

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
February 14, 2017 – 7:00 PM

Present

Mayor:	Robert C. Corby
Trustees:	Lili Lanphear Frank Galusha Alysa Plummer Margaret Caraberis
Fire Marshall:	Kelly Cline
DPW Foreman:	Zack Bleier
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 except Trustee Caraberis indicated that she would abstain from any decisions related to Duncan Studio since her husband is the realtor for the property.

COMMUNITY CHOICE AGGREGATION (CCA)

Representing CCA, Melissa Carlson discussed the history of the program and the benefits. The program is an opportunity for communities to purchase bulk electricity supply. Currently, there is only a savings on the energy supply of the bill and does not handle the gas portion of the billing. The Board discussed the energy savings that can be obtained with the program. Multiple municipalities can work together to negotiate more than one contract. CCA has given presentations to the City of Rochester, Brockport, and Irondequoit. They currently are working on educating the public on the program. The Board discussed having them attend the Village’s Coffee and Conversation public social event. Ms. Carlson provided the Board with a sample law for them to review and provided the program website address:
www.rocpsc.com.

PEDESTRIAN CROSSINGS

Mayor Corby reviewed the recent accident on Main Street. Pedestrian safety is becoming a severe problem. He discussed with the Board his recent trip to Albany where the yield-to-pedestrian signs were left out all four seasons. He also stated that the crossing signs needed to be placed in all crosswalks. Mayor Corby questioned Mr. Bleier about the possibility of returning our signs to the crosswalks during the winter. Mr. Bleier expressed concerns with the signs being hit, but will contact the City of Albany Public Works on how they mount them to the street to allow them a longer-term placement. The Board discussed the need to increase the budget for the signs. Trustee Plummer indicated that the Board should be taking additional steps with talking to our Senators about changing the speed limit in the Village to 25 miles per hour. Mayor Corby indicated that repainting the sidewalks a different color would be beneficial as well. There was concern if the Village is allowed to paint state road sidewalks. The Department of Transportation would need to be consulted. Trustee Galusha also indicated that more enforcement is needed, and that the Board should reach out to Captain Ott. The Board also discussed using Lincoln Avenue and Sutherland Street sidewalks as testing areas for repainting

SPECIAL PERMIT MODIFICATION - SAHA MED GRILL

Mr. Mina, the owner of Saha Med Grill, informed the Board that he had closed the location in Pittsford in January. He is proposing changing the type of operation from counter service to table service. Mr. Mina did not plan to change seating occupancy. Mayor Corby questioned if there would be any change in the current kitchen facilities. Mr. Mina indicated that the hood and exhaust and the current kitchen will remain the same. Mr. Mina indicated that with this change, he thought the location would be more successful. He requested a letter for the landlord that he was in compliance with his special permit. Mrs. Cline indicated to the Board that she was looking for a determination as to whether the change from counter to table would require a modification to his special permit. Trustee Caraberis questioned Mr. Mina regarding the current liquor license for the establishment, and he indicated it would just be transferred to the new name of the restaurant. Mayor Corby questioned whether the configuration of the restaurant would be changing. Mr. Mina indicated that it would be changed. Mayor Corby and the Board informed Mr. Mina that they will require a scaled plan of the layout and a formal application for modification to the special permit for the March 14, 2017 meeting.

DUNCAN STUDIOS – ZONING REQUEST

Peter Brizee, representing the owner of 38 State Street, Ricardo Juskiewicz, requested that the current zoning of the property be changed from B1 to B4. He informed the Board that the parcel is in an unusual area for the B1 zoning, and the property is currently adjacent to the B4 area. Mr. Brizee indicated that the change would not be out of character for the area and would allow for broader uses. Mayor Corby discussed with Mr. Brizee an outstanding building code violation. The property owner had made changes to the building without APRB approval. Mr. Brizee informed the Board that he will work with the owner on correcting the violation. The Board stated that they will need assurances that the work will be completed prior to the zoning change being made. Mayor Corby stated that the proposed change would be a sensible rezone, given that the area is not a part of the retail Main Street, and is more of a transitional zone. The requested zoning change will require an LWRP review and a two-part SEQR process and a coordinated review. Mr. Brizee stated that 40 State Street, as well, should be a part of the zoning change. Mayor Corby informed him that the Board will need to see a letter in support of the change from the property owner. The Mayor requested that Ms. Cline provide the Board with an updated zoning map with the proposed change, and he requested 50 State Street be included as well.

JEMBETAT BENCHES

The agenda item was tabled to the next scheduled meeting.

HIGHWAY PERMITS

Mayor Corby reviewed the request from RGE for approval of utility permits for work to be completed in the right-of-way on Elmbrook Drive and Eastview Terrace. The Board discussed the recent work that had been completed in the area. Mayor Corby requested that Mr. Bleier spray paint where RGE intended to work so that he could review where they were cut. Discussion was had on the need to create a Village Highway Permit, the Clerk would add the item to the project list for completion.

DPW REPORT

Shop Sewer Lateral

- Trenched and installed approx. 550' of 6" PVC pipe from lift station at shop to Pure Waters man hole.
- Removed, cleaned and stored lift station pumps and controller.
- Flushed floor drains and installed new pump in man hole.

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- The department dug up a storm sewer pipe at swale. We thought that it was an outfall but it continues underground to a currently unknown location. We will have to investigate this further. Corrugated metal pipe shows signs of rot and soil infiltration. Cut out bad section and replaced it per Scott Harter's advisement.
- Throughout this project, the town highway department along with the sewer department have supplied trucks and drivers to haul our rubble pile away.

CSX Property/Siphon Access

- CSX barred access through their property to our siphon on Monroe Ave.
- With the help of Terry Robins and Jeff Turner we were able to find a map locating our easement and deeds to verify it.
- The easement cuts through the eastern side of the service station's property and goes through a heavily treed area making it inaccessible without clearing the trees away.

Village Hall and Street Lighting

- I have been working with Tambe Electric trying to sort through the lighting issues at the village office, i.e., parking lot light; ceiling lights in lower level.
- There continues to be an ongoing effort to coordinate Tambe and RG&E to change out failed connections to street lights on the South Main Street and State Street bank of lights.
- All other street light outages have either been fixed, are in the process of being fixed, or are pending repair by RG&E.

General Maintenance and Duties

- Trimming trees and brush along sidewalks to make room for the bulkier ToolCat.
- Reregistered 2004 International dump truck is now legal to haul a payload. The new vehicle title should be arriving sometime soon.
- Bundschuh's Greenhouses are ready for us to bring our pots, baskets and boxes to them. We will bring them out the week of 2/13.

BUILDING INSPECTOR REPORT

Ms. Cline informed the Board that she has conducted various inspections and issued several building permits. There also have been several applications to process for APRB and PZBA.

- 9 South Main Street: Ms. Cline has been working with the tenants regarding supplying the appropriate documentation for the State Board of Review. The State has not set a date and time for the hearing. She is hoping that once they receive the new information from the applicant, a date will be set.
- Lock 32: After the last meeting with the Village Board, Ms. Cline had conversations with the applicant regarding the proposed deck. The applicant has withdrawn his request for a deck but will be returning with an amended plan to utilize the landing/sidewalk directly in front of the business. The applicant will need to appear for an informal and a formal meeting. The applicant will be appearing in front of the APRB for approval to change the window/door and fencing this week.
- Ms. Cline received a phone call regarding a building permit for 18 S. Main Street. A contractor called inquiring whether a building permit would be needed for renovations at that location. She informed him that more discussion and approvals may be needed prior to issuing a building permit. Salvatore's Pizza has been vacant for over a year and no longