

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
June 23, 2015 – 5:30 PM

Present

Mayor:

Robert C. Corby

Trustees:

Lili Lanphear

Frank Galusha

Alysa Plummer

Margaret Caraberis

Recording Secretary:

Dorothea M. Ciccarelli

CALL TO ORDER

Motion Mayor Corby and seconded by Trustee Plummer called the meeting to order at 5:30 PM.

RTS BENCH—NORTH MAIN STREET

Mayor Corby discussed the repair and replacement of an RTS bench. He stated that he had spoken to Doug Yaeger, who stated that the bench was beyond repair. Mr. Yaeger found affordable options to replace the bench, which the Board reviewed. Mayor Corby discussed changes in RTS routes, and stated that he requested that Mr. Yaeger confirm the schedule before ordering a new bench. Trustee Plummer inquired as to why the bench was irreparable, to which Mayor Corby replied that it was extensively bent and rusted. He further explained that the benches were originally provided by the Department of Transportation, but that when the DOT makes improvements in the Village, they become the responsibility of the Village to repair. The Board decided to forestall deciding on the bench replacement until they receive a report from Mr. Yaeger on the changes in the bus route.

RESOLUTION IN SUPPORT OF THE PRESERVATION OF THE MUNICIPAL BOND TAX EXEMPTION

Mayor Corby stated that the following NYCOM resolution had been passed by the Villages of Fairport and Honeoye Falls, and explained that passing the resolution would serve as a record of NYS villages' resisting the tax cap. After inquiry by Trustee Caraberis, Mayor Corby explained that the goal of NYCOM is to do away with the tax cap, because of the different needs of the different municipalities.

Mayor Corby presented the following resolution and duly moved that it be adopted and was seconded by Trustee Caraberis:

WHEREAS, the Village of Pittsford, a local government doing business and providing essential services in New York State, relies heavily on the acquisition and use of municipal bonds; and

WHEREAS, the Village of Pittsford is concerned about the provisions in the White House FY 2015 that seeks to end the long-standing tax exempt status of municipal bond interest, and

WHEREAS, the tax exemption has been a successful cornerstone of state and local infrastructure development for over 100 years, and has been effectively used to finance the vast majority of the nation's infrastructure and capital projects; and

WHEREAS, any proposal to reduce or repeal the tax exemption of municipal bonds would have a severely detrimental impact on local and national infrastructure development and the

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municipal bond market, thereby increasing the borrowing costs of state and local governments and creating uncertainty for potential investors; and

WHEREAS, through this critical financing tool, state and local governments are able to save approximately two-percentage (2%) points on their borrowing costs to finance public infrastructure improvements; and

WHEREAS, eliminating or limiting the exclusion of interest on municipal bonds will increase the cost borne by taxpayers for critical infrastructure projects,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Pittsford is in support of the preservation of the municipal bond tax exemption and adamantly opposes eliminating or limiting the exclusion of interest on municipal bonds.

The motion having been duly seconded, it was adopted and the following votes were cast:

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

RESOLUTION IN SUPPORT OF THE NEW YORK STATE REAL PROPERTY TAX CAP

Mayor Corby presented the following resolution and duly moved that it be adopted and was seconded by Trustee Caraberis:

WHEREAS, on June 24, 2011, New York State (NYS) instituted the Real Property Tax Cap (Tax Cap); and

WHEREAS, the Tax Cap law established a limit on the annual growth of property taxes levied by local governments and school districts to two percent (2%) or the rate of inflation, whichever is less; and

WHEREAS, the Tax Cap applies to all independent school districts and local governments including counties, cities, towns, villages and special districts outside of New York City; and

WHEREAS, exceptions to the tax cap are limited to narrow exclusions arising from significant judgements of tort claims and unusually large year-to-year increases in pension contribution rates; and

WHEREAS, the current Tax Cap legislation is set to expire on June 15, 2016; and

WHEREAS, the Governor's Office would like to extend the Tax Cap for a significant period of time, if not indefinitely; and

WHEREAS, due to the fiscal constraints the Tax Cap places on local governments and the on-going and mandated costs that burden communities throughout NYS, the Village of Pittsford would appreciate the opportunity to suggest potential modifications to the Tax Cap; and

WHEREAS, modifications to the current law include capital budget appropriations for any project for which a period of probable usefulness is established through §11.00 of the New York State Local Finance Law should be exempt from the property tax calculation; the amount of any year-to-year health insurance premium increases in excess of the property tax cap calculation, or 2%, should be exempt from the property tax cap calculation; and

