

**PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
November 15, 2016 -7:00 PM**

Present

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

CALL TO ORDER

Motion by Mayor Corby seconded by Trustee Lanphear 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.

GARY WILKINS – INSURANCE REVIEW

Mr. Wilkins reviewed with the Board the results of the insurance quotes received for the Village’s general insurance. Mr. Wilkins informed the Board that he had received bids from Selective Insurance and NYMIR, but Trident Insurance declined to provide a quote. Mr. Wilkins discussed the quotes and recommended to the Board that they accept the quote from Selective Insurance since they were offering better coverage and would be more competitive with the new dividend policy they are providing.

Motion by Mayor Corby seconded by Trustee Caraberis to accept the quote from Selective Insurance as recommended by the Village of Pittsford Insurance Broker, Gary Wilkins.
Vote: Corby – yes, Lanphear – yes, Galusha – yes, Plummer – yes, Caraberis– yes. Motion carried.

SPECIAL PERMIT EXPANSION – SIMPLY CREPES – INFORMATION ONLY

Simply Crêpes owner, Pierre Héroux, informed the Board that he had opened his business in the Village of Pittsford about 14½ years ago. He indicated that they currently have several locations in New York State and North Carolina. The business has been focusing on the full service restaurant and catering. They have also been moving into the retail market and will be producing products such as a homemade crepe-making kit and other retail items. They are looking to expand the lower level for selling their products and will also be seeking to share the space with Lynn Stewart of Soul Juicing. She will offer cold press juices, which they currently offer in their restaurant. Mr. Héroux indicated to the Board that customers will enter the space from the rear entrance. Mayor Corby reviewed with the owner what the Board would like to see for the next meeting. He requested that the owner present a plan for the area showing lighting, exits, signage, parking deliveries and any changes in trash pickup. The Board would also like to know the hours of operation, number of employees, as well the percentage of the space that will be used.

Motion by Mayor Corby seconded by Trustee Lanphear to set a public hearing for December 13, 2016 at 7:30 PM for a special permit expansion for Simply Crepes.
Vote: Corby – yes, Lanphear – yes, Galusha – yes, Plummer – yes, Caraberis– yes. Motion carried.

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Motion by Mayor Corby seconded by Trustee Caraberis to make the following resolution for an advisory review by the Planning Board for the Simply Crepes special permit expansion of the site access, loading, signage, pedestrian access and trash removal.

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

ATTORNEY CLIENT MEETING

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

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

Motion Mayor Corby, seconded by Trustee Lanphear, to exit attorney-client meeting at 7:50 PM.

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

PUBLIC HEARING – CIPOLLA AND ROMAINE

Proof of the legal notice below having been published, the meeting was continued from October 25, 2016.

Mayor Corby made a motion, seconded by Trustee Plummer, to open the public hearing to consider a Special Permit application for a restaurant in the building located at 9 South Main Street, Pittsford, NY.

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, at a meeting on Tuesday, October 25, 2016 at 7:30 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Cipolla and Romaine Inc. for a Special Permit for a restaurant in the building located at 9 South Main Street, Pittsford, NY, which location is in a B1A – Special Historic Business District, pursuant to Chapter 210-74 A (2), Special Permit Uses in B-1, B-1A, B-2, B-4 and M-1 Districts.

Greg Kacprzyński and Joseph Cipolla, representing the Tapas Lounge, presented the Board with additional handouts, which were updated pictures from the Lounge.

Susan Lhota - 28 South Main Street, business owner, informed the Board that success should be rewarded and she congratulated the two owners on their success and the ability to expand their business. Ms. Lhota indicated that the retail environment has changed and has become a challenging time for brick and mortar stores.

Mayor Corby informed the public that the Board is reviewing the Comprehensive Plan and will be reviewing the retail environment on Main Street to keep pace with the changes and challenges in the industry.

Aldo Argamam - 5 Monroe Avenue, stated that the proposed Tapas Lounge offers a different menu, and they deal with local sourced products. The Lounge will be a benefit to the local retailers and will offer additional night life for the Village.

Trustee Lanphear verified with the Building Inspector that the layout presented to the Board is the same as was presented to the Liquor Authority. Trustee Lanphear also questioned what the total allowed seating is for the facility. She was informed that there is a maximum of 33 seats in the restaurant and 12 on the deck. Maximum per state code would be 51 occupants.

Mayor Corby reviewed with the Board the Part 1 – Full environmental assessment form as required by SEQR.

Motion Trustee Plummer, seconded by Mayor Corby, after review of the Part 1 Environmental Form, a negative declaration was issued for the project.

