

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

Present

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

CALL TO ORDER

Motion by Mayor Corby seconded by Trustee Plummer 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. The Board members indicated that they had no conflicts of interest to report.

ROCHESTER PEOPLE’S CLIMATE COALITION

Mayor Corby reviewed with the Board his meeting with Melissa Carlson, with Rochester’s People’s Climate Coalition. Mayor Corby discussed the organization’s mission of environmental sustainability. The group helps local government research the Energy Supply Company’s and assists them in lowering fixed rates. The Board would like to arrange for the group to meet with them at a future date.

NEW YORK PUBLIC INTEREST RESEARCH GROUP (NYPIRG)

The Village Clerk reviewed with the Board a peddling permit request from NYPIRG to conduct their annual door-to-door campaign in the Village. The Clerk presented the letter of intent and employee list.

Motion by Mayor Corby, seconded by Trustee Caraberis, to approve the requested peddling permit with conditions previously set for this organization.

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

NON-MUNICIPAL USE PERMIT FOR PITTSFORD SUTHERLAND HIGH SCHOOL’S ANNUAL HOMECOMING PARADE ON SATURDAY, SEPTEMBER 24, 2016

Motion Mayor Corby, seconded by Trustee Lanphear, to approve the Non-Municipal Use Permit for Pittsford Sutherland High School’s annual Homecoming parade on Saturday, September 24, 2016, per the conditions as given last year.

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

SPECIAL PERMIT: COAL TOWER - INFORMATION ONLY

The Coal Tower was not present – The Board tabled the request at this time.

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TREASURER’S REPORT

Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #4 of 2016/2017 fiscal year for approval. A motion was made by Mayor Corby, seconded by Trustee Galusha, to approve payment of the vouchers listed on Abstract #4 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #004

• General Fund (#43-#48, #51-#56, #59-#60, #62-#64, #66-#71, #73-#74):	\$ 56,043.48
• Sewer Fund (#48, #58, #55, #66, #72):	\$ 4,608.85
• Capital Improvements 2015 (#48-#50, #57, #61, #65):	<u>\$ 10,446.95</u>
Total Vouchers for Approval:	\$ 71,099.28

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

Motion by Mayor Corby, seconded by Trustee Plummer, to approve the budget transfers as presented below.

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

GENERAL FUND ACCOUNTS

Account	Title	Budgeted Amount	Transfer
VENDOR accounts NEEDING funds			
A1410.47	Postage	\$1,900.00	\$315.00
A7550.4	Events/Security	\$4,500.00	\$375.00
A8020.4	Planning/Conf	\$2,500.00	\$30.00
Total Needed			\$720.00

Accounts SENDING funds

Account	Title	Budgeted Amount	Transfer
A1410.411	Supplies	\$4,312.00	\$475.00
A1410.416	Miscellaneous	\$1,975.00	<u>\$245.00</u>
			\$720.00

CRESCENT MOON

The Clerk asked the Board if they wanted three cleanings a week with two port-a-potties or if they wanted to have three port-a-potties with two cleanings. The Board indicated that they wanted to have the three cleanings a week with the two portable toilets.

BANSBACH LAW STATEMENT

Motion by Mayor Corby, seconded by Trustee Plummer, to approve the payment of the Bansbach Law statement of \$8,484.03.

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

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The Clerk informed the Board that she had received a franchise agreement from Frontier Communication looking to go into Television Service, and she was passing the agreement on to the Village Attorney for review. The Board agreed that was the appropriate action to be taken.

DPW REPORT

- Mr. Cufari informed the Board that the loader was sent out and had all the necessary repairs made. While they were working on the loader, they provided the Village DPW a loaner to use. Since the loader has been returned, it has been working adequately.
- Mr. Cufari informed the Board that the Woodcreek generator and phone equipment are up and running appropriately.
- Mr. Cufari discussed with the Board that there are two new pumps needed for the Woodcreek pump station. He requested that the Board authorize the quote he received from Xylem.

Motion by Mayor Corby, seconded by Trustee Caraberis, to authorize the purchase from Xylem for the two new pumps for the Woodcreek pump station, not to exceed \$11,000.

