

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
April 12, 2016 -7:00 PM

Present

Deputy Mayor: Lili Lanphear
Trustees: Frank Galusha
Alysa Plummer
Margaret Caraberis
Building Inspector: Floyd Kofahl
DPW Superintendent: Robert Harter
Recording Secretary: Dorothea M. Ciccarelli

CALL TO ORDER

Motion by Trustee Lanphear, seconded by Trustee Plummer, called the meeting to order at 7:00 PM.
Vote: Lanphear - yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE

Trustee Lanphear asked if any of the Board members had a conflict of interest or had accepted gifts associated with any of the meeting agenda items. The Board members indicated that they had no conflicts of interest to report.

NON-MUNICIPAL USE PERMIT FOR THE LITTLE LEAGUE ANNUAL PARADE

The Village Board received a request for a non-municipal use permit from Pittsford Little League to hold their annual parade on May 7, 2016 at 10:00 AM until approximately 11:00 AM.
The proposed route is:

- A. Commence at Sutherland High School
- B. Left on Sutherland Street
- C. Right on Lincoln Avenue
- D. Left on South Main Street
- E. Right on State Street
- F. Right on South Street
- G. Culminate at Ford Field

Motion by Trustee Lanphear, seconded by Trustee Caraberis, to waive the 45-day notice and to issue a non-municipal use permit to Pittsford Little League for the annual parade on May 7, 2016, with all the requirements of the non-municipal use permit.
Vote: Lanphear – yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried**

NON-MUNICIPAL USE PERMIT – 6TH ANNUAL POSITIVELY PINK IN PITTSFORD BREAST CANCER WALK

The Board reviewed the request for the 6th Annual Positively Pink in Pittsford Breast Cancer Walk to be held on September 25, 2016 from 10 am until 1 pm. The Board discussed the previously issued permit granted and requested the same conditions be given. In addition to those conditions, the Board requested the applicant notify the Monroe County Sheriff and Pittsford Volunteer Ambulance in writing.

Motion by Trustee Galusha, seconded by Trustee Plummer, to issue a non-municipal use permit for the 6th Annual Positively Pink in Pittsford Breast Cancer Walk with the standard permit conditions, and with written notifications given to the Monroe County Sheriff and Pittsford Volunteer Ambulance, and with the condition that they also be respectful with noise around the local churches.

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

NON-MUNICIPAL USE PERMIT – CORN HILL NAVIGATION

Thomas Axe, representing Corn Hill Navigation (Sam Patch), requested from the Board a non-municipal use permit for the 2016 season (May to October) to conduct daily boat tours. He stated that the organization will be using the same boat as last year and will have the same schedule. They will inform customers of the proper location for parking and will be using their own trash receptacle.

Motion by Trustee Lanphear, seconded by Trustee Caraberis, to waive the 45-day notice for Corn Hill Navigation for the Sam Patch.

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

Motion by Trustee Caraberis, seconded by Trustee Plummer, to issue a non-municipal use permit and Temporary Zoning Permit to Corn Hill Navigation for the Sam Patch with the following conditions:

- *Corn Hill Navigation will coordinate signage with Ted Collins to direct customers to parking areas. Signage at the ticket booth and in the organization's publications will be used to direct customers to parking areas.*
- *Customers will be informed by phone and through the website regarding designated parking areas for Sam Patch tours, to avoid conflicts with merchants in the area.*
- *The landscaping around the ticket pavilion will be improved and maintained in a tidy fashion by Corn Hill Navigation personnel and ARC throughout the boating season, including the elimination of weeds and litter.*
- *Village trash receptacles will not be used for trash, food waste, recycling waste or other debris generated by the Sam Patch boating operation.*
- *Trash and recycling waste will be removed from the site daily and will not be left overnight on Village or Canal Corporation property, with commercial pickup of garbage totes weekly.*
- *Chains may not be used to moor the Sam Patch to Village-owned wooden bollards unless they are covered in some manner to protect the bollards.*
- *Prior to the start of the season, a copy of a Certificate of Liability Insurance naming the Village of Pittsford as additional insured for a season **on a primary and noncontributory basis** (the certificate must contain those words) must be submitted. It must reflect a \$1,000,000.00 single limit of liability for bodily injury and property damage. This certificate must be current and on-file in the Village Office before operations begin.*

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

NON-MUNICIPAL USE PERMIT FOR THE AMERICAN LEGION GARAGE SALE

The Board discussed the American Legion Post 899's request for permission from the Village Board to conduct a garage sale on May 7, 2016 at the Village Hall, 21 N. Main Street, from 9 am – 3 pm. The event will be located in the lower level of the Village Hall and sections of the Village grounds, where the Friends of Pittsford Village will be setting up their tables. The event will include food and beverages. The Legion will clean up the parking lot after the event and all unsold items will be donated.

Motion Trustee Lanphear, seconded by Trustee Galusha, to waive the 45-day notice and approve the issuance of a non-municipal use permit to the American Legion to conduct a garage sale at the Village Hall parking lot on May 7, 2016.

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

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DPW REPORT

- The DPW crew has rebuilt the canal pump station dock behind the DPW garage. The decking and hand rails were in poor condition and have been replaced.
- The crew has repaired a manhole on South Main St. that had sustained damage from the cold weather and plows. Final repairs will be made to the manhole when the asphalt plants open for the season.
- The Superintendent informed the Board that seasonal brush pick up has resumed.
- Spring cleanup of parks and flower beds is being performed around the village. They anticipate that flowers will be planted in May.
- The Grove St. project is currently being done. The storm line from Line St. to Elm St. has been replaced and they will be placing the forms for the sidewalks this week. The Village has received the easement from the Pickle Factory for the necessary work to be performed. At this time, the estimated time frame for the project is 4 weeks.

BUILDING INSPECTOR REPORT

Residential:

- The Building Inspector reported that he issued 3 Building Permits for the following:
 - 21 Courtenay Circle for an addition
 - 15 Austin Park for a dock
 - 3 Durham Way for an egress window and a finished basement.
- He has completed several open permits and is still working on and inspecting 28 currently open permits.

Commercial:

- The Building Inspector reported that he issued three Building Permits for the following:
 - 50 State Street – Northfield Common – Temporary Sign for the Salt Mine Inc.
 - 50 State Street – Northfield Common – Northfield Music for a new location
 - 50 State Street – Northfield Common – Evolution Pilates for a new location
- The inspections for the DelMonte's second floor have been completed. The Building Inspector is now inspecting the final phase of the first floor renovations, which he anticipates should be completed by the end of next week.

APRB

- There were four applications for the APRB to review at the April 4th meeting:
 - 3 Durham Way for an egress window in the basement (approved).
 - 20 Courtenay Circle for a small addition (approved).
 - 36 Sutherland Street for a privacy fence in the rear yard (approved).
 - 7 State Street for a new commercial business sign (approved).
- There is one current application for the May meeting.

PZBA

- There were two applications for the March 21st and the April 4th meetings:
 - 20 Courtenay Circle for an addition over 400 square feet (approved).
 - 9 North Main Street for a freestanding monument sign variance (denied).
- There are three applications before the Board for their April 18th meeting:

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- 10 North Main Street – Harladay Hots for a temporary zoning permit
- Copper Beech Park - Farmers Market for a temporary zoning permit
- 50 State Street – Northfield Common – for final Site Plan
- The Staff has started to complete resolutions for the Board to review and approve on their applications. It has been discussed and agreed on by the Board that staff will complete a draft resolution for the applications that are basic in nature and that legal counsel will complete the resolutions for the more complicated applications.

General:

- Scott Harter and Mr. Kofahl have been working on the Annual MS4 report with the Monroe County Coalition.
- Michele Debyah, from the Town of Pittsford, and Mr. Kofahl have continued to work on getting the Village maps into the GIS System. The LWRP map has recently been added.

Code Issues:

- The Building Inspector will be attending multiple trainings on the new ICC New York State Codes. There currently is a 180-day period in which Building Permits can be submitted under either the current New York State 2010 Codes or they can use the New ICC New York State Codes. As of October, all applications will be required to comply with the New ICC New York State Codes.
- Mr. Kofahl is currently working on recommendations for addressing issues with the Village of Pittsford Codes as they are today. He recommended that, this year, the Board of Trustees approve a small committee to complete a code review and compile a list of recommended changes to present to the Board of Trustees for their consideration.

Other Issues:

- The Building Inspector has completed an initial inspection of 44 Sutherland Street. He will be going for one additional inspection with the owner's representative to finalize his findings. This is regarding APRB concerns with the mold issues in the house that have been presented to the Board at a previous meeting. He is expecting to present his findings at the next APRB meeting.
- The Inspector is continuing to work with the new owner of 17 Washington Road, Mr. Keith Povich. Mr. Povich will be coming before the APRB to ask for approvals on the improvements to the exterior of the residence.
- Mr. Kofahl has submitted his article for the Spring Newsletter. This article addresses property maintenance and helps to explain what is required from the residents.

