

**PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
December 8, 2015—7:00 PM**

Present

Mayor: Robert C. Corby
Trustees: Lili Lanphear
Frank Galusha
Alysa Plummer
Margaret Caraberis
Village Attorney: Jeff Turner
DPW Superintendent: Rob Harter
Recording Secretary: Dorothea M. Ciccarelli

CALL TO ORDER

Motion Mayor Corby and seconded by Trustee Galusha called the meeting to order at 7:00 PM.

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

BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE

Mayor Corby asked if any of the Board members had a conflict of interest or had accepted gifts associated with any of the meeting agenda items. Trustee Plummer indicated that she was friends with owners of Via Girasole, who were applying for a Non-Municipal Use Permit, but did not feel it would be a conflict. The remaining Board members indicated that they had no conflicts of interest to report.

NON-MUNICIPAL USE PERMIT – VIA GIRASOLE

Nicole Mclean, owner of Via Girasole, discussed with the Board a proposal to have a music event on December 17, 2015 at 5:30 pm and 8:30 pm. The music will be acoustic and not amplified. The owners want to see how this event will impact business, and if it is successful, they will be looking to amend their current special permit to include music events twice a month at their business.

Motion Mayor Corby, and seconded by Trustee Lanphear, to approve the non-municipal use permit and waive the 45-day notice for jazz music event on December 17, 2015 for Via Girasole.

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

LWRP CONSISTENCY REVIEW

Trustee Galusha discussed with the Board a point in the Resolution that needed to be clarified regarding the Director of Public Works. He informed the Board that the Director of Public Works would actually be the Mayor according to the organizational chart.

Motion Mayor Corby, and seconded by Trustee Lanphear, to approve the following Resolution to comply with the Supreme Court, Monroe County’s decision in *Friends of Pittsford Village, Inc. v. Village of Pittsford Board of Trustees, et al.*; Index No.: 2012/13778.

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

Resolution To Comply With Supreme Court, Monroe County’s Decision in *Friends of Pittsford Village, Inc. v. Village of Pittsford Board of Trustees, et al.*; Index No.: 2012/13778

WHEREAS, the Village of Pittsford Board of Trustees (the “Board”) issued a Special Permit and Regulating Plan (the “Special Permit”) for the proposed Westport Crossing Development at 75 Monroe Avenue (the “Project”); and

Proceedings of a Meeting of the Board of Trustees
December 8, 2015

WHEREAS, Friends of Pittsford Village, Inc. (“FOPV”) commenced an Article 78 proceeding against the Board and Pittsford Canalside Properties, LLC (“PCP”) challenging the Special Permit on various grounds, including that PCP failed to complete the required coastal assessment form with its application, thus preventing a proper review under the Village of Pittsford’s Local Waterfront Consistency Law (Chapter 121 of the Village Code); and

WHEREAS, the Board defended its issuance of the Special Permit in the Article 78 proceeding; and

WHEREAS, in a Decision and Order dated October 27, 2015 (the “Decision”), Supreme Court, Monroe County (Ark, J.) determined that the coastal assessment form, required to be prepared and submitted by PCP pursuant to Village Code § 121-5(B), was not in the record, was never completed, and thus “[t]he Village Board did not make a proper determination of consistency with [the] LWRP [Local Waterfront Revitalization Program]”; and

WHEREAS, the Court held that it is for the Village Director of Public Works and/or the Village Attorney (Hodgson Russ LLP for all matters concerning the Project) to pursue enforcement of this failure pursuant to Village Code §§ 121-6 and 121-7; and

WHEREAS, the Court noted that upon the Board’s failure to pursue enforcement, FOPV “may notify th[e] Court for further determination”; and

WHEREAS, counsel for FOPV submitted a letter to the Board, dated November 30, 2015, requesting the Board to comply with the Decision and institute appropriate enforcement action pursuant to Chapter 121; and

WHEREAS, the Board is bound by the Decision and will comply with it; and

WHEREAS, Village Code § 121-6 provides:

“The Village Building Inspector shall be responsible for the enforcement of this chapter. **No work or activity on any project in the waterfront area which is subject to review under this chapter shall be commenced or undertaken until the Director of Public Works has been presented with a written determination from the Planning Board or agency that the action is consistent with the LWRP policy standards and conditions and design guidelines.** In the event that an activity is not being performed in accordance with this chapter or any conditions imposed thereunder, the Director of Public Works shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as the stop-work order is in effect”; and

