

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES

July 14, 2015 – 6:00 PM

Present

Mayor:

Robert C. Corby

Trustees:

Lili Lanphear

Frank Galusha

Alysa Plummer

Margaret Caraberis

Recording Secretary:

Dorothea M. Ciccarelli

CALL TO ORDER

Motion Trustee Plummer and seconded by Trustee Galusha called the meeting to order at 6:00 PM.

EXECUTIVE SESSION

Motion Trustee Galusha, seconded by Trustee Lanphear, to enter into executive session.

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

Having taken no action, a **motion** was made **by Trustee Lanphear, seconded by Trustee Galusha,** to leave executive session and reenter the regular session of the meeting.

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

75 MONROE AVENUE, MEDIAN AND SIDEWALKS

Peter Vars, of BME Associates, reported that the number of lilac trees in the median has been increased from four to seven, per the Board’s request. Mr. Vars said that the curbing is still concrete. Chris DiMarzo and Bryan Powers, of Mark IV Enterprises, stated that the landscaping and curbing are separate issues. Daniel Spitzer, of Hodgson and Russ, LLP, stated that, per the Special Permit, the Board must approve landscaping, and explained that the landscaping and curb issues are two separate actions. The first action is that the Trustees must approve the landscaping within the landscaping median. The second action is per the site plan component of the project, in which the applicant is required to obtain a Department of Transportation (DOT) permit to construct the median. For the Department of Transportation to issue a permit, New York State requires a maintenance agreement for the landscape median from the Village of Pittsford.

Mr. Vars explained that the original landscaping plan had been reviewed by the town engineer and subsequently, the Village recommended that he switch the trees to lilacs, which was done. Following that, the number of trees was changed from four to seven. Trustee Caraberis stated that she recalled some issues related to the angle of driveways, and asked how this corresponded with the updated plans. Trustee Galusha inquired how tall the trees would be at maturity, to which Mr. Powers stated that these were the trees recommended by Mayor Corby. Mr. Vars recalled a ten- to sixteen-foot height at maturity. Per Trustee Galusha’s question, the applicants confirmed that the shrubbery would remain the same, and that the sidewalk had been changed. Trustee Plummer inquired how large the shrubs would be when planted, and the applicants stated that the trees will be twenty-four inches when planted. The Board and the applicants discussed approval in separate votes; the Board decided to conduct a single vote on both aspects of the application. Mr. Powers

recalled a previous meeting at which the Board expressed concern with concrete curbing. He also recalled a disconnect as to who would be responsible for maintaining the curb, stating that the applicants were under the impression that the DOT would be responsible, but that correspondence from the DOT implied that the Village would be responsible. Mr. Powers stated that this issue was between the Village and the DOT, with the caveat that PCP was willing to go before the DOT and support the Village to advocate for DOT responsibility, as they felt this was part of the highway infrastructure. Both parties outlined a plan to communicate with the DOT. Mr. DiMarzo asked the Board to approve the plan at the current meeting with, if they wished, the provision that granite curbing must be installed. Mr. Spitzer disagreed, encouraging the Board to forestall approving the plan, but agreed that the applicants need not come before the Board again. The applicants then outlined changes in the sidewalks, which changes were made to facilitate plowing.

The applicants reviewed the results of the site walk conducted with Mayor Corby. They discussed planting locations for trees, such that growth would not interfere with electrical wires. Mayor Corby recommended four species of trees: London Planetree, Little Leaf Linden, Popcorn Bean, and Sweetgum trees. Trustee Caraberis requested to see APRB minutes on the Sutherland Street project. She inquired as to the benefit to residents for the water main along Sutherland Street. Mr. Powers explained that there will be added fire flow. Per Trustee Plummer's inquiry, Mr. Powers explained that the trees they will be inserting will be between 2-3 inch calipers. He requested that the Board formally waive the requirement that trees not be removed. Mr. Spitzer indicate that the Board should do a mass agreement for all the approvals needed at one time. The Board agreed this action would be the best way to handle all the requested approvals for the developer.