ATTORNEY

The Village Attorney did not have anything to report at this time.

TREASURER'S REPORT

Village Treasurer, Mary Marowski, presented vouchers listed on Abstract #19 of 2015/2016 fiscal year for approval. A **motion** was made **by Trustee Plummer, seconded by Trustee Galusha**, to approve payment of the vouchers listed on Abstract #19 in the amounts stated below and to charge them to the appropriate accounts.

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Vouchers for approval – Abstract #19

• General Fund: (#627-#631, #634-#635, #637-#654, #656-#658)	\$ 16,483.75
• Sewer Fund: (#629, #648)	79.78
• Capital Improvements 2015 (#632,-#633, #636, #655)	<u>11,136.24</u>
Total Vouchers for Approval:	\$ 27,699.77

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

VILLAGE CLERK REPORT

1. The Clerk informed the Board that she had spoken with Gary Wilkins, the Village’s insurance broker, to seek out quotes on the Village’s Worker’s Compensation Insurance. The current policy is up for renewal on June 1, 2016.
2. The Clerk discussed with the Board the quotes received and sought after for the necessary electrical improvements to the Village Hall per funding in the 2015 Bond. The Clerk and Building Inspector recommended awarding the quote to Allen Electric.

Motion Trustee Galusha, seconded by Trustee Plummer, to authorize the work order from Allen Electric, and not to exceed the \$10,000 as budget per the Bond.

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

MEMBER ITEMS

Trustee Plummer discussed with the Board guidelines for public comment, which had been received from the New York Conference of Mayors. She suggested the Board adopt these guidelines. Trustee Lanphear read the guidelines aloud for the Board and the Public.

GUIDELINES FOR PUBLIC COMMENT

- *The public may speak only during the Public Comment period of the meeting or at such other time as a majority of the Board allows.*
- *Speakers must step to the front of the room.*
- *Speakers must give their name, address and organization, if any.*
- *Speakers must be recognized by the presiding officer.*
- *Speakers must limit their remarks to three minutes on a given topic.*
- *Speakers may not yield any remaining time they may have to another speaker.*
- *Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.*
- *All remarks must be addressed to the Board as a body and not to any member thereof.*
- *Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste.*
- *Interested parties or their representatives may address the Board by written communications.*

Motion Trustee Plummer, seconded by Trustee Galusha, to adopt the guidelines for public comment.

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

PUBLIC HEARING 2016 -2017, TENTATIVE BUDGET HEARING, OPEN FOR PUBLIC COMMENT ONLY

Motion Trustee Lanphear, seconded by Trustee Plummer, to open the public hearing on the Tentative Budget for 2016-2017.

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

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1. John Ritz, 26 West Jefferson Road, asked the Board if the legal expenditures were paid for by the Reserve Funds, and questioned what the progression of legal expenses has been over the last few years.
2. Anthony DiMarzo, 301 Exchange Blvd, representing Westport Crossing (PCP), stated that the developers are willing to work with the Board and the Village to resolve the issues, save on expenses, and start building a project.
3. John Limbeck, 62 State Street, stated that he is opposed to the tax increase that will be imposed on Village residents. He asked the Board if the residents will see additional tax increases next year. He further stated that he is concerned with the salary increase for the Board and questioned why Mayor Corby was not at the meeting.
4. Louisa Pierson, 14 South Street, asked the Board that if the Village has a legal victory, where in the budget is the line to reimburse Mark IV for the work that has been done. She also asked about the Village's exposure for future losses.
5. Bob Salmon, 8 Fiora Drive, Fairport, informed the Board that he was in attendance at the meeting to hear about the Westport Crossing Project. He indicated that it was better that Judge Ark did not lean one way or another, and that it would be better for the Village and builders to work together to resolve the problems.
6. Trip Pierson, 10 South Street, stated that he is concerned with the spending on legal fees at such a high level, and he encouraged the Board to find a resolution.
7. Peter Crooker, 13 Sutherland Street, stated that he is concerned with the amount of money spent on legal fees. He questioned the amount of money that would have been collected if the project had been built.
8. Mike Reynolds, 35 Church Street, discussed with the Board that the project was supposed to resemble Schoen Place, per the R-5 Zoning. He further stated that the Village has been sued 7 times, and he wanted to express that he was happy to have his taxes doubled to get the project right.
9. Jack Cargill, 8 Boughton Avenue, commented that many residents found the size of the project too large for the Historic Village. His family and many Village residents believe that the amount of the legal fees is money well spent, because doing what is right comes with a cost. But the Board should not consider an approval on this tax increase as an approval to continue with the higher taxes after the project is complete.
10. Ron Johnson, 21 Sutherland Street, stated that the Architectural & Preservation Review Board had not approved the project. He stated that he hoped that given the Judge's request, the parties will be able to work it out.
11. Michael Tomaino, 24 Monroe Avenue, provided documentation to the Board on the financial history and requested they be incorporated into the record. He informed the Board that from 2012-2016, the Village has spent \$1,000,000 on legal fees. He questioned what the Village is getting from all the lawsuits.
12. Claudia Groenevelt, 64 State Street, questioned why the budget hearing was held the same time as the regular meeting.
13. Mark Schenkel, 70 South Street, requested the Board provide the figures on the declining sales tax figures.
14. Janet Reynolds, 35 Church Street, stated that taxes have gone up far more for the School and Town in the last several years. She questioned how much money has been spent on lawsuits against the Village. She stated that the Board was elected to oppose a specific project.
15. Fran Kramer, 17 Golf Avenue, stated that in two major elections, the Board was voted in overwhelmingly. They are carrying out the mandate of the voters. The expenses are higher due to the lawsuits. She stated that she is proud of the Board and Village, and is happy to pay more.