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

- Mr. Cufari informed the Board that the water fountains on Schoen Place need to be replaced, and he is researching replacements. Mayor Corby agreed.
- The Superintendent informed the Board that all the Village trees have been trimmed. He also informed the Board that Edwards will be doing work for the Village on July 20 that requires work with a truck.
- The Burdett lot has been cleaned and mowed and should be placed on a regular schedule for services.
- The John Deere tractor has been sent out for repairs and the Department is currently using a rental. He stated that they expect to have the tractor back by this week.
- The Grove Street project is nearing completion and then signage can be installed. There was damage from a water break at 7 Grove Street that will need extensive repair. The Village will need to hire a company for that work to be completed.
- The sanitary sewers were flushed on North Main St. There seems to be a large amount of grease coming from the Del Monte Lodge. Mr. Cufari has passed this issue on to the Building Inspector.
- Mr. Cufari informed the Board that the RG&E right-of-way has been cleaned and re-graded as far as the lumber yard.
- Mr. Cufari spoke to the Board about the speed limit signs posted on State Street. He stated that these signs are illegal and will be a matter for the Department of Transportation.
- The Superintendent informed the Board that the cost of mulching the park will be around \$400. The Board agreed to have the mulching completed.

MOTHERS OUT FRONT LETTER - BAKKEN OIL TRAINS

The Board discussed the request from the group Mother's Out Front. The group had requested that the Village sign a letter in support of their cause against the Bakken Oil Trains. The Board discussed the requested correspondence.

Motion Mayor Corby, seconded by Trustee Plummer, to approve signing of the requested letter from Mother's Out Front, regarding the Bakken Oil Trains.

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

PUBLIC HEARING 7:30 PM: LOCK 32 BREWING COMPANY LLC.

Casey Dunlavey, representing Lock 32 Brewing Company, LLC, informed the Board that they have had live music for the last 2½ years. The organization is looking to put its best foot forward, and has been respectful of the noise volume. When booking acts, they take into consideration the volume of the noise, since they do not want the music to interrupt conversation within the location. He indicated that having the window open does not cause a major disturbance, and that the concerts conducted in the park tend to be louder than from their establishment. Mr. Dunlavey also informed the Board that their location is not near a residential area and there would be very little disturbance.

Mayor Corby discussed his recent experiences while walking near the establishment, and stated that he did not feel that there was a large impact from the music at the location. Trustee Galusha spoke to the applicant regarding comments and impact on his neighbors. Mr. Dunlavey indicated that the neighbors were not against the music and actually thought it helped their business. The owner indicated that they typically have music on Friday and Saturday night and occasionally on a Thursday night.

Motion Mayor Corby, seconded by Trustee Plummer, to open the public hearing to consider an application made by Lock 32 Brewing Company LLC., for an expansion of their Special Permit to allow music at their current operation of a micro-brewery taproom in the building located at 10 Schoen Place.

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

Bruce Hummel, Grove Street - Thanked the Board for completing the recent work on Grove Street. He stated that he likes having Lock 32 in the Village and he is in support of the musical entertainment.

Adam Bates, 9 West Jefferson Road - Expressed to the Board that Lock 32 does bring folks from other areas of the community into the Village area.

Eric Thomas – Stated to the Board that he thought it was a reasonable request by Lock 32 to have music. It provides a natural draw to the community and Pittsford should support Lock 32 and their request.

Bridget Polito - Jackson - Currently works for Mostly Clay in the Village. She loves the music, and feels that Lock 32 helps bring in traffic from out of town into the Village.

Mike Nolan, 70 State Street - Is a musician and has played at Lock 32. He stated that the owners are very responsible with the music. He also informed the Board that music performances are protected by the First Amendment.

Katie Cufari, 4 Little Acorn Circle, Informed the Board that she has been a Thursday night act at Lock 32, and thinks it is a classy establishment. She expressed her opinion that it is an incredible addition to the Village.

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Gabriel, 80 South Street - Informed the Board that he is pleased to be a patron of Lock 32. He indicated that the establishment is community-orientated. They willingly do charity events, and they provide young musicians an opportunity to perform. They give back to the community.

Having received public comment, **Mayor Corby made a motion, seconded by Trustee Caraberis**, to close the public hearing for a Special Permit for Lock 32 Brewing Company LLC.

