

PROCEEDINGS OF AN EMERGENCY MEETING OF THE VILLAGE BOARD OF TRUSTEES
August 20, 2015—12:00 PM

Present

Mayor: Robert C. Corby
Trustees: Lili Lanphear
Frank Galusha
Alysa Plummer
Margaret Caraberis
Recording Secretary: Dorothea M. Ciccarelli

CALL TO ORDER

Motion Mayor Corby and seconded by Trustee Lanphear called the meeting to order at 12:00 PM.

MEMBER ITEMS

Mayor Corby reported that Dan Spitzer requested that an architect attend the meeting the following week, and stated that Blake Helm is willing to go, and that he does not have a conflict of interest. Trustee Plummer inquired as to who the owners would bring, to which the Mayor replied that the original architect on the project would attend.

Mayor Corby reported that the issue with Del Monte has been resolved, and that they have agreed to pay \$400 for the trees that were removed.

Bob Michaels, Village resident—stated that his concern had to do with the traffic on State Street, specifically that the flow of traffic is typically upwards of 50 miles per hour, and that trucks bounce over the potholes in the street, causing significant noise. Mayor Corby stated that he had met with Dave Goehring from the DOT at the beginning of the summer about those potholes in particular, but that still nothing had been done to repair them. He stated that he would follow up with Mr. Goehring.

Trustee Plummer stated that she had spoken with the sheriff's department, and requested that assistance with a solution for the speeding problem. Trustee Lanphear stated that the sheriff's department had stopped someone the night previously for speeding. Mr. Michaels recommended a similar patrol to that in East Rochester, and stated that while he understands that East Rochester has its own police department he feels that Pittsford warrants support from the Monroe County Sheriff's Department. Trustee Plummer stated that she would request a regular patrol when she spoke with sheriff's department. Mr. Michaels stated that the traffic is regularly disruptive. He additionally suggested making up signs reminding drivers of the speed limit.

Mayor Corby stated that he had met with Bill Smith and that the GTC Study was set to start. He stated that he was awaiting a meeting date in the beginning of September. He explained to Mr. Michaels that this was technically a circulation study and that he was welcome to participate, and that it would help the Board to discover areas of the Village that are currently problems. He discussed possible methods of slowing traffic as it reached the Village line. He explained that the Village is a complete streets municipality, which offers them some influence with the DOT, and stated that he, as part of the Mayors Association, was pushing for a Village-wide 25 miles per hour speed limit. Trustee Galusha stated that even though it is a state road, the Village retains the authority to put in a speed monitoring sign.

NORTHFIELD COMMONS

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Mayor Corby reported that he, Greg Barkstrom of Northfield Commons, Scott Harter, and Stuart Mackenzie of Blackwood Management had met the day before. Mr. Harter recapped the meeting, explaining that the issuance of a stop work order had been discussed, as well as concerns about public safety and tenant access. He stated that they discussed the posting of a letter of credit, and stated that Mr. Barkstrom is willing to post a letter to cover construction but is reluctant to cover the next round of improvements. Mr. Barkstrom apologized for not beginning with a pre-construction meeting, and stated that although the first phase was anticipated to be completed the following day, that he would be willing to hold such a meeting for the second phase. Trustee Lanphear stated that she thought the agreement was that no blacktop would be put down. Mayor Corby reported that during the previous day's discussion, the involved parties had agreed to put in the conduit immediately to minimize disruption to tenants. Mr. Harter stated that the potential for a SWWP existed in this case, but stated that paving would reduce the exposed area allowing the owners to comply with not enacting the SWWP. He stated that choosing to enact the SWWP could be a point of leverage for the Board, but stated that he did not feel this would be helpful as there was no real risk of disturbing the soil. Trustee Lanphear stated that she thought liberties had been taken with the issued permit.

Mayor Corby reviewed what he thought were the main issues from the previous meeting: the retention pond, which needs to be effective for drainage; the lighting, which needs to be brought up to code; and approved replacement for the removed tree. Mr. Barkstrom stated that landscaping planning had stalled, and referred to the previous owner's landscaping plan as a basis for talks. He stated that the owners planned to replace lights with compliant fixtures when current lighting needed repair. Mayor Corby referred to the previous meeting, stating that current paving would be permitted, given that he thought it was in the interest of the owners to appear before the Board for future special permits, which will necessitate a site plan. He stated that they had discussed the mutual benefit of installing a landscape island. Trustee Lanphear insisted upon the need for a site plan before any paving was to occur. Mr. Turner asked for a definition of phase one and phase two, and Mr. Harter explained that phase one involves operations currently underway for approximately half the site, that phase two would concern the other half of the area, and that phase three would be the remaining site plan items. Trustee Plummer stated that neither phase one or two conformed with the approved plan, and Mr. Barkstrom stated that the surface area was not expanded and that the only difference was the method. Trustee Caraberis asked if the conduits were new, and Mr. Barkstrom replied affirmatively, explaining that this was to allow for non-building-mounted lights.

Mayor Corby stated that site improvements would have to appear before the Planning Board and stated that he thought the Board's concern was that there had been resistance regarding coming into compliance. He asked how they were to ascertain that a site plan would be presented before the Planning Board with a plan for the lighting, landscaping, and retention pond. Mr. Turner asked about any conduit that needed to be placed for the approved lighting plan, which would take place following phase one. Mr. Barkstrom stated the intent to install a conduit near the entrance to the site during phase one, which he thought was the most logical spot for such a light, stating that it could be later moved. Mayor Corby stated that he thought this was a simple solution, since Mr. Harter's experience would help identify a logical spot for a pole light, and that much of the light would still be building-mounted, though the Planning Board would have final discretion. He stated that everyone involved acknowledged that legally the Planning Board could not be bound to a decision and that they would have the authority to make changes. Mr. Barkstrom confirmed that they were currently just aiming to install the basic infrastructure. Mr. Harter stated that he had informed the builders that they would be proceeded with the paving project at their own risk, given that approval was being granted in stages, and that they had replied with a letter that Mr. Turner declared acceptable insofar as it acknowledged this risk. Mr. Harter stated that the owners knew

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that if future approvals necessitated it, they may be required to tear up the new pavement. Mr. Turner recommended involving the chair of the Planning Board in these discussions.

Per Trustee Plummer's inquiry, Mr. Harter explained that once the paving was completed, there would be no soil erosion concerns. He stated that even without paving, the area had been compacted such that there were no runoff issues, and confirmed that he thought there was no true environmental risk. Trustee Caraberis inquired as to areas that would not be paved, but would remain gravel, and Mr. Barkstrom stated that although he did not have the exact plan present that the area paved would be the same as what had previously been paved. Mr. Harter added that compacted gravel is considered impervious and so areas that were previously gravel may be paved, since they are treated the same way. Trustee Galusha confirmed that paving would occur right up to the property boundaries. Mr. Harter stated that this was in the approved paving plan, and added that striping would be done according to the approved plan as well. Trustee Galusha asked when specifically a site plan would be required. Mr. Barkstrom explained that the plan that had been presented was of the previously constructed building, but stated that they did not have a photometric plan. Trustee Plummer stated that the parking plan approval had been hinged on the idea that a lighting and landscaping site plan would be forthcoming, and added that the removal of a tree triggered a light plan. Trustee Caraberis explained that her issue was that she didn't know how to ensure that the owners would comply with any agreements moving forward.

Mr. Barkstrom asked for a period of time for instituting lighting changes, citing financial reasons. Trustee Caraberis stated that things could be phased in as they needed to be, and the Board agreed, stating that they wished for the plans to be presented. Mayor Corby stated that in order to evaluate permits within the criteria of the Code, a site plan was needed. Mr. Turner stated that he was less concerned with obtaining a site plan by a certain period of time than by ensuring that approved phases occurred as they were approved, and recommended a letter of credit to provide these assurances. Mr. Barkstrom stated that a letter of credit for the first two phases had been agreed upon, but that the same agreement had not been made for phase three. He stated that he felt that phase three was the most important to the Board. Mr. Harter stated that this had been a segmented approach, and that the paving and striping plans were separate, and that there is no current lighting or landscaping plan. He recommended establishing an approximate value for the unknown improvements and establishing a letter of credit for that amount. Mr. Turner requested an approximate time frame for project completion, and Mr. Barkstrom stated that given the need for Planning Board approval, he did not anticipate performing landscaping before spring. Trustee Caraberis stated that she wished to ensure the preservation of the structures in the area, and Mr. Barkstrom confirmed that only the interiors would be remodeled. Trustee Caraberis referenced a conversation with the property owner and stated that the high level of scrutiny was due to the Village's status as a historic district.

