-municipal use permit application.

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**Motion Trustee Lanphear, seconded by Trustee Galusha,** to authorize the DPW to provide concrete for a cement pad and approval of the Cyprus 16 ft. x 10 ft. shed.

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

Mr. Herdklotz informed the Board that the Legion is seeking a grant from the Greater Rochester Health Foundation for an Induction Loop System to assist their members and the public with hearing. Mr. Herdklotz stated that he is also seeking to have the grant install a system in the Village Meeting hall. Mayor Corby expressed interest in meeting with the company providing the quote to discuss how they would install the system and the different types of systems available.

**Motion Mayor Corby, seconded by Trustee Lanphear,** to write a letter in support of the grant application for The Greater Rochester Health Foundation for Induction Loop System for the American Legion.

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

**WESTPORT CROSSING – LANDSCAPE PLAN REVIEW AND STREET NAME APPROVAL**

Mayor Corby informed the applicant that the Village had not received all the information necessary for the Board to issue an approval on the Landscape Plan and that they will need the Village Engineer and the Village's special council to review it. The applicant requested that the Board allow them to make the presentation and the Board could issue approvals at a later date.

Peter Vars, of BME Associates, informed the Board that they are required to appear before the Board because the Special Permit and final site plan approvals require the applicant to get final approval of the landscape median from the Board of Trustees. He stated that the applicant has been working with the Department of Transportation on the median and the highways, and the plantings will require the Board of Trustees' approval. He stated that the median will be about 10 feet wide to allow the adequate shoulder and lane widths that the DOT requires. They are proposing three elm trees, perennial beds of day lilies, plethora shrubs and a native natural grass. He explained that these items were chosen because they are hardy plant species, salt tolerant and low maintenance. Mayor Corby indicated that at initial review, it is similar to the original concept, and with a brief overview, it looks great. Trustee Boehlert asked Trustee Lanphear if it should be similar to the railroad bridges. Mayor Corby indicated that with the location, it might be the right idea. Trustee Galli questioned if they had received all the approvals from the DOT for the median. Mayor Corby informed the applicant that when all the reviews have been completed, the applicant will be able to return to a meeting for the necessary approvals. Mayor Corby informed the applicant that the Village might also require approval from the Town of Pittsford for the maintenance of the median. Trustee Galli questioned whether the snow plowing was taken into consideration. Mr. Vars indicated that it was, and that is why the DOT requires a minimum of 4 ft. shoulder, as well as the taper distance for vehicles. If the median is landscaped, the DOT requires that the local municipality maintain the median, as well as indicate what would happen if the plantings do not survive.

Chris DiMarzo discussed with the Board the process of going to 911 and obtaining allowable street names. Mr. DiMarzo indicated that they would not allow any names with the word "canal." 911 approved the use of the name Westport Crossing. Mayor Corby stated that he did not approve of "crossing," but did approve of Westport "Drive" or "Street." The Board discussed alternates to Crossing but indicated Drive would be acceptable.

**Motion Mayor Corby, seconded by Trustee Boehlert,** to approve the street name Westport Drive for the Westport Crossing project.

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

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**SETTING OF PUBLIC HEARING TAX LEVY OVERRIDE**

The Board discussed with the Clerk when they could set the public meeting.

**Motion Mayor Corby, seconded by Trustee Galli**, to set a public hearing on April 14, 2015 at 7:30 pm for the Tax Levy Override.

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

**MEMBER ITEMS**

Trustee Galli discussed with the Board that a majority of the Village’s electricity is purchased from Energy Direct, and he suggested that the Village switch back to Rochester Gas and Electric for better rates. He indicated it just requires a phone call and that there is not contract.

Mayor Corby reviewed with the Board correspondence received from Ms. Humphrey’s second grade class, thanking the Board for the opportunity to present their butterfly project to them.

Mayor Corby discussed the leaks in the meeting room and that he had contacted Eastman Roofing. He discussed the determination from the roofer regarding the necessary repairs. He stated that we are currently awaiting an estimate.

**DPW REPORT**

- Superintendent Yaeger reviewed with the Board an estimate he received for the repair of the fuel pumps at the garage. He indicated the current gauges do not work and usage has to be calculated manually. The cost to replace both pumps is about \$1,500. The Board requested that Mr. Yaeger see if it is possible to obtain fuel from the School District. Mr. Yeager stated that he will reach out to the district and get back to the Board.
- Superintendent Yaeger discussed the snow removal over the past month, and indicated that the crew has done a good job. Mayor Corby stated that it seems using a slow methodical method with the machines is the best. Mr. Yaeger also discussed areas of ice buildup that they are in the process of treating.
- Mr. Yaeger informed the Board that they were on track with Bristol’s for dropping off the hanging baskets.
- Mr. Yaeger discussed moving a garbage can from Schoen Place to the four corners to get an idea of whether the Village would prefer utilizing the larger cans on Main Street.
- The Superintendent reviewed the current truck maintenance and reported that no serious issues were found.
- Mayor Corby spoke to the Superintendent regarding recently planted trees on Washington Avenue, Main, and South Streets that did not survive that will require replacement.