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16. Wally Morse, 12 Sutherland Street, expressed concern for the survival of the Village given the amount of legal fees in the budget. Hesitated that the Village should work with the developer and that he does not want to see the increase in taxes.
17. Elizabeth Dodge, 77 South Main Street, stated that the issues causing some of the problems today are from not following the Village Zoning regulations. The Village representatives deserve the support of the community. The tax increase is not popular but amounts to \$11 dollars a month on average.
18. Marty Eggers, 44 Lincoln Avenue, stated that she believes the Board is doing the best that they can. They were elected with expectations that they would preserve and protect the scale of the Village. This is money well spent for the good of everyone. She expressed to the Board that they should not give in, hold to the standards, and that the budget is a good one.
19. Meredith Utman, 17 Elm Street, stated that she is a proud Village resident. The taxes will increase about \$100, and she feels that is appropriate to insure the Historic nature of the Village. She stated that she would like to see the developer work with the Village and focus on scope and scale. She also noted that she is pleased with work being completed with cooperation from the Village on Grove Street.
20. Don Riley, 301 Exchange Blvd, representing Mark IV (PCP), indicated that the projected increase will have a huge impact on the Village budget. He encouraged the Village to save their money and commit to resolving the project. He stated that the developers are committed to resolving the project. He stated that the budget is the heart of the Village, and he questioned the length of the Bond borrowing.
21. Kenneth Morrow, 48 Sutherland Street, stated that he feels that the Board is on the proper path to deal with this issue. The developer is trying to put in as many units as possible. The developers' plan is to continually sue the Village until they get what they want. The Village should not succumb to the plan. He stated that he is willing to pay more on a continuous basis to get what is right for the Village.
22. Martin Martina, 30 Locust Street, stated that he would like to see the 5 – 15 year projections, once the Bond is paid, the litigation is resolved, and the project is completed. He questioned what sacrifices are being made to the budget for the money to be used for the litigation.
23. Anthony DiMarzo, 301 Exchange Blvd, representing Westport Crossing (PCP), stated that he wanted to set the record straight, in that the developers were invited into the Village. There is a loss of tax dollars that could have benefited all the parties.

Motion Trustee Lanphear, seconded by Trustee Plummer, to adjourn the public hearing until April 26, 2016 at 7:30 PM.

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

EXECUTIVE SESSION

Motion Trustee Lanphear, seconded by Trustee Plummer, to enter executive session to discuss pending litigation regarding 75 Monroe Avenue.

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

Motion Trustee Lanphear, seconded by Trustee Plummer, to authorize the necessary appeal paperwork to be filed for the Court of Appeals by Hodgson Russ LLP regarding litigation with 75 Monroe Avenue.

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

Motion Trustee Lanphear, seconded by Trustee Plummer, to exit executive at 8:50 PM.

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

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MINUTES

Motion Trustee Plummer, seconded Trustee Galusha, to approve the Village Board minutes from March 8, 2016 with corrections.

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

Motion Trustee Plummer, seconded Trustee Lanphear, to approve the Village Board minutes from March 22, 2016 with corrections.

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

ADJOURNMENT

Motion Lanphear, and seconded by Trustee Galusha, to adjourn the meeting at 8:59 PM.

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

Dorothea M. Ciccarelli, Recording Secretary