Trustee Plummer recalled that the approval of the parking plan being contingent on leaving the tree that had been since removed. Mayor Corby stated that this plan had not been the one used in the agreement planned with Mr. Harter, and that they had returned to the original parking plan as the basis for this cooperative effort, but stated that the tree should still not have been removed. Mr. Harter explained that there had been a striping plan developed with the fire department, and that he had not been involved in this plan, but that he had become involved with the decision to pave before striping. Mr. Turner asked if the original striping plan as approved by the Planning Board had parking where the tree had been located. Trustee Plummer stated that the plan had been approved contingent on not disrupting the tree, and Mr. Barkstrom stated that he did not believe this had been the case, and that he was not sure the tree had even been addressed, but that he did know the plan had been approved. Mr. Harter stated that he did have a letter from Mr. Limbeck stating that he did not recommend removal of the tree. Mayor Corby recommended referring to the minutes from the meeting in question in order to determine what had been decided. Mr. Harter

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stated that because the tree had already been removed, he recommended replacing it with something equivalent.

The Board confirmed that the tree had been placed in the phase two area, which was not currently being paved. Mr. Harter stated, per an inquiry, that repaving triggered approval by the Code Inspector or Village Engineer. Per Mr. Barkstrom's inquiry, Mayor Corby stated that the repaving itself did not trigger a review of the site plan, but that other elements to this project did trigger such a plan. Trustee Caraberis and Mayor Corby confirmed that the parking was a Planning Board issue, but that the paving is an engineering issue. Mr. Turner asked how to assure that phase three happens according to approval. Trustee Galusha asked whether a letter of credit would be required for certain phases. Mr. Barkstrom stated that discussion had been held regarding having Mr. Harter come review construction in stages, in lieu of a letter of credit, but that this agreement did not yet extend to the indeterminate phase three. He stated that an amount could be determined for state three, that a letter of credit could be obtained, and that he could certify that plans would come in front of the Planning Board within 90-120 days. Mr. Harter recommended this course of action. Mr. Turner requested an escrow account to cover Mr. Harter's fees. He stated that if this was provided, he did not feel that the letter of credit was not critical for phases one and two. He stated that he thought it was important to get the chair of the Planning Board involved while a certain dollar amount was discussed. Trustee Caraberis discussed the importance of involving all the appropriate boards in decision making. The Board agreed, and Mr. Turner added that while doing this, it was in the interest of everyone involved to keep moving forward.

The Board reviewed their planned course of action, wherein, if the owners were willing to post an account for Mr. Harter's fees, a letter of credit would only be required for stage three, and the Planning Board chair would be involved in the determination of the amount of the letter of credit for phase three. They discussed that Mr. Harter's account should be established as soon as possible, but that the letter of credit need not be established before the start of phase two. Mr. Barkstrom agreed that this was a reasonable timeline. Trustee Galusha stated that he thought some assurance that phases one and two would be completed to Board satisfaction was necessary and stressed the importance of a letter of credit. He stated that such a letter would be easy to obtain for the owners. Mr. Barkstrom stated that he thought this would be an unnecessary expense, which he estimated would cost several thousand dollars. Mr. Turner stated that the stop work order could be instituted if the work from phases one and two were not completed to Mr. Harter's satisfaction and if the owners summarily refused to cooperate.

Mayor Corby stated that he was confident in the cooperation between Mr. Harter and the owners, but added that if a conduit should be installed, he would like to see documentation of the location. He stated that this would additionally have to be shared with the Planning Board, to which Mr. Barkstrom agreed. Mr. Turner stated that the Board should aim to determine the letter of credit amount and the time frame for a regular meeting, citing these two issues as under the jurisdiction of the Board of Trustees. Mr. Harter inquired as to the timeline for the phase three letter of credit, to which the Board stated that it needed to be provided by end of day the following Monday, August 24, 2015. The Board agreed that in the interim work on the parking lot could continue, provided it was done with Mr. Harter's supervision. Mr. Harter and Mr. Barkstrom agreed to meet the following morning, possibly additionally joined by DPW Superintendent Doug Yaeger and Planning Board chair Justin Vlietstra.

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Plummer, to adjourn the meeting at 1:22 PM.
Vote: Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

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Dorothea M. Ciccarelli, Recording Secretary