**SPECIAL PERMIT LAW CHANGE**

Mayor Corby reviewed a minor change to the purpose statement of the Special Permit Law that is up for public hearing on March 24, 2015.

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**BUILDING INSPECTOR REPORT**

**Residential:**

- A stop-work order was placed on the project at 71 South Street, until construction drawings are returned with an architect stamp on them. Mr. Limbeck indicated to the Board that he had missed the stamp.

**Commercial:**

- The Appearance Ticket, issued to Mr. Newcomb, for the illegal work at 9 South Main Street, has been resolved between the attorneys for both sides. Mr. Newcomb will pay a \$250 fine to settle the matter.
- The Village has received three of the licensed waste hauler responses, including the \$500 licensing fee.
- Mr. Limbeck has received a request to determine why the Pittsford Farms Dairy did not install the screening required by the Overlay Zoning requirements when they expanded the business. (210-56.3 (12) ) He is currently looking into the issue.
- Mr. Peter Messner of Messner Carpet will be replacing his heating unit this coming spring. He is interested in installing solar panels on the rear roof of his business. Since they would not be visible from any street, he will be working with the APRB to screen the side elevations if necessary. Mayor Corby indicated that they would be visible from his street. The Fire Marshal, Kelly Cline, reviewed with the Board information regarding solar panels.
- Mr. Sami Mina of the Saha Med Grill has placed two planting urns at both ends of the Newcomb right-of-way that exists between his restaurant and the Yotality building. These are intended to prohibit patrons from entering or exiting the restaurant parking lot via South Main Street.
- Mr. Limbeck issued a revised Notice of Violation and Order to Remedy to Mr. Powers for his Schoen Place barns. In response, Mr. Powers did provide a signed and notarized Restrictive Covenant, which was given to Jeff Turner. He will file this document with Monroe County so that the requirements are attached to the property.
- Mr. Limbeck issued a revised Notice of Violation and Order to Remedy to the Pittsford Farms Dairy as they do not want to complete their site plan per Village requirements. They are required to provide the drainage documents as detailed by Scott Harter or the Village will use their funds to resolve the matter within 30 days.
- Mr. Limbeck was able to initiate his review of the Northfield Common site plan submission. They already have the parking and striping portion of this plan approved and will implement it when the weather breaks. They were further required to submit the drainage, lighting and landscaping portions of their plan for review and approval by the Planning Board. The plans they submitted included landscaping, lighting and grading. He notified them that the grading plan needed additional details; the lighting plan did not contain any of the required lighting details and/or depictions on the drawings; the landscaping plan did not differentiate between existing or new vegetation and that it was not prepared by a licensed landscape architect. They are also proposing to remove the large, mature tree that exists between Label 7 and the map shop. They did not submit any drainage plan or engineering report as required by our Code. In his letter, he informed

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them that they need to have these materials submitted to the Village at least one (1) week before the next Planning Board meeting, or by the deadline for the subsequent meeting.

**General:**

- Mr. Limbeck introduced himself to the Town of Pittsford's Animal Control Officer, Allen Reitz, after the Village adopted the revised Animal Control Code section and agreed to stay in touch on any relevant issues.
- Mr. Limbeck discussed with the Board the several parking complaints for Grove and Elm Streets. He questioned if the Board would consider restricting the parking on Elm Street to 2-hours or less. The Board requested the item be placed on the March 24, 2015 agenda for discussion, and the clerk notify the residents involved.
- Mr. Limbeck informed the Board of the possibility of collecting a fee on the issuance of a certificate of occupancy on properties before building permits being issued. He also suggested the Board allow the charge of two times the building permit rate when a resident does not obtain a permit prior to work being done.
- Mr. Limbeck reviewed the current fees charged for dumpsters with the Board. The Board indicated the current fee charged is appropriate.
- Mr. Limbeck will be attending the FLBOA training March 16 through the 20<sup>th</sup>.
- Mr. Limbeck discussed the tenant house at the Pittsford Farm Dairy, which currently does not meet Village or NYS Property Maintenance Code. He has reached out to Charles Corby to discuss the situation. Mr. Limbeck suggested perhaps a Board member might contact him as well and discuss the matter. Mr. Limbeck indicated that perhaps allowing him 2-3 years to complete the repairs would be appropriate. Mayor Corby informed the Board that due to his relationship with the owner, he will not participate in the discussion. The Board discussed the situation and it was agreed that Trustee Lanphear would contact the owner.