EXECUTIVE SESSION

Motion Mayor Corby, seconded by Trustee Plummer, to enter into executive session at 7:50 pm.
Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

Having taken no action, a **motion** was made **by Trustee Lanphear, seconded by Trustee Plummer**, to leave executive session and reenter the regular session of the meeting.
Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

EAGLE SCOUT PRESENTATION: JAKE HOPPA

Using a power point presentation, Jake Hoppa outlined his Eagle Scout project proposal. He explained that his project would convert a small portion of Village property into a small-scale park with several elements to be implemented by the project's end, including an educational aspect tying to the Auburn Railroad Line, as well as benches, trashcans, and a walking path. He explained that the space is located between the entrance to Roberts Kitchens and Pittsford Farm Dairy. Mr. Hoppa explained that at the end of the project, there will be a split-rail fence, small-scale landscape architecture, such as a brick or stone walking path, a plaque or sign on Auburn Railroad history, benches, and floral planting of shrubs, perennials, and native plants. He reported that he has been investigating donations from nurseries and the Pittsford Garden Club. Mr. Hoppa stated that he is presenting preliminary plans intended to prepare the site for work. He submitted photographs of the site to the Board for review. He stated that when he met with Mayor Corby and Trustee Lanphear at

Proceedings of a Meeting of the Board of Trustees
July 14, 2015

the site, they indicated to him that there is a tree that leans in on the power lines, and suggested that he may work with the DPW to cut the tree.

Trustee Galusha asked for clarification that it will be just one tree that will be removed, to which Mr. Hoppa replied affirmatively, and said that this will increase the sunlight in the area. He stated that his troop and other helpers will remove the undergrowth, and that there are concrete slabs in the area, removal of which could be aided by the DPW. The Board replied affirmatively to this. Trustee Plummer asked if the rocks could be reused in the landscaping, and Mr. Hoppa agreed. Trustee Lanphear reported that she had spoken with Doug Yaeger about assisting with the project. Mr. Hoppa requested markings of any utilities that might run underground so that he can avoid them when he begins work. He stated that the intention is to mark them, and he suggested using colored flags. Trustee Galusha inquired as to whether or not the Village would need insurance coverage for this, to which the Village Clerk responded that she will verify whether insurance coverage is required. Mr. Hoppa presented photographs he had taken at the site. He reported that he will need assistance from volunteers, tools supplied by himself and other workers, possible assistance from Public Works, photographs he will provide before, during, and after the project to culminate into the final paperwork needed, and signage that will address recognition for the troop or himself, designating it an Eagle Scout project.

Trustee Caraberis inquired whether the benches would be subject to APRB review. Mayor Corby stated that technically, APRB approval was not required, but that he felt that obtaining approval was a good practice. Trustee Caraberis agreed, stating that it would be a good experience for Mr. Hoppa. Mr. Hoppa stated that he had begun research into fencing costs. Trustee Galusha inquired about dates for the APRB, and he and Trustee Plummer suggested that Mr. Hoppa follow up to make sure he was placed on the agenda for the upcoming APRB meeting. Mr. Hoppa stated that he would like to return to the Board at a later date to present the second stage of his project. Trustee Caraberis stated that she could help connect Mr. Hoppa with the Garden Club, who she believed might be interested in working with him. Trustee Plummer asked him for further information about the split rail fence. Mr. Hoppa stated that he would like to put two small fences, one by the fire hydrant and the other by utility lines. After Trustee Plummer's inquiry, Mr. Hoppa confirmed that this would act as a divider and would be in roughly the shape of an L.

Trustee Lanphear asked if Mr. Hoppa will present a site plan during his second phase presentation. He replied affirmatively and stated that he would also present the cost of materials, more research and development information, as well as input from donors and nurseries. Trustee Lanphear stated that this would be very helpful to the board, and reiterated that she had spoken to Mr. Yaeger and will introduce him to Mr. Hoppa. She commented on the possibility of using a backhoe or other machine to remove weeds, and stated that a DPW worker had begun removing the weeds, but discovered that there was poison ivy, and so using larger equipment would likely be the most expedient way to deal with this. Mr. Yaeger stated that it would be helpful to see both Mr. Hoppa's plan and timeframe to coordinate their efforts. Trustee Galusha asked how Mr. Yaeger planned to dispose of the poison ivy, to which Mr. Yaeger replied that they planned to dig it out. He also stated, in response to Trustee Plummer's inquiry, that the DPW would remove any obstacles, such as concrete or stone, once the overgrowth was cleared away.

Trustee Galusha asked Mr. Hoppa if he had sufficient funds for his materials. Mr. Hoppa replied affirmatively, stating that during the second phase presentation, he will include a budget with the cost of materials, and indicated that he is inquiring about donations, which will help reduce the cost.