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

Mayor Corby reviewed with the Board the criteria of the code for the special permit application. The Board discussed the impacts and found that the potential impact is small. Discussion was held on the hours of

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operation for the establishment, and the applicant stated that he is looking to have the hours be from 5 pm – 1am.

Trustee Caraberis discussed her concerns that they not have hours during the business day and she requested the applicant think about an option for during the day. Mayor Corby stated that he supports the application, and that he has been looking at benchmark communities and how they have been able to handle the issues with retail markets. These communities have been able to evolve to handle the changing environments. He further stated that we have seen successful new businesses in Pittsford Village, such as the Wine Bar and Lock 32, and we have to continue to look at what services the community needs and wants. He thought this was a step forward as we review the retail environment.

Art Pires - 70 State Street, discussed with the Board the success the owners have had at the Kitchen, and that he thought this was a credit to the owners. He stated that he understood the concern the Board had with the mixed use retail, but indicated there are vacant units on State Street, and that this was an opportunity to keep the owners in the community. Mr. Pires suggested that if the Board had concerns, they could request that the music be turned off at a certain time and/or issue a period of review of the operation.

The Board indicated that they have been issuing special permits for over twenty years, and they have been successful with their ability to remove the permit as enforcement.

Resident - 223 Goldman Parkway, informed the Board that most restaurants fail in the first year. He stated that they love to come to Pittsford to dine, and that they are always looking for a place to go after having dinner and love the concept presented.

There being no one present wishing to speak further for or against this special permit, a motion was made by Mayor Corby, seconded by Trustee Plummer, to close the public hearing.

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

Trustee Lanphear requested that the definition of a restaurant be given to the Board for review. Jeff Turner reviewed the definition with the Board. The owner of the Lounge agreed that the definition fit this establishment.

Trustee Lanphear also questioned if the applicant had a functioning kitchen per code. It was determined that the operation will have a functioning kitchen with or without the state variances they are seeking.

Motion Mayor Corby, seconded by Trustee Plummer, to approve the special permit on the basis of the special permit criteria as discussed from the Village Code section 210-74 section B-3, a-h, with an occupancy no greater than 45 people and hours of operation to be 5 pm – 12 am. They will use existing trash facilities with verification from the owner with the code enforcement officer and that all recyclables be taken out in the morning.

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

ART PIRES – NFC TRAILER / LANDSCAPING

Art Pires, owner of 70 State Street, expressed concern to the Board regarding his neighbor, Northfield Common, located at 50 State Street. Northfield Common was to complete additional site plan work as per their recent site plan approval, which included additional screening for Mr. Pires' property from the operations. The owner indicated that the Northfield Common property owner has not planted the requested number of trees, and additional plantings are necessary. In addition, he stated that he is experiencing bottle dumping noises from Label 7. The dumpsters are being picked up prior to the allowed time in the mornings. The establishment has also been parking trailers on the site.

Mayor Corby and the Code Enforcement officer will be looking into the issues as presented to the Board.

PUBLIC HEARING – LOCAL LAW AMENDING CHAPTER 93

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 a Local Law Amending Chapter 93 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, November 15, 2016 at 7:30 p.m. at 21 North Main Street, Pittsford, New York. The Board will be considering a Local Law Amending Chapter 93 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.

Trustee Caraberis expressed concern that the new local law will not be firm enough. Village Attorney, Jeff Turner, informed her that the current code is not in step with the current SEQR regulations, and that the proposed local law will keep us current and will simplify the code.

Trustee Caraberis discussed with the Board the need for additional SEQR training for all the Boards. Mayor Corby agreed and said that he will speak with Frank Sciremammano about the training.

Justin Vlietstra – Boughton Avenue, questioned the Board about the necessity of adding the proposed change to the code and discussed other Type II actions that should be added to the code.

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

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

Motion Trustee Lanphear, seconded by Trustee Caraberis, to adopt a local law amending Chapter 93 of the Code of the Village of Pittsford.

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

BUILDING INSPECTOR REPORT

This report refers to activity from October 10th, 2016 thru November 10th, 2016. Mr. Kofahl issued 3 new Building Permits. This brings this year to 60 permits that were issued.

Residential:

- A. Issued 3 Building Permits –
 - 1) 65 State Street – Addition and deck
 - 2) 6 Green Hill Lane – Deck
 - 3) 19 Lincoln Avenue – Garage Door

He has issued 2 Certificates of Occupancy and 8 Certificates of Compliance. We had a total of 32 field inspections for residential work. We have closed out 23 of the 2013 and 2014 permits.