WHEREAS, Section 121-7 sets forth penalties for non-compliance as well as a grant of the authority to pursue enforcement by way of injunctive relief;

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Village of Pittsford that:

Proceedings of a Meeting of the Board of Trustees
December 8, 2015

1. Pursuant to the Decision, no building permit shall be issued for the Project nor shall any construction work be undertaken pursuant to the Special Permit until such time as a proper review is completed pursuant to Chapter 121 of the Village Code.
2. The Village Building Inspector, Director of Public Works, and the Attorney for the Village (Hodgson Russ LLP) are authorized to pursue appropriate enforcement action as set forth in Chapter 121 of the Village Code, including the withholding of building permits, issuance of stop-work orders, and commencement of “any and all actions and proceedings necessary to enforce [Chapter 121].” Village Code § 121-7(B).
3. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Board of Trustees of the Village of Pittsford on December 8, 2015.

JOHN LIMBECK

Mr. Limbeck requested that his name be removed from current Village forms. The Village Clerk stated she would see to correcting the documentation that remained with his name on it. He also requested that the Village speak to the homeowner on State Street parking on his front lawn. Mr. Limbeck wanted to comment on the possible zoning changes by the Board, and Mayor Corby requested he put the comments in writing for the Board to review.

PUBLIC HEARING

Proof of the legal notice below having been published, Mayor Corby made a motion, seconded by Trustee Galusha, to open the public hearing to consider amending §21-2 of the Code of the Village of Pittsford. Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. Motion carried.

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, December 8, 2015 at 7:30 p.m. at 21 North Main Street, Pittsford, New York. The Board will considering amending §21-2 of the Code of the Village of Pittsford.

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

Attorney Jeff Turner discussed the impact of the proposed amendment to the Village Code. The proposed change will require all staff and consultants to disclose any conflicts of interest.

Motion Mayor Corby, seconded by Trustee Caraberis, to adopt amendment to §21-2 to the Code of the Village of Pittsford. Vote: Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. Motion carried.

DISCUSSION ON PROPOSED CODE CHANGES

The Board opened the discussion on home business accessory use. Board members discussed the suggested code received from the Town. The Board reviewed the proposed code and they stated that the code will be self-enforcing. Trustee Plummer suggested a possible fee for registration with the Village, which makes enforcement easier. The overall thought on the proposed local law is that the proposed home business should be conducted in a non-visible manner. Trustee Lanphear agreed registration would give the Village an idea as to how many home businesses are operating. Trustee Caraberis stated that she is against charging

Proceedings of a Meeting of the Board of Trustees
December 8, 2015

a fee, but approved having the business register with the Village. The Village Board requested that Jeff Turner update the proposed statute and send it to the Board.

The Board continued their discussion of re-zoning of the west side of Main Street from R4 to R1 and how this would protect the residential use and allow no further expansion of office use on Main Street. The Board further discussed bed & breakfast Zoning, and Trustee Lanphear suggested that it be given its own separate zone. Mayor Corby suggested the use of a bed & breakfast overlay district which could be used in several zoning districts. This would allow the Board to dictate eligibility for the bed & breakfast as part of each district. The Board discussed the need for guidance on how large the district could be and the possibility that it could be identified closer to the business district. Mayor Corby will reach out to other municipalities to see what regulations they have in place for bed & breakfast establishments.

The Board decided to hold a workshop meeting on January 5, 2015 at 4 PM to further discuss the proposed changes to the zoning.

MEMBER ITEMS

Trustee Lanphear informed the Board she would not be able to attend the upcoming PZBA meeting, and requested that another Trustee appear in her place. Trustee Caraberis volunteered to attend.

Trustee Galusha updated the Board on the Grove Street project. There will be core samples taken this month to determine what is under the street, which will provide the necessary information for proper drainage in the area. The estimate given for the samples to be taken was \$825. The current tentative date for project start date is April 25, 2016. The Village is in process of contacting contractors for the job. Attorney Jeff Turner is currently working on an agreement with the Pickle Factory.

Trustee Galusha discussed with the Board his concerns related to new signage he had seen in the Village. He stated that he is concerned with enforcement, and that the owner should be informed to remove the signage.

Trustee Lanphear discussed with the Board having the Brighton-Pittsford Post do an article on the Auburn Park scout project completed by Jake Hoppa. She was informed that she just needed to submit the article to the newspaper. Trustee Lanphear also informed the Board that there were two potential donors for benches for the park.

Mayor Corby informed the Board that the Butterfly signage had been completed and that he is working with Rob Harter on the placement of the signage. He also stated that the Village will be having a ribbon cutting for the signs.

