

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
January 13, 2015 – 7:00 PM

Present

Mayor:	Robert C. Corby
Trustees:	Lili Lanphear Lorie Boehlert Tim Galli Frank Galusha
Building Inspector:	John Limbeck
Superintendent DPW:	Doug Yaeger
Recording Secretary:	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. Mayor Corby informed the Board members that his parents own the property at 44 North Main Street, which is located near the location of both information-only special permit applications on the agenda. The other Board members indicated that they had no conflicts of interest to report.

PUBLIC COMMENT

No public comment was made.

TRAFFIC STUDY QUOTE FOR GROVE STREET

Mayor Corby reviewed the quote received from Stephen R. Ferranti, of SRF for services to be performed. These include Traffic Parking, Calming, Sidewalk, and Pedestrian Safety Plan, for a fee of \$1,950.00. The Board requested that the item be placed on the 2015-2016 budget for the work to be completed. Mayor Corby stated that he will speak to Mr. Ferranti and verify that the quote will be valid in June. Trustee Galli stated that the citizens should place a call to 911 when they see teenagers loitering at the Pickle Factory, as this will assist the Monroe County Sheriff in resolving the situation.

RESOLUTION CHANGING THE VILLAGE ELECTION DATE FROM MARCH 17, 2015 TO MARCH 18, 2015

Mayor Corby stated that the Village Board is required to make an official resolution to change the date of the election. State law does not allow an election to be conducted on Saint Patrick's Day.

Be it resolved:

Motion Mayor Corby, seconded by Trustee Lanphear to designate March 18, 2015 as the 2015 Election date for the Village of Pittsford.

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

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DISCUSSION ON 24 HOUR PARKING

Mayor Corby discussed two recent complaints received regarding tickets issued for overnight parking on the street. Mr. Limbeck informed the Board that since he received the request to actively enforce the no-overnight parking law, he has issued 75 tickets. The Board discussed the areas that have problems with parking due to short driveways. The Board discussed requesting that the Town of Pittsford designate a small area as 24-hour parking. Mayor Corby questioned Mr. Yaeger if the no-overnight parking notification is currently displayed at all the Village entrances. Mr. Yaeger indicated to the Board that it is not. The Board requested that the sign be posted at all the entrances.

Trustee Galli discussed putting the notice in the newsletter. He also suggested that the Board consider mailing the newsletter to all the residents. He reviewed the current distribution of the e-mailed newsletter and expressed concern that only half of the village residents are currently registered for the newsletter. The Board requested that the Clerk obtain a current quote for printing and mailing of the Village newsletter. The Board also agreed that the rear parking lot at the Village Hall could be offered to residents seeking an overnight parking spot.

DISCUSSION ON SETTING A PUBLIC HEARING ON AMENDING CHAPTER 69 - ANIMALS

Mayor Corby and Mr. Limbeck discussed Town of Pittsford's Animal Control Officer's requested changes to the Village Code. Mr. Limbeck reviewed the changes that he suggested with the Board. The Board agreed the current code section needed to be updated.

Motion by Mayor Corby, seconded by Trustee Galusha, to set a public hearing on February 10, 2015 to amend Village Code Chapter 69 – Animals.

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

HIRING OF ATTORNEY PETER J. WEISHAAR

Mayor Corby informed the Board that he had received a recommendation from PZBA Chairperson, Remegia Mitchell, to hire attorney Peter J. Weishaar, with McConville, Cosidine, Cooman & Morin, and PC, to represent the Board regarding litigation with the Mark IV project. The Board discussed the representation letter and Mrs. Mitchell's recommendation.

Motion by Trustee Galli, seconded by Mayor Corby, to authorize the Mayor to sign the representation letter to hire Peter J. Weishaar, with McConville, Cosidine, Cooman & Morin, PC.

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

PUBLIC HEARING ON LOCAL LAW 2 – RIGHT OF ENTRY

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by Trustee Galusha**, to open the public hearing on Local Law 2 on proposed local law to consider the adoption of a local law to reverse existing Village Code Section 210-106 – Right of Entry.