Commercial:

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The inspector issued 2 Certificates of Occupancy. We had a total of 12 field inspections for the commercial building permits. The following report is for the APRB and the PZBA meetings:

APRB

1. We had 4 applications for the APRB to review at the November 7th, 2016 meeting.
 - * 35 Rand Place – Fence – (approved)
 - * 21 South Street – Garage Door – (approved)
 - * 45 Lincoln Avenue – Garage Addition – (approved)
 - * 26 South Main Street – Barn Demolition – (Denied)

Mr. Kofahl is working on a new APRB application form to consolidate all the information needed from the applicants. The new application will be user friendly and more complete. This should help to provide the proper information for Board members to make more informed decisions. This is all being done with the input from the APRB

PZBA

We did not have a November meeting.

They currently have 1 application for the December 12th, 2016 meeting. This is an application for the re-paving and landscaping of the Chase Bank parking lot.

PROJECTS:

The following is a list of projects that Mr. Kofahl has been working on over the past several months:

1. 44 Sutherland Street – This project is an APRB application to demolish a residential home. The application has been before the Board for more than a year. Mr. Kofahl was asked to inspect the property and issue a findings report. This was completed and presented to the APRB. He was then asked to research and get quotes from consultants to complete an inspection of the property to determine if the mold situation could be remediated. The APRB reviewed the quotes and selected a consultant. He then arranged for the consultant to inspect the residence. The report from the consultant has been issued and the application will be scheduled to return to the APRB.
2. The Railroad Ticket Booth – This was a structure that was located at 50 State Street, Northfield Common. Mr. Kofahl was asked by the Board of Trustees to follow through with the Violation of Demolition of a Historic Structure without any approvals. After completing research on the situation, a Violation Notice was issued. The owners of Northfield Common responded to the Violation Order and put forth an offer to the Board of Trustees to remedy the situation. The Board of Trustees asked Mr. Kofahl to get quotes on the cost to rebuild a replica of the Ticket Booth. The quotes were received and presented to the Board of Trustees. The Board then developed a more accurate description of the materials for the construction of the replacement. This design has been sent out for new quotes. We are currently waiting for these quotes.
3. 58 Monroe Avenue – The Pittsford Mobile Station – Mr. Kofahl was asked to look into the violations that exist at this location. He has researched the property file. He discovered that this property had been issued violations in the past, and in fact, had previous Court action completed. He has been working with the Fire Marshal to complete a full inspection of the property. He has also been working with the Village Attorney to involve CSX, as some of the issues involve their property. He has a final list of the violations for the actual property at 58 Monroe Avenue and a list of violations on the CSX property. His

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next action is to clarify with the Mayor and the Village Attorney as to the direction the Village wants to move forward from an enforcement aspect.

4. Powers' property on Schoen Place – There is an existing 5-year agreement between the Village and the Powers for the maintenance of these structures. The agreement has not been complied with by the owners of the property. Mr. Kofahl has completed an exterior inspection of the property and developed a list of existing violations. He has reviewed the 5-year agreement and developed a list of items from the agreement that have not been complied with. He has made several attempts to contact the owners and has received no response. He will be sending out a Violation Notice and Order to Remedy in the next few days. This will give the owners 30 days to respond and/or resolve all the violations. If necessary, the next action will be a Court Appearance Ticket to seek legal action to remedy.

Other Issues:

1. Mr. Kofahl has updated the tracking spreadsheets for the outstanding Building Permits from previous years. He has been working to get the expired permits closed out or renewed if the projects have not been completed. The new spreadsheet has been given to the Fiscal Manager and the Clerk of the Boards, to use for their reports and tracking files. The new spreadsheets are also used to track and cross reference the fees collected for the Building Permits.
2. The New ICC, International Codes, have officially started. All new applications received are required to meet these new State Codes. We now have an electronic version to assist with the review of application compliance, as well as a quick reference tool for inquiries to the new code.
3. The Monroe County MS4 Association is starting a new round of grant funding. We will be looking at what the Village may need in way of MS4, storm water management issues. Please send any ideas to Mr. Kofahl and he will run these past the coalition for potential funding projects.
5. There were a total of 22 complaints that came in. These ranged from garbage pickup hours to chickens running wild, from dangerous tree branches to commercial lighting glare. He was able to completely resolve 21 of these issues to date.
6. The Village Attorney and Mr. Kofahl have been working on the Heatherherst entry way wall situation, and the CSX property line issue with the gas station. They are currently awaiting a response from CSX.

PROPOSED LOCAL LAW ON VACANT AND DEFAULTED MORTGAGE PROPERTY REGISTRY

Mayor Corby presented property maintenance legislation that had been adapted for the Village's use from legislation currently in use in the Town of Greece. The Board requested additional time to review the proposed legislation. Discussion was held on the necessity to have such legislation in place. Mr. Kofahl is in support of the legislation, but expressed concern with some of the financial requirements of the documentation. The Board requested that this item be placed on the next agenda for review.

POWERS' FENCE

Mr. Cufari received permission from Ted Collins to install a fence off their parking lot to gain access to the pond located on Powers' property. The Board questioned Mr. Cufari on the access to the sewer easement. He stated that we still have access to the easement, since the gate has not been locked.

DPW REPORT

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Mr. Cufari informed the Board that the leaf pickup has been going well, at this time. He indicated that the leaf box was made too small and will have to be redone properly at another time.

Mr. Cufari and Trustee Galusha reviewed with the Board the progress being made on the loader; they have received a possible proposal for a resolution. They so far have been offered a comparable model with the same number of hours, an updated model which would cost the Village additional money. The Village has to make a decision what machine they want to proceed with.

Candlelight Night – Mr. Cufari indicated they would start doing work for the event the week before due to leaf pickup. Discussion was held on the lighting of the North Main Street Bridge and State Street Bridge to help provide light for the residents.

EVENT BOARD POLICY

The Board reviewed the policy and the event board and requested that an article regarding the sign be placed in the next Village newsletter for the residents.

2016 MONROE COUNTY TAX SURRENDER

The Village Clerk reviewed the outstanding taxes to be passed to the County for collection for the 2016/2017 tax year.

Motion Mayor Corby, seconded by Trustee Plummer, to pass the 2016/2017 outstanding tax collection to Monroe County.

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

VILLAGE ATTORNEY

Jeff Turner reviewed the settlement conference that he and Mayor Corby took part in. Discussion was had on the issues that were discussed and the situation with the right-of-way. RGE owes approximately \$134,000. The proposal was that they pay approximately \$131,273. Jeff Turner discussed with the Board the options for going forward. The Board requested that Mr. Turner refused the offer made by RGE.

The Attorney discussed the Pittsford Pub resolution that would need to be completed for the next meeting.

TREASURER’S REPORT

Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #11 of 2016/2017 fiscal year for approval. A motion was made by Mayor Corby, seconded by Trustee Plummer, to approve payment of the vouchers listed on Abstract #11 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #11

• General Fund (#319-#320, #322-#330, #332-#335,#337-#366, #367):	\$134,475.47
• Sewer Fund (#331, #336, #341, #346):	\$ 8,933.34
• Pavilion (#321):	<u>\$ 3,034.36</u>
Total Vouchers for Approval:	\$146,443.17

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

The Board reviewed the October financials as presented and requested that the Treasurer be present at an upcoming special meeting to review the financial details with the Board.

VILLAGE CLERK REPORT

- The Village Clerk and Trustee Caraberis reviewed with the Board the options that were available for employees' health care. The Village Clerk recommended to the Board that they not make any changes to the current health care at this time, but did recommend changing the dental plan, which would provide the Village a cost savings. There will only be a minor change in the coverage.

Motion Mayor Corby, seconded by Trustee Galusha, to continue in 2017 to offer the Simply Blue Plus Platinum 2 Plan, Smile Saver Dental Plan, and Medicare Blue Choice Small Group Plan 2. **Vote:** Corby – yes, Lanphear– yes, Galusha – yes, Plummer – yes, Caraberis– yes. **Motion carried.**

- The Clerk reviewed with the Board two upcoming grants she would like the office to work on. The first is the archive rant from New York State and the other is the DEC Municipal Waste Reduction and Recycling Program Grant. The Board agreed that the office should seek funding from these two grant programs.
- The Clerk discussed the Holiday Staff Meeting with the Board and discussed a date for the meeting. It was scheduled for December 16, 2016.

MEMBER ITEMS

Trustee Plummer reviewed with the Board information she received regarding a film series from the School district. The series is called I am not a racist. She would like to see it shown in multiple venues. The Board discussed the recently held well-attended Pittsford Forward meeting. Currently, there has been nothing the policy can do at this time about the racist pamphlets that have surfaced in the area.

ATTORNEY

Motion Mayor Corby, seconded by Trustee Lanphear, to enter executive session.

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 10:45 PM.

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

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Galusha, to adjourn the meeting at 10:46 PM.

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

Dorothea M. Ciccarelli, Recording Secretary