Mayor Corby also reported that he was selected to present a power point presentation in the spring to the state preservation conference.

DEPARTMENT OF PUBLIC WORKS REPORT

- Mr. Harter indicated to the board that the end is in sight for this year's leaf collection, and that final pickup should be completed within the next two weeks.

Proceedings of a Meeting of the Board of Trustees
December 8, 2015

- Discussion was had on the need to inform private snow removal contractors about the regulations regarding not pushing snow across sidewalks and not blocking sidewalks.
- Mr. Harter informed the Board that he thought it was a great Candlelight Night except for a few minor electrical issues.
- Jim Edwards removed the trees on Rand Pl. and Washington Ave where requested.
- The old loader is going to be posted on an online auction to be sold. He indicated to the Board that due to the cost of repairs, and the loader's estimated worth, it was deemed not worth fixing since the new loader is to arrive in early January. Until the new loader arrives he will be working with the Town as needed.
- Mr. Harter informed the Board that the open position in the DPW department had been posted and that the deadline for applications for the position had passed. The Village Clerk and the Superintendent will be starting the interviewing process next week.
- The Village should be receiving a new pickup truck by the end of December or early January. Mr. Harter will be having it decal and a radio installed.
- Trustee Caraberis questioned if the catch basins will be cleaned out prior to spring, Mr. Harter indicated he would check them to see if they are in need of cleaning right now.

BOARD RECESS

Motion Trustee Plummer, seconded by Trustee Lanphear, for the Board to recess.

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

Motion Trustee Plummer seconded by Mayor Corby, to enter back in session.

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

ATTORNEY CLIENT SESSION

Motion Mayor Corby, seconded by Trustee Lanphear, to enter attorney-client session.

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

Motion Mayor Corby seconded by Trustee Galusha, to exit attorney-client session at 9:05 PM.

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 #012 of 2015/2016 fiscal year for approval. A **motion** was made by **Mayor Corby, seconded by Trustee Galusha**, to approve payment of the vouchers listed on Abstract #012 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #012

Proceedings of a Meeting of the Board of Trustees
December 8, 2015

• General Fund: (#349-#355, #357-#366,#368-375,#377-#380,#382--#389,#391-#392)	\$ 159,312.26
• Sewer Fund (#367,#376,#381):	\$ 1,542.77
• Capital Improvements 2015 (#356,#390)	<u>\$ 4,286.53</u>
Total Vouchers for Approval:	\$ 165,141.56

BUDGET TRANSFERS

Motion Mayor Corby, seconded by Trustee Galusha, to authorize the budget transfer from A1990.4 of \$22,000 to A9010.8 State Retirement to cover the shortage to the unexpected increase in the New York State Retirement Bill.

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

Motion Mayor Corby, seconded by Trustee Plummer, to authorize the budget transfer from Fund Balance of \$100,000 to A1420.41 Law Contractual - Litigation to cover the budget shortage.

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

ADDITIONAL CLAIMS

Motion Mayor Corby, seconded by Trustee Plummer, to authorize the payment of Osborn Reed & Burke claims totaling \$25,500.99.

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

FINANCIALS

Motion Mayor Corby, seconded by Trustee Galusha, to approve the October 2015 Financials for the General and Sewer Fund.

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

Resolution - Terms of Employment for Floyd Kofhal

A motion was made by Mayor Corby seconded by Trustee Plummer to make the following resolution to hire Floyd Kofhal for the position of Building Inspector / Code Enforcement Officer of the Village of Pittsford with the following terms:

the salary is \$58,000 per year;
there will be three weeks' vacation allotted each year;
a clothing allowance - \$250.00 a year;
the work week will consist of forty hours;
all other benefits will be as noted in the employee handbook.

VILLAGE CLERK REPORT

The Village Clerk reviewed with the Board the recent Candlelight Night event in the Village on December 1, 2015. Trustee Plummer discussed with the Board that a recent meeting was conducted with the Candlelight Night Committee and she would be happy to pass on the notes from the meeting.

Proceedings of a Meeting of the Board of Trustees
December 8, 2015

MINUTES

Motion Trustee Lanphear, Seconded Galusha to approve the Village Board minutes from October 27, 2015, as amended.

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

Motion Mayor Corby, Seconded Trustee Galusha, to approve the Village Board minutes from November 10, 2015.

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

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Lanphear, to adjourn the meeting at 11:00 PM.

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

Dorothea M. Ciccarelli, Recording Secretary