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

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, January 13 at 7:30 p.m. at 21 North Main Street, Pittsford, New York to consider the adoption of a local law to reverse existing Village Code Section 210-106 - Right of Entry.

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A copy of the proposed local law is on file in the Office of the Village Clerk, where interested parties between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday may inspect it.

John Limbeck reviewed the current legislation in the Village Code, which indicated that the Building Inspector has the right to enter a property at will. The legislation is contrary to rulings by the Secretary of State, which require the Code Enforcement Officer to knock, and if denied entry, to obtain a warrant. The proposed local law amends the Code to be current with the Secretary of State's rulings.

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

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

Motion Trustee Galusha, seconded by Trustee Galli, to approve the adoption of Local Law 2 a local law to reverse existing Village Code Section 210-106 – Right of Entry.

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

PUBLIC HEARING ON LOCAL LAW 3 – PROPOSED LOCAL LAW TO AMEND CHAPTER 210

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by Trustee Galusha**, to open the public hearing on Local Law 3 on proposed local law amending chapter 210 for parking lot restrictions and edits to approved uses of the Zoning Code R1, R2, and R3 districts.

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

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, January 13 at 7:30 p.m. at 21 North Main Street, Pittsford, New York to consider the adoption of a proposed Local law Amending Chapter 210 for parking lot restriction and edits to approved uses of the Zoning Code R1, R2, and R3 districts.

A copy of the proposed local law is on file in the Office of the Village Clerk, where interested parties between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday may inspect it.

Mayor Corby apprised the Board on the intention of the amendment to Chapter 210 of the Village Code. He explained that the amendment would provide additional protection to small neighborhoods, and that the existing code was out of date with current zoning, and many of the proposed uses could not be accommodated.

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

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

Motion Mayor Corby, seconded by Trustee Lanphear, to approve the adoption of Local Law 3 amending Chapter 210 for parking lot restrictions and edits to approved uses of the Zoning Code R1, R2, and R3 districts.

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

**PUBLIC HEARING ON PROPOSED LOCAL LAW TO REPLACE EXISTING VILLAGE CODE
“SECTION 80-BUILDINGS, DANGEROUS OR UNSAFE”**

Proof of the legal notice below having been published, **Mayor Corby made a motion, seconded by**

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Trustee Galusha, to open the public hearing on a proposed local law to replace existing Village Code “Section 80 - Buildings, Dangerous or Unsafe” with new “Chapter 80 - Buildings and Property Maintenance.”

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

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, January 13 at 7:30 p.m. at 21 North Main Street, Pittsford, New York to consider the adoption of a proposed local law to replace existing Village Code “Section 80-Buildings, Dangerous or Unsafe” with a new “Chapter 80 - Buildings and Property Maintenance.”

A copy of the proposed local law is on file in the Office of the Village Clerk, where interested parties between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday may inspect it.

John Limbeck requested that the Board vote against the proposed local law. He stated that he had received information from the Town of Pittsford informing him that there have been some necessary revisions needed to the proposed legislation.

Justin Vliestra, 19 Boughton Avenue – Expressed concern with the proposed legislation, specifically with the proposed section of the legislation that required citizens to provide a vacation notice.

The Board discussed the request of Mr. Limbeck and agreed that it would be preferable to amend the local law and review the area of concern vocalized by Mr. Vliestra prior to adoption.

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

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

Motion Mayor Corby, seconded by Trustee Boehlert, not to adopt the proposed local law to replace existing Village Code “Section 80 - Buildings, Dangerous, or Unsafe” with new “Chapter 80 - Buildings and Property Maintenance.”

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

SPECIAL PERMIT APPLICATION FOR WINE BAR AT 3 SCHOEN PLACE – INFORMATION ONLY

The applicants discussed their intention to convert the existing gourmet specialty shop located at 3 Schoen Place into a Wine Bar. They stated that they anticipate having 12 – 18 seats and currently have 24 parking spaces at the proposed location. The applicants informed the Board that they will need to obtain approval from the Village Board prior to amending their liquor license.