Trustee Plummer asked what type of benches will be used, referencing the previous question as to APRB purview, and she stated that she felt a rustic-style bench would be more appropriate in this setting than a street-style bench. Mayor Corby confirmed that benches would be under APRB jurisdiction. Trustee Caraberis asked for confirmation that early August would be a good timeframe for Mr. Hoppa to appear before the APRB. Trustee Lanphear confirmed that the APRB meeting will be held on August 3rd, and reviewed some materials Mr. Hoppa would need to present. Trustee Plummer stated that Mr. Hoppa would need to submit documentation for the APRB to review by July 20. Mayor Corby congratulated Mr. Hoppa on his presentation, and thanked him for appearing before the Board. The Clerk informed Mr. Hoppa that she would forward the APRB application to him via email. Mr. Yaeger asked that he be included on this email, so that Mr. Hoppa had a method by which to contact him. Mr. Yaeger additionally reported that the two lilac trees in the area have spread so far that they are starting to spout saplings, and stated that he felt that if the trees were transplanted, they would not survive. He recommended cutting the trees back. Mayor Corby instructed him to remove the trees.

LITTLE FREE LIBRARIES

Mike Slade, resident of the Town of Pittsford—discussed his interest in seeing Little Free Libraries in the Village. He reported on his research on the history of Little Free Libraries, and expressed interest in constructing some of the libraries and receiving the appropriate zoning ordinances. He stated that he had spoken with Mayor Corby, who expressed interest in putting them in public locations. Mr. Slade explained that the issue is that these libraries are not permitted under zoning. He stated that they cannot be in the right-of-way, due to issues with plows. He suggested changing the entire zoning process to encourage rather than discourage building. He recommended issuing a flier designed to instruct residents how to get the proper approval to design a library, and suggested charging minimal fees for children who wish to construct them, with deductions from this if neighbors agree with the project. He further recommended providing information about lot lines, and suggested offering a certificate from the Mayor upon completion. He suggested that nothing could be sold at these locations, and that the Board set size requirements. He referred the trustees to the Little Free Libraries website and book. He stated that the issue would be promoting them within the Town and Village.

Mayor Corby asked who curated the library at the school in Brighton, to which Mr. Slade replied that he would assume the school itself. Mayor Corby asked Mr. Turner where in the code provisions for such libraries would go, to which Mr. Turner replied that he didn't know. Trustee Plummer stated that the libraries were similar to birdhouses, which aren't regulated. She stated that she thought the only time it would become an issue would be if someone constructed a library in their yard and then started piling books around it and leaving them there. She stated that if the Village were to promote this as a project, they may wish to provide guidelines. Mr. Slade suggested five to ten of such libraries in the Village. He suggested organizations such as the Girl Scouts, and stated that the two main issues would be how to control and how to publicize these libraries. He referred to an online map, stating that there were approximately a dozen in the City of Rochester, but only one in Pittsford. He reiterated that these could not go between the sidewalk and the road, and suggested the Phoenix building, but stated that this was public land. He offered the Board his contact information in case they had any further questions for him. He stated that they could be bought pre-fabricated, but could be made even more affordably.

ENGINEER'S REPORT

Proceedings of a Meeting of the Board of Trustees
July 14, 2015

- Village Engineer, Scott Harter, reported that he was present to speak on finalizing the site plan for 75 Monroe Avenue, as approved conditionally by the Planning Board, and stated that he had appeared regarding this previously. He stated that the applicant had, in his opinion, completed all the technical items of the conditioned approval. He stated that this related to the acknowledgment form, which needs to be signed by the Village Board or Mayor Corby, indicating that the Village is willing to accept responsibility for maintaining the drainage, should the developer default. He stated that it would be the primary responsibility of the developer. He said this is a provision cast into the state drainage law. He stated that there is another drainage easement that goes through this project, and that this easement covers the offsite drainage. He referred to previous discussions about the offsite drainage issue and the desire to correct it. He stated that signing off on the acknowledgment form enables the applicant to initiate work on removing the ponding drainage from the railroad tracks. He requested confirmation from Peter Vars that they are requesting this form, and Mr. Vars confirmed that was correct.

Mr. Vars stated that the form is required to complete the Storm Water Pollution Prevention Plan, and is required by the DEC for issuance of the water quality certificate to allow the storm water discharge into the canal. Mr. Harter stated that having reviewed the plans, his opinion is that the design is technically sound. He stated that in speaking to, and working with, the applicants prior to the meeting, the months of July and August had been earmarked for the proposed work, due to conducive weather. He continued, stating that he and the applicants had met with CSX Railroad representatives, who will verify that the connection can be made underneath the railroad tracks, and that CSX is willing to assist in accomplishing the project. Mayor Corby stated that he had previously spoken with the applicants, and they had discussed that, when the Board approved the resolution, there would be included a clause that indicated that the Board in no way endorses the site plan. Trustee Plummer agreed, stating that she thought this was meant to be written between the two law firms. Mr. Harter stated that he had spoken to the applicant's representative, and he was informed that a certain wording was required. Trustee Plummer stated that due to pending litigation, language was required to indicate that the resolution referred discretely to this issue. Trustee Plummer asked for more information on the SWPP process.