**SETTING OF PUBLIC HEARING FOR STOREFRONT**

The Board reviewed the proposed storefront regulations and suggestions were received from the Village Attorney. Mayor Corby also informed the Board that he discussed the proposed changes with some of the Merchants.

**Motion Mayor Corby and seconded Trustee Galli** to hold a public hearing on April 14, 2015 at 7:30 PM on amending section 210-8 Storefronts.

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

**ATTORNEY CLIENT MEETING**

**Motion Mayor Corby, seconded by Trustee Lanphear,** to enter into Attorney Client Meeting.

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

Having taken no action, a **motion** was made **by Mayor Corby, seconded by Lanphear** to leave Attorney Client Meeting at 8:41 PM and reenter the regular session of the meeting.

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

**RESOLUTION – FRIENDS OF PITTSFORD VILLAGE LAWSUIT**

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Motion Mayor Corby, seconded by Trustee Lanphear to make the following resolution.

**Vote:** Corby – yes, Lanphear– yes, Boehlert – No, Galli – No, Galusha– Yes. **Motion carried.**

WHEREAS, the Friends of Pittsford Village, Inc. (“FOPV”) has commenced an Article 78 proceeding against the Planning Board seeking, among other things, to annul approval of Pittsford Canalside Properties, LLC’s (“PCP”) Final Site Plan; and

WHEREAS, the Village Board of Trustees (the “Board of Trustees”) has been named as a Respondent in this proceeding, as the Special Permit and the issuance of building permits are at issue; and

WHEREAS, the Board has already adopted two resolutions with respect to PCP’s project changes, determining that the project changes are substantive and significant; and

WHEREAS, the Board of Trustees has authorized Hodgson Russ to defend these determinations by, among other means, commencing litigation, and to ensure compliance with the Special Permit; and

WHEREAS, the Board of Trustees has asserted cross-claims in the FOPV Article 78 proceeding to defend the Board of Trustees’ previous resolutions and to enforce the Special Permit;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees affirms that the cross-claims are authorized by the Board of Trustees, per the prior instructions given to the Board of Trustees’ legal counsel.

**TREASURER’S REPORT / VILLAGE CLERK**

**Village Clerk, Dorothea M. Ciccarelli**, presented vouchers listed on Abstract #17 of 2014/2015 fiscal year for approval. A **motion** was made **by Mayor Corby, seconded by Trustee Galli**, to approve payment of the vouchers listed on Abstract #17 in the amounts stated below and to charge them to the appropriate accounts.

**Vouchers for approval – Abstract #17**

• General Fund (#497-#505, #507-513, #515-#527)	\$58,164.62
• Sewer Fund (#506,#517):	<u>\$ 642.73</u>
<b>Total Vouchers for Approval:</b>	<b>\$58,807.35</b>

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

**VILLAGE CLERK**

- The Clerk reviewed with the Board the Chair Lift Bid specifications and requested approval to go out to bid.
- **Motion Mayor Corby, Seconded Trustee Lanphear**, to authorize the bid specifications for the chairlift. **Vote:** Corby- yes, Lanphear –yes, Boehlert - yes, Galli - yes, Galusha - yes. **Motion Carried.**
- The Clerk requested the Board make the resolution Authorizing Execution Letter for Financial Consulting Service - Bernard P. Donegan, Inc. The Board requested this item be tabled to a future meeting.
- The Clerk reviewed with the Board the General Code Supplement Estimate for legal updates made to the code.

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**Motion Mayor Corby, Seconded Trustee Galli**, to authorize the clerk to sign the estimate for the General Code. **Vote:** Corby- yes, Lanphear –yes, Boehlert - yes, Galli - yes, Galusha - yes.

**Motion Carried.**

- The Clerk requested an update on the plans for the Community Event sign. Mayor Corby stated that they were still in the process of finding a new home for the sign.
- The Clerk reviewed the water damage in the room with the Board and the steps that had been taken and what currently was anticipated for repair of the damage.

**MINUTES**

**Motion Mayor Corby and seconded by Trust Galusha**, to approve the minutes of February 10, 2015.

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

**ADJOURNMENT**

**Motion Mayor Corby, and seconded by Trustee Lanphear**, to adjourn the meeting at 8:51 PM.

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

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Dorothea M. Ciccarelli, Recording Secretary