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WHEREAS, changes in the assessed value for each property on the exempt side of the tax rolls under Payment in Lieu of Taxes (PILOT) agreements be included when the State Commissioner of Taxation and Finance calculates the quantity change factor for each local government and school district. The quantity change factor is a component of the formula which determines a local government or school district's real property tax levy cap.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Pittsford is in support of modifying the New York State Real Property Tax Cap by proposing to include capital budget appropriations for any project for which a period of probable usefulness is established through §11.00 of the New York State Local Finance Law should be exempt from the property tax calculation as well as the amount of any year-to-year health insurance premium increases in excess of the property tax cap calculation, or 2%, should be exempt from the property tax cap calculation; and

BE IT FURTHER RESOLVED that the change in assessed value for each property on the exempt side of the tax rolls under Payment in Lieu of Taxes (PILOT) agreements be included when the State Commissioner of Taxation and Finance calculates the quantity change factor for each local government and school district. The quantity change factor is a component of the formula which determines a local government or school district's real property tax levy cap.

The motion having been duly seconded, it was adopted and the following votes were cast:

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

EXECUTIVE SESSION

Motion Mayor Corby, seconded by Trustee Lanphear, to enter into executive session to conduct job applicant interviews.

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

Having taken no action, a **motion** was made **by Mayor Corby, seconded by Trustee Galusha,** to leave executive session at 7:00 PM and reenter the regular session of the meeting.

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

AUTHORIZATION FOR CURB CUT—22 BOUGHTON AVENUE

Linda Williams, 22 Boughton Avenue – Requested permission from the Village Board to make a curb cut on Jackson Park for the construction of a residential driveway where the new curb cut is proposed.

Village Attorney, Jeff Turner, stated that after speaking with Scott Harter, he determined that since Village sidewalks are subject to maintenance by the Village, the DPW should be able to conduct site visits to make decisions, but that it should not be part of the policy that a site visit must be conducted. Trustee Caraberis asked for additional background on the issue, to which Mr. Harter responded that this case referred to an essentially non-functional driveway, and that Planning Board approval has been received for a new curb cut. He stated that the resident still needed APRB approval for building the garage. From this, the question arose as to whether or not the plans needed Trustee approval, which Mr. Harter confirmed they did not. He referred to an email sent to the board outlining how a policy for this issue might be handled, in the event that a similar issue arose in the future.

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Mr. Turner stated that an issue remained over whether or not there should be a back-charge for the engineering work. He stated that he had previously discussed this issue with the Village Clerk and Mr. Harter, and their initial conclusion was that a charge should be issued for the service provided, but they conceded that this was similar to the work done by a building inspector, for which back charges were not issued. Mayor Corby stated that due to the size of the modest proposal for this project, he believed that the fee should be waived, and the Board and Mr. Turner agreed.

Trustee Lanphear asked for confirmation about replacing the sidewalk, per the Planning Board's conditional approval. Mayor Corby confirmed that there is a sidewalk flush to the pavement, and that he considered this the optimal solution. He commented that the Board gets involved in these issues to prevent municipal property from being damaged, but that no such risk exists in this instance. Mr. Harter stated that he thought this policy should not only apply to Village streets, but also to State and County highways, which may also have municipal property. Mayor Corby clarified that according to the State Department of Transportation, everything from the street to the right of way line falls under Village jurisdiction.

Motion Mayor Corby seconded by Trustee Galusha that all driveway changes and curb cuts on Village streets, as well as on State and County highways, be subject to Village Board approval, **Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

Motion Mayor Corby, seconded by Trustee Galusha to approve the application of Linda Williams, of 22 Boughton Avenue, for a curb cut and construction of a new garage, as described, subject to review by the Village Engineer and recommendations by the Superintendent of the Public Works. **Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

TREASURER'S REPORT / VILLAGE CLERK

Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #003 of 2015/2016 fiscal year for approval. A **motion** was made **by Trustee Plummer, seconded by Mayor Corby**, to approve payment of the vouchers listed on Abstract #003 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #003

- General Fund (#1, #35-#60): \$32,876.66
- Total Vouchers for Approval: \$32,876.66**

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

Budget Transfers

A **motion** was made **by Mayor Corby, seconded by Trustee Galusha**, to approve budget transfers.

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

2014-15 General Fund Budget Deficit: \$ 258,938.15
Sewer Fund Budget Surplus: \$ 58,098.76

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

VILLAGE CLERK

- The Village Clerk discussed the email policy, which states that all Village business will be conducted on Village email. She stated that although this was not a past practice, because of Freedom of Information Law (FOIL) requirements, it will be of benefit to the members of the various boards. The Clerk stated that she had the Village's labor attorney review the policy, and changes in the policy were reflective of his review. Trustee Galusha asked if this was the policy that the Board had seen previously, to which the Clerk responded that it had been expanded by the labor attorney. The Village Clerk confirmed, following Trustee Caraberis' inquiry, that correspondence with attorneys is not subject to FOIL.

Motion by Mayor Corby, seconded by Trustee Caraberis, to adopt the email policy.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes.