Mr. Harter stated that due to redevelopment rights, this situation is unique, and that when the rights changed on January 31 2015, they became much more conducive to redevelopment projects, and this is clearly a redevelopment project. He stated that there were, in his opinion, confusing criteria in the previous rights that were eliminated in the new rights. To summarize, he stated that because this project adjoins the canal and because it is a redevelopment project, the applicants are responsible for water quality and the proposed filtration technique through the sandy soil at the site. Mr. Harter stated that this is largely an issue of placement and sizing of the filtration devices the applicants wanted to put in the water. He referred to some previously discussed options, including ponds, which take up land area the applicants may not want to use as such. Additionally, green roofs were discussed, which he stated may not match the proposed architecture of the project. He stated that he felt the proposal made sense from a practical standpoint, in terms of functionality and serviceability. He further explained that he has reviewed the system with Doug Yaeger, and that they are still working on a maintenance component, should the Village need to maintain. He stated that there is a monitoring process wherein the system can be observed and checked to see when it is due for

Proceedings of a Meeting of the Board of Trustees
July 14, 2015

maintenance, and that when it is due, there are certain techniques that need to be employed. He stated that, as an MS4 project, this is the Village's first project in which they are taking an easement such as this one. He referred to sections in the Village Code with similar regulations, in that they impose the maintenance on the owner, but that in the event that the owner does not perform the appropriate maintenance, the Village can perform the maintenance and effectively back charge the owner. He stated that the redevelopment rights are functionally a formalized version of this section of the code in that they invoke an easement. Trustee Galusha asked to confirm that the project did not need an easement from the Board, but rather a motion to give some direction. Mr. Harter replied affirmatively, stating that the developer applicants are seeking to finalize the permitting process so that they can move forward with this work.

- **Trustee Galusha** moved to direct the Village Engineer and special counsel to work with Pittsford Canalside Properties, LLC, to enter into a formal agreement governing the permit to complete the work, the required easement, and the required security, seconded by **Trustee Plummer**.

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

AUTHORIZATION FOR MINDY ZOUGHLIN

Mayor Corby made a motion to approve Mindy Zoughlin as Legal Counsel for Zoning Board of Appeals, seconded by **Trustee Plummer**.

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

ABBY WAMBACH TRIBUTE

Mayor Corby stated that he had been contacted by Chuck Walton, inquiring as to whether Pittsford was doing anything to recognize Abby Wambach. He stated that he and Trustee Lanphear had mentioned this to Bill Smith when they met with him previously, but that they were uncertain, since they did not know when she would be in town. Trustee Caraberis commented that Ms. Wambach no longer lives in Pittsford, and Trustee Plummer stated that such an action would be more appropriate for the Town than the Village. Trustee Lanphear stated that the Women's National Team may return to play locally, and that this may be the time to honor Ms. Wambach. Trustee Plummer stated that the team did a local exhibition game several years previously. The Board discussed various ways to honor Ms. Wambach before deciding to award her a Key to the Village at such time that she returns to town.

DPW REPORT

- DPW Superintendent, Doug Yaeger, reported that the south end of Rand Place, between West Jefferson Road and South Main Street, has been chip-sealed and surface treated. He stated that the next step is to wait a week or two to have the surface harden, and then sweep. He stated that hopefully, by the end of that week or the week after, the DPW will sweep up the excess stone and put the parking lines back in place.
- Mayor Corby stated that he had received an email from a resident inquiring as to when the DPW will begin roadwork on Elmbrook Drive. Mr. Yaeger replied that Elmbrook Drive sweeping was scheduled for July 24. He added that the street will be milled, and that it will take approximately a week to clean up and perform repairs, and that it will be paved approximately a week later. He stated that he spoke with Scott Jugovic, of Jugovic Enterprises, who does all the paving for several towns, and that although he did not give Mr.

Proceedings of a Meeting of the Board of Trustees
July 14, 2015

Yaeger a specific date, he said it would be within the next two weeks. Trustee Galusha stated that following this, which raises the cost slightly, is replacing the asphalt on the curb on the south side of the street, which helps with drainage. Trustee Plummer asked where, specifically, this would take place, and Mr. Yaeger explained that it will take place on Elmbrook Drive between South Street and Main Street. She inquired as to where the area is at 6 Elmbrook Drive where the Board previously discussed bringing out a grassy median to eliminate danger at the corner. Mr. Yaeger stated that this was at the corner of Eastview Terrace. Trustee Plummer asked if this would enter into this re-paving, or if it would not be an issue at this point. Trustee Galusha stated that this was an issue of just marking the area, and that he believed the DPW had planned to do so. Mr. Yaeger stated that his understanding was that once the DPW finished a road, they would put down markings to simulate the area where traffic should be directed. After that point, he stated, if it is something the Board would like to further, the DPW could dig the area out and put in a grassy median, but that the first step would be to paint the lines, let the cars see the direction that they should be going, and then decide whether or not to progress.

- Mr. Yaeger referred to an issue on Wood Street that he previously discussed with Trustee Galusha, near Boughton Avenue, the lowest point where the two streets meet. Mr. Yaeger stated that whenever there is rain, there is significant puddling in this area, on sidewalks, on residents' driveways, and mainly on the road. He stated that they are trying to find a solution to prevent this, and that he had called Mason Trenching, who has done work for the Village before, and they visited the site and discussed options with Mr. Yaeger on how to alleviate the problem, without doing major work. He reported that two ideas they discussed were a trench drain, which is a metal drain that feeds into the next catch basin, an example of which can be found at 24 Monroe Avenue, and installing a catch basin on the site. He stated that he has a quote for both ideas from one contractor, but that due to the cost of that quote, which is about \$8,000, he is going to seek an estimate from another contractor. He stated that this is something that could be done between the Village and the Town, but that due to scheduling with both Town and Village projects, would probably be done in the fall.
- Mr. Yaeger reported on a catch basin at 20 Green Hill Lane, between the gutter and a resident's driveway. He stated that the pipe underneath has failed, and is starting to create a sinkhole that is now engulfing the resident's driveway. He stated that he had Craig Prince look at the area, and that his quote is approximately \$1,000 to repair the pipe, the basin, and the driveway. Mr. Yaeger stressed that this needed to be repaired as soon as possible. Trustee Galusha explained that this amount was within the procurement policy, and that another bid was not needed. Mr. Yaeger agreed, and stated that he thought this fell under the emergency provision, as the resident's driveway was beginning to sink. Trustee Galusha recommended that the Board authorize Mr. Yaeger to begin work immediately. Mr. Yaeger stated that he would make notifications on that, as well as notify the homeowner that repair work would begin.
- Mr. Yaeger reported that trees in the Village have been removed with Edgar's Landscaping, one of which was located on Sutherland Street and was removed because it was dead, one on South Street near the baseball fields, and one on Elmbrook Drive. He referred to some resident concern regarding the tree on Elmbrook Drive, but stated that he believed that Mayor Corby had spoken to these residents. He stated that there was a very large split in the middle of the tree, and although it appeared to be a healthy tree inside the tree it had begun to die to the point where it compromised safety. Trustee Caraberis asked if the tree would be replaced, and Mr. Yaeger replied that it would be, as soon as the stump was removed. He stated that Mayor Corby could let him know what he would like to have replanted there.

Proceedings of a Meeting of the Board of Trustees
July 14, 2015

- Mr. Yaeger discussed the streetlight that used to be located at 31 North Main Street, but that has been missing for two years. He said that RGE confirmed that they are going to replace the light.
- Mr. Yaeger stated that he has confirmed that the easement for the generator is a matter of an easement with RGE, and that now the owners of Woodcreek Association. They just need to sign off on the paperwork. He stated that this hopefully will be done within the week. Trustee Galusha stated that he had spoken with RGE, who informed him that he had sent the easement form to the Woodcreek Association for their signature. Unfortunately, the document was sent to the Village Office. Trustee Galusha informed the Board that he would deliver the form to the Woodcreek Association.
- Mr. Yaeger reported that the Town has installed a three-way stop on Grove Street and Line Street. He stated that he did not know if this was part of the original agreement when the Village re-did Grove Street, but that the stop had been installed. Trustee Plummer commented that she had spoken to some residents in that area, and they had asked about parking signs in that area, which she had already discussed with Trustee Galusha.

Mayor Corby left the meeting.

- Mr. Yaeger reported on the graffiti underneath the three bridges in the Village, on Main Street, State Street, and Monroe Avenue, stating that the DPW has refaced these bridges with gray paint.
- Mr. Yaeger reported that the Elmbrook Drive project should be a complete project by mid-August. Trustee Galusha reported that the wrong speed bumps were ordered and installed, and that they created issues in the neighborhood. He stated that these were removed, and one replacement speed bump has been installed. He further explained that the DPW is trying to avoid putting holes in the pavement, and they tried a process in which the bumps are glued into the road. He stated that this worked for only a few days, whereupon the Village received a resident report that the speed bumps had come unstuck, and the bumps were subsequently removed. Trustee Galusha stated that he felt the current speed bumps were the correct ones, and that the issue was with the gluing process. Mr. Yaeger stated that he would like to try again, and Trustee Galusha agreed, and instructed Mr. Yaeger to order another speed bump, bringing the total owned to three. Trustee Galusha asked for confirmation on a previous item, regarding the three-way stop on Grove Street, which Mr. Yaeger confirmed was indeed three-way. Trustee Galusha explained that Mr. Yaeger would be confirming with the Town that the third stop sign, which is in the Village, was installed appropriately.