Mayor Corby discussed with the applicants the necessary items the Board will want to see as they move forward. He stated that they will need to provide a site plan and proof that the business will not be a nuisance to the abutting residential district. The applicants will have to provide a parking plan that shows that they will have the necessary parking capacity for the business. The Board discussed other concerns such as noise and trash disposal.

SPECIAL PERMIT APPLICATION FOR PITTSFORD PUB, 60 NORTH MAIN STREET – INFORMATION ONLY

Scott Thyroff, Art Finah, and Robert B. Lange represented the Pittsford Pub. The applicants reviewed with the Board their intention to remodel the location by relocating a door and removing a masonry wall. The

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applicants indicated that the changes they are proposing will not increase the occupancy. They stated that the overall intention is to refresh the appearance by updating the surroundings. They indicated that they will be removing some of the booths and replacing them with high top tables, updating the lighting, and improving the menu.

Mayor Corby and the Board requested that the applicants provide a site and parking plan. The applicants will need to show the Board the overall capacity of the location, including the standing area, and the outside patio on a peak period. The Board also discussed past issues with the Pittsford Pub, with noise from bottle disposal. The Board requested that the applicants provide information on their plans for handling the trash and the bottle disposal.

DPW REPORT

- Mr. Yaeger informed the Board that he may need to obtain temporary help, given the medical leave of a DPW employee.
- Mr. Yaeger reviewed with the Board the recent December snowstorm. He stated that he was pleased with the crew's performance and the results. He discussed issuing a warning letter to residents regarding their snowplow contractors leaving piles of snow in the middle of the sidewalk.
- The addition of a snow blower for the DPW was discussed, and Mr. Yaeger will obtain quotes for next year's budget.
- The crew completed work on plugged catch basins on Monroe Avenue.
- Mr. Yaeger discussed the anticipated delivery of the new truck for the Department. He reported that the truck was currently getting the necessary final inspections and having the safety equipment installed. Mr. Yaeger anticipated that the truck will be delivered in the next week.
- A problem with the current light poles was discussed. Mr. Yaeger informed the Board that lids and caps keep coming off the poles, because the bolt required to keep them in place has deteriorated. The crew is working on finding a permanent way to resolve the situation.
- Mr. Yaeger informed the Board that he is working with the Town, to piggyback for the DPW crews to attend Safety Training.
- The flush truck has developed a leak and it will be going to Cyncon for repairs.
- Mr. Yaeger and Trustee Galusha will be working on updating the road and sidewalk repair schedule and the vehicle replacement schedule for the upcoming budget meetings.

BUILDING INSPECTOR'S REPORT

Residential:

- Mr. Limbeck reported that he has issued a building permit for Pace Window and Door for installation of the replacement windows for 12 Washington Avenue that will replace the vinyl windows that were installed without APRB approval or a building permit.
- Per the Board's direction, Mr. Limbeck has been performing an early morning ride throughout the Village in order to enforce the "No Parking between 2:00 AM and 6:00 AM from November 1st through April 15th" rule." He informed the Board that the enforcement has proven effective.

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Commercial:

- Mr. & Mrs. Roger Powers submitted an appeal to the ZBA to reverse Mr. Limbeck's determination that their proposed 6-foot chain link fence is not agricultural in nature and therefore requires a ZBA variance, as well as APRB review and approval.
- Mr. Roger Powers has failed to respond to Mr. Limbeck's mailing of December 10, 2014, where he was directed to have the Restrictive Covenant, that was drafted by Village Attorney Jeff Turner, notarized and returned so that the document could be filed with the Monroe County Clerk. This is in regards to the five-year plan that was developed for the restoration of his buildings at 25 Schoen Place. Mr. Limbeck requested approval to officially negate the five-year plan and direct Mr. Powers to immediately address each building's deficiencies and bring them into compliance. Mayor Corby informed the Board that he would recuse himself from the discussion due to Mrs. Powers being related to his family. The Board discussed the issue and indicated to Mr. Limbeck that they will send a representative from the Board to see if he or she can get Mr. Powers to sign the agreement. Trustee Boehlert volunteered to contact Mr. Powers and see if she could resolve the issue.
- Mayor Corby excused himself from the discussion due to his relationship with the Dairy. The Pittsford Farms Dairy submitted drawings for their revised site plan at the 17 November 2014 Planning Board meeting. The plans did not contain a viable fix for the pond that was originally created and that never worked properly, and there were no exterior parking lights included. The engineering firm has been extremely lax in providing the materials that the Village requires to approve this site plan. Mr. Limbeck stated that he would prefer to notify the Dairy that due to their inability to comply with the terms of the agreement that was made in November of 2013, their \$10,000 check will be used by the Village to retain Scott Harter to perform the required engineering work. He will prepare a site plan for the Planning Board to review, and once approved, Mr. Harter will provide a quote for the work, and the Village will engage a contractor to perform it. If there are insufficient funds to cover both of these activities, the Dairy will have the overage added to their taxes. The Board discussed the situation with the Dairy and indicated that they would prefer to send a representative from the Board to discuss the situation, without having further enforcement measures involved. Trustee Boehlert volunteered to speak to the Pittsford Farms Dairy as well, and will report to the Board on both issues.
- Mr. Limbeck reviewed with the Board the pending legal action against Mike Newcomb. He stated that he has added a new charge of disobeying a village official, in addition to the charge of working without a building permit. The Court will hear the case in March 2015.

Storm Water:

- Mr. Limbeck reviewed with the Board questions that have arisen with the adoption of the new storm water Code section. The Board reviewed the proposed questions and indicated

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that the questions should be discussed with the Village Engineer, Scott Harter. The Board also discussed having a dedicated workshop with Scott Harter on the Storm Water.

Code Issues:

- Mr. Limbeck reviewed with the Board the checklists for the Architectural Preservation and Review Board, the Planning Board, and the Zoning Board of Appeals. The Board discussed the checklist and decided that additional language should be added. The Board requested that the item be discussed at a follow-up meeting.

VILLAGE ATTORNEY

Jeff Turner discussed the moratorium currently in place. The Board discussed the possible locations for the uses subject to the moratorium. Mr. Turner informed the Board that he will be contacting the New York Conference of Mayors for direction,

ATTORNEY CLIENT MEETING

Motion Trustee Boehlert, seconded by Mayor Corby, 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 Trustee Galusha**, to leave Attorney Client Meeting at 9:25 PM and reenter the regular session of the meeting.

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

TREASURER’S REPORT / VILLAGE CLERK

Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #13 of 2014/2015 fiscal year for approval. A **motion** was made **by Trustee Galli, seconded by Mayor Corby**, to approve payment of the vouchers listed on Abstract #13 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #13

• General Fund (#364-#405):	\$ 29,001.27
• Sewer Fund (#389):	<u>\$ 54.98</u>
Total Vouchers for Approval:	\$ 29,056.25

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

VILLAGE CLERK

- The Village Clerk reviewed with the Board the return-to-work clearance form developed with advice from, the Village’s Worker’s Compensation insurance provider Perma. The Board discussed the use of the form for when an employee will be returning to work from a medical leave.

Motion Mayor Corby, seconded by Trustee Lanphear, to adopt the return-to-work clearance form.

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

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- The Clerk further discussed with the Board establishing a policy that an employee returning to work from a worker's compensation injury be sent to the Village's worker's compensation medical provider for a return-to-work physical.

Motion Trustee Boehlert, seconded by Trustee Galli, to adopt the policy that employees returning to work from a worker's compensation injury be subject to a return-to-work physical

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

MINUTES

Motion Trustee Galli, and seconded by Trust Boehlert, to approve the minutes of November 18, 2014.

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

Motion Mayor Corby, and seconded by Trust Galusha, to approve the minutes of December 9, 2014, with correction.

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

Motion Trustee Galli, and seconded by Trust Galusha, to approve the minutes of December 18, 2014.

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

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Boehlert, to adjourn the meeting at 10:01 PM.

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

Dorothea M. Ciccarelli, Recording Secretary