Motion carried.

- The Village Clerk discussed adopting the bank policy regarding the safety deposit box. A **resolution** was made **by Mayor Corby, seconded by Trustee Galusha,** to adopt the bank policy.

Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes.

Motion carried.

MEMBER ITEMS

Mayor Corby stated that he had spoken with Kelly Cline regarding zombie houses, and that she has been investigating the three located in the village to ascertain the management company for each. He stated that he had spoken to resident Bob Michaels, who has been concerned about the property next to him on State Street, and that the front grass of said property had been cut, but not in the back. Mr. Turner referred to Chapter 76 of the Village Code, which pertains to uncut grass and brush. He stated that the Building Inspector must send a five-day notice before any action can be taken; once that has been done, the DPW can remediate, and the cost of remediation can become assessed. This applies to any maintenance that becomes a nuisance that does not involve the building itself. He then spoke about Chapter 80, which refers to unsafe buildings. He suggested that building inspections should not occur without a Monroe County Sherriff present.

Trustee Plummer asked on what grounds entrance into a house is permitted, and Mr. Turner replied that entrance into a house is permitted when the house is determined to be unsafe. Once the Building Inspector has determined that a building is unsafe, a fifteen-day notice will go out to remediate. If that does not occur, the Board must retain two architects or two builders to go through the house and report about what needs to be done. Then, Mr. Turner will go to court to get an order to get the repairs done. Mr. Turner pointed out that the chapter lacks language about how these expenses, which can be applied back to the property, can be collected as a tax. Upon Mayor Corby's request, Mr. Turner agreed to draft such language. He referenced required maintenance sections in the Zoning code, which enable him to get an order from the court. The Board reviewed the problems with the three zombie houses in the Village. Mr. Turner stated that his first course of action will be to find out who is responsible for these properties. He reiterated that the APRB part of the code needs to be amended, so that maintenance costs do not come out of Village funds.

Mayor Corby presented to Mr. Turner a rewritten section of the APRB code, with language inserted. Mayor Corby requested scheduling a public hearing on this segment. Mr. Turner stated that he was not sure that code publishers would know where to put this in the code, and those references to code sections should be included.

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Mayor Corby reported that he had written a letter to the Department of Transportation (DOT) summarizing his conversation with them, and that he and Scott Harter are meeting with representatives from BME.

Trustee Caraberis spoke about planning future meetings to best prioritize Village business. The Board reviewed the various items they have pending, including 34 Monroe and the Northwest Quadrant Plan.

Motion Mayor Corby, seconded by Trustee Galusha, to enter into an attorney-client privilege session.

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

Having taken no action, a **motion** was made **by Mayor Corby, seconded by Trustee Galusha**, to leave the attorney-client privilege session.

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

Trustee Plummer spoke about passing a resolution to update the Village's comprehensive plan and the Local Waterfront Revitalization Program (LWRP). Mayor Corby explained that he and Trustee Plummer had attended a training session on obtaining grants, and would like to move ahead with updating the comprehensive plan and the LWRP. He stated that the plan is over fifteen years old, and the Board would like to begin the process of applying for grants to fund the plan update. Mr. Turner stated that comprehensive plans, and the method by which to modify them, is in Village law.

Motion Mayor Corby, seconded by Trustee Plummer, to update the Village's comprehensive plan and the LWRP, according to New York State Village Law standards for updating comprehensive plans.

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

Trustee Caraberis inquired about the Spiegel Center Project, to which Mayor Corby replied that he is touring the town with Bill Smith to discuss ideas, but that Mr. Smith had indicated that he planned for the process to begin in the fall.

Trustee Plummer discussed holding a Trustee Open House for residents, to foster relationships with community members. The Board discussed locations and dates, with Trustee Plummer planning to investigate potential dates.

Trustee Lanphear discussed the landscaped area across from the new wine bar, and stated that the Village holds a credit from Bristol, and that trees will be planted and other plants rearranged. After applying the credit, the estimated cost is \$100. Trustee Lanphear stated that she contacted the clock company, and is waiting to hear back regarding the restoration work. Trustee Plummer recommended contacting Fran and Herb Kramer for their expertise, as they may be able to recommend a local contractor able to restore the clock. Mayor Corby suggested contacting Canandaigua National Bank and Penfield as well for possible clock repairmen recommendations. Trustee Lanphear stated that she had submitted the trash can order to the Village Treasurer.

Trustee Lanphear stated that she had spoken to Doug Yaeger, asking him to supply spray chalk to mark sign and locust tree locations.

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MINUTES

Motion Mayor Corby, Seconded Trustee Lanphear, to approve the Village Board minutes from May 12, 2015.

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

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Plummer, to adjourn the meeting at 10:03 PM.

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

Dorothea M. Ciccarelli, Recording Secretary