PROPOSED PARKING CHANGES ON GROVE, LINE, AND ELM STREETS

Trustee Galusha stated that he sent the Grove Street traffic study to the Board members, but had received no reply on the draft of the plan. He asked that any questions or comments be sent to him by the end of the week. When members of the Board expressed that they had not received the information, Mr. Harter explained that it had been issued as part of street grading information. Trustee Galusha suggested making copies and distributing them during the current session, to which the Board agreed. He referenced a previous discussion with the Board in which they discussed changing parking limits. The Village Clerk confirmed that Local Law 7 had been adopted, passed for Elm Street on the north side, three hour parking from 7:00am to 7:00pm, except Sundays and holidays. Trustee Galusha requested that a copy of this be given to Mr. Yaeger, so that signs could

be ordered. Trustee Plummer stated that she had spoken to Grove Street residents, and that although they understood that parking changes would be phased in, they believed the time limit would not be extended. Trustee Galusha responded that he did not recall specifically what was said, and suggested consulting the meeting minutes. He stated that in the parking report, the Board could see the various options available for Grove Street, one of which will limit parking on the building side to fifteen minutes, and eliminate the spaces on the other side of the street. He stated that there was no decision made regarding the options in the report. Trustee Plummer recommended putting these parking changes on the agenda for the next meeting, as she had spoken to several residents who were looking for action. Trustee Caraberis asked if there was any way to aid concerned residents in the interim while the Board decided which course of action to pursue. Trustee Galusha stated that he thought the issue on Grove Street was enforcement, which had already been handled. He summarized the report, and suggested that the Board discuss the report thoroughly at the next meeting, and asked again that Board members submit any issues with the report to him by the end of the week. Mr. Turner asked for confirmation from Mr. Yaeger as to which section of Grove Street was in question, to which Mr. Yaeger replied the east side between Line and Elm Streets. Trustee Galusha reiterated that the discussion began regarding concern over infrastructure in the Village, and that the Board had designated Grove Street as one place that needed improvement, and that changes are Board-driven, not resident-driven. Trustee Caraberis asked for confirmation that both streets were being enforced, which the Board confirmed. Mr. Harter suggested that towing improperly parked cars would stop illegal parking, and Trustee Plummer agreed, suggesting a sign that stated that cars will be towed. Mr. Turner confirmed that Grove Street parking was two hours, except Saturdays, Sundays, and holidays, and that the proposed change was to three hours. Trustee Galusha confirmed that there is no parking permitted on the west side of Grove Street.

PUBLIC HEARING ON LOCAL LAW AMENDING SECTION 210-60

Motion Trustee Lanphear, seconded by Trustee Plummer, to open the public hearing on a Local Law amending Section 210-60 of the Village Code.

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

The Village Clerk presented an updated copy of the proposed changes to Section 210-60, which had been amended for language at the advice of Mr. Turner.

There being no one further present to speak, a **motion** was made **by Trustee Plummer, seconded by Trustee Lanphear**, to close the public hearing on a Local Law amending Section 210-60 of the Village Code.

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

Motion by Trustee Caraberis, seconded by Trustee Galusha, to approve the Local Law amending Section 210-60 of the Village Code.

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

REVIEW OF PROPOSED APRB CODE REGARDING MEMBERSHIP

Mr. Turner presented the proposed changes to the APRB code regarding membership and noted there was an addition because he thought that this belonged in the exterior architectural feature definition code, rather than in powers and duties. He stated that what was drafted includes an addition of the same phrase to the definition of exterior architectural feature in Section 210-58. He

stated that in Section 210-59, he has added the definitional section in addition to the membership clause. He stated that what the membership section allows is one member of the APRB to be a resident of the Town, at the Board's discretion. He stated that code publishers will not publish a local law unless there is a reference to where it should be included, and referred the Board to the severability clause and the effective-day clause. He stated that this would be present in the local law, should they choose to adopt it, but would not be present in the Code, and so felt that these sections were extraneous. The Village Clerk stated that Monroe County Planning, who would review the local law, needs a minimum of thirty days to review, and that the Board should consider this when scheduling a public hearing.

Mr. Turner stated that they went through a similar issue with the restaurant special code provision, and stated that he did not believe that it was the intent of the general and municipal law that this kind of code change has to go to Monroe County Planning, given that it is ministerial rather than zoning. He stated that, however, the section to be amended is in a zoning part of the Village Code. He stated that at the time of the special use permit modifications, it was decided that for the sake of safety that it nevertheless be sent to Monroe County Planning, and recommended repeating this course of action. He further recommended doing a long-form SEQR, and following a policy that all these actions be completed whenever a change regarding zoning is made. He recommended making a motion to send out a notice to all other agencies indicating that the Village would be lead agency for this code change, and then set a public hearing for the appropriate period.

Motion Trustee Lanphear, seconded by Trustee Plummer, to send out a notice to all other agencies indicating that the Village would be lead agency for code changes in Section 210-58 and 210-59.

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

Motion Trustee Galusha, seconded by Trustee Lanphear, to schedule a public hearing regarding code changes in Section 210-58 and 210-59 for September 8, 2015.

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

PROPOSED MODIFICATIONS TO CHAPTER 80 AND APRB SECTION OF ZONING CODE REGARDING CHARGE BACK FOR VILLAGE-PERFORMED PROPERTY MAINTENANCE

Mr. Turner referred to a previous discussion regarding zombie houses, stating that amendments needed to be made to the dangerous building section of the code, found in Chapter 80. He stated that the purpose of this proposed local law is to allow the cost of dangerous building remediation to be charged back to the owner as a tax. He stated that this also requires a referral to Monroe County Planning as it is embedded in the zoning code.

Motion Trustee Caraberis, seconded by Trustee Lanphear, to send out a notice to all other agencies indicating that the Village would be lead agency for code changes in Chapter 80 and Section 210-61.80.G.

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

Motion Trustee Galusha, seconded by Trustee Plummer, to schedule a public hearing regarding code changes in Chapter 80 and Section 210-61.80.G for September 8, 2015.

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

DISCUSSION OF PROPOSED LOCAL LAW AMENDING CHAPTER 210-74 AND 210-74.A REGARDING BAR USES

Mr. Turner stated that all the information required for a special permit is currently the same information required for a liquor license, so it is unreasonable for applicants to refuse to provide such information. He stated that similarly, it is reasonable for a permit to expire upon transfer of ownership, since a new owner must also reapply to the liquor authority. He stated that he added to the proposed code that the liquor license application shall be required as part of the application for a special permit. He stated that, additionally, the proposed changes added a new special permit for wine-and-beer-only, non-restaurant uses. He stated that this mirrors the distinction on the liquor authority permit. He stated that there was space in the end of the application for square footage and any other qualification the Board felt necessary.

Trustee Plummer asked for confirmation, stating that she thought that, by law, the Board does not necessarily have to allow bars in the Village. Mr. Turner confirmed, stating that the way the Code is now, a bar would not be permitted. Trustee Plummer stated that accommodations should be made for what already exists, and that this is why square footage and number of seats are important in applications, so that a bar is not permitted to exceed what already exists. Trustee Lanphear agreed, stating that a possibility exists for expansion, and that this is what needs to be addressed.

Mr. Turner stated that he was under the impression that the Board approved of the community impact of the wine bar and the brewer in the Village, and wanted to continue to permit those type of uses. He recommended looking carefully at those operations to see what makes them appealing and what prevents them from being a nuisance. He stated that his impression to this regard was that they do not serve liquor, and that they are small. Mr. Turner stated that he has incorporated everything from the Special Permit statute, with the exception of the standing room to seating room percentages. Trustee Lanphear inquired as to whether or not the length of linear bar was included, to which Mr. Turner replied that he did not know, but believed that this concept was presented differently in the restaurant permit. Trustee Plummer agreed, stating that she believed it was ratio-based. Mr. Turner suggested speaking to the owners of these bars, to inquire what the liquor authority required in its application, and recommended that this be on the agenda for the next meeting.

He asked the Board to consider the qualifications for preexisting, as it may mean that owners of bars could not sell their businesses. The Clerk stated that the next meeting would be August 11. Trustee Plummer stated that the Board could consider how many bars they would allow in any certain district. Mr. Turner commented that this would be difficult, but that the liquor authority has rules in this regard about proximity. He added that once the Board establishes special permit use, they cannot determine that they have too many of them. He stated that it is worth the Board's consideration, since this is a substantial piece of legislation.