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

Mayor Corby reviewed with the Lock 32 owners a request from the Building Inspector to install a safety bar across the window for code compliance. The owner agreed to comply with the request.

Motion Mayor Corby, seconded by Trustee Galusha, to approve the special permit expansion for Lock 32, all impacts of code section 310-74 A-H are the same since no change to business. Approval is subject to the installation of a safety bar across the window for code compliance, and that they avoid conflicts with the Town of Pittsford music program.

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

ATTORNEY CLIENT MEETING

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

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

Motion Mayor Corby, seconded by Trustee Plummer, to exit executive session at 8:13 PM.

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

PUBLIC HEARING 7:30 PM: RONALD DAVIS TO OPEN A CASUAL DINER AT 18 & 20 SOUTH MAIN STREET

Ronald Davis, representing DKM Burger Inc., reviewed with the Board his proposal to open a 45-seat casual diner at 18 & 20 South Main Street. The business is proposed to be open between 7 AM to 9 PM, daily. The only change to the plan since their informal meeting with the Board is to the garbage disposal, as now they will be arranging for totes to be placed directly behind the building, and will have an agreement with another local business for the additional tote space. This will provide them with 6 totes and they propose to have trash picked up 3 days a week. The applicant spoke about parking, and said that he did not see where there would be a parking issue. He surveyed the Village and stated there over 2,000 spaces available throughout. In reviewing the occupancy on Main Street, there is only a need of 800 spots. Mr. Davis indicated that he will be installing a new ventilation system, and that there will be a grill top and 6-burner range.

Trustee Galusha questioned the applicant as to when the pictures of the parking were taken. The applicant indicated that they were taken at various hours of the day, the week of May 3, 2016. Discussion was held with the Board on various parking requirements. The applicant was informed that he will need a parking variance, and that the Board will have to reconvene the public hearing until September 13, 2016, to allow all the necessary notifications and hearing for the parking variance to take place.

Motion Mayor Corby, seconded by Trustee Lanphear, that the special permit application is an unlisted action and the Village of Pittsford Board of Trustees will be lead agency for the proposed special permit for 18 – 20 South Main Street.

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

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Motion by Mayor Corby, seconded by Trustee Galusha, to adjourn the public hearing on the proposed special permit application for Ronald Davis for 18 – 20 South Main Street, to September 13, 2016 at 7:30 PM.

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

M1- RESTAURANT CODE

Mayor Corby discussed with the Board the problem within the code that allowed for restaurants in places that they were never intended. He suggested the remedy for the situation is to delete the words M1 from the special permit code. The Board discussed the item and requested it be placed on the next agenda for further discussion.

Mayor Corby left the meeting at 9:17 PM.

RECESS

Motion Trustee Lanphear, seconded by Plummer, to enter a short recess.

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

Motion Trustee Lanphear, seconded by Trustee Galusha, to exit recess at 9:20 PM.

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

MEMBER ITEMS

Trustee Plummer updated the Board on an issue with parking on Elm Street and the Pickle Factory. The resident involved discussed the problems she has experienced with an individual employed at the Pickle Factory. The homeowner has approached the Pickle Factory for assistance, because the individual responded that the situation is not over yet. The homeowner indicated that they have spoken to the Monroe County Sheriff, but was told there was nothing they could do at this time. The Board talked about the situation and what they could offer the homeowner. The Board and the Village Attorney will research what options could be available to the homeowner.

Mayor Corby returned to the meeting 9:35 PM.

Janet Reynolds, 35 Church Street – Expressed concern to the Board over the number of special permits being given and the impact they have on the Village. The impacts that cause more parking or garbage. There should be limits placed on these special permits, especially when they directly impact residential districts.

Mayor Corby stated the Board will be doing a more global review of the special permits, restaurant uses, and alcohol- serving establishments.

ATTORNEY

Jeff Turner suggested the Board conduct a special attorney-client meeting for July 14, 2016 at 5:15 pm.

EXECUTIVE SESSION

Motion Mayor Corby, seconded by Trustee Plummer, to enter executive session on a personnel matter.

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

Motion Mayor Corby, seconded by Trustee Lanphear, to exit executive session at 10:14 PM.

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

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ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Plummer, to adjourn the meeting at 10:15 PM.

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

Dorothea M. Ciccarelli, Recording Secretary