HISTORY OF VILLAGE STREETS: EAST JEFERSON CIRCLE

Trustee Plummer reported on Mayor Corby's anecdotal evidence that the street had been patched, coming from a former DPW head, and that Trustee Galusha stated maintenance was not in the budget. Mr. Turner referred to the search of Village records conducted for references to East Jefferson Circle, and stated that he felt the significant entry referred to Wood Street needing

significant work (December 10, 1963), which states that the street should be maintained before being dedicated. He compared to Stonegate Lane, which also would need significant maintenance to be dedicated, before stating that this was a different scenario, since there was no indication that Stonegate Lane had ever been maintained by the Village. Mr. Turner stated that the question with East Jefferson Circle would be how much maintenance had been done, and how regularly, during what period of time. He noted that snow plowing would be an exception to this. He stated that once this regular maintenance is done, the street becomes a Village street.

Trustee Galusha recalled that John Limbeck had been approached about this, and that Mr. Limbeck reported that the only way the street could become Village-maintained was if it was brought up to New York State standards. Mr. Turner said that the Board will need to decide based on the anecdotal evidence, and that the former DPW employee may need to come speak to the Board. Trustee Galusha stated that it would be difficult, given current evidence, to determine definitively what had occurred.

Mr. Turner stated that if residents wanted the Board to take on East Jefferson Circle as a Village street that the burden of proof rested on them, unless there is a public policy interested in making it a public street. Trustee Galusha discussed the cost involved in bringing the street up to standard, and expressed that other private streets may wish to become public, including, as listed by him and Trustee Plummer, Grove Street Extension and West Jefferson Road. Mr. Turner stated that this was the same issue regarding maintenance covering public use over the period of time in which the maintenance was performed. He stated that this information had been sent to the Board members, and reported that he would send Mayor Corby a summary of the discussion.

EMPLOYEE HANDBOOK PROPOSAL

The Village Clerk reported on the employee handbook, stating that it needed to be reviewed and redone. She stated that she had brought this before the Board at budget time, and stated that once the handbook is redone, all necessary changes will be included and it will be easier to use. She stated that nothing had changed since her previous report, and that the money needed to review the handbook was already included in the budget, so all she needed was Board approval. She stated that she would begin moving forward, and that she would present all updates as they occurred. Mr. Turner asked if an employment attorney should review the changes, to which the Clerk replied that there are employment attorneys on staff.

Motion Trustee Plummer, seconded by Trustee Lanphear, to update the employee handbook.

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

MEMBER ITEMS

Trustee Lanphear reported that she should have the new resident list within a week so that the welcoming packets could move forward.

Trustee Lanphear reported that she is awaiting a quote to paint the clock, and that the repairs probably will not happen until the fall.

Trustee Galusha reported that the Coles would be hosting a porch party the following night.

ATTORNEY'S REPORT

- Mr. Turner reported that he would look into the Little Free Libraries, but stated that, if they were permitted, they would need to be included in the Village Code.
- Mr. Turner reported that the Village had received an appeal from Fox Properties on John Limbeck's May 2014 decision, and that the appeal went through ZBA. He stated that there is included content on a special permit application for an ice cream place. He informed the Board that they were not reviewing the application because it was not in compliance. Trustee Caraberis asked if the applicants were being permitted to repave their parking lot, and Mr. Turner replied that they were, and that they had an approved parking and paving plan. Trustee Lanphear referenced the Building Inspector's report, saying that Mrs. Cline's decision is being appealed. Mr. Turner stated that he believed this was the paving. He stated that both parking and paving had been approved, but that he did not know if they conformed to the prescribed plan.

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 Galusha**, 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 (#61-#104):	\$39,568.75
• Sewer Fund (#92):	\$ 2.81
Total Vouchers for Approval:	\$39,571.56

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

Integrated Service Hours

The Village Clerk reported that the Village was out of integrated service hours for computer repairs. She stated that these were typically purchased in groups of twenty-five hours, which last approximately a year. She stated that when purchased in bulk, the cost was lower per hour. Trustee Plummer recommended buying the bulk hours. The Village Clerk stated that the total cost would be \$2,150.

Motion Trustee Galusha, seconded by Trustee Lanphear, to approve purchase of twenty-five hours for computer repairs with Integrated Systems.

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

The Village Clerk reported that she and Treasurer Mary Marowski were set for NYCOM training September 28-October, 2015. She stated that this had been pre-approved by the Board at the annual organizational meeting. She stated that this year's meeting would take place at Lake Placid.

The Village Clerk reported on a request from NYPIRG to go door-to-door, and stated that the Code supports this request. She stated that the peddling and soliciting portion of the Code needs to be

Proceedings of a Meeting of the Board of Trustees
July 14, 2015

reviewed, stating that criteria for hours and locations need to be included, and a provision for police checks to be conducted. She stated that they would be going door-to-door July 15-August 21, 2015.

ADJOURNMENT

Motion Trustee Plummer, and seconded by Trustee Lanphear, to adjourn the meeting at 9:45 PM.

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

Dorothea M. Ciccarelli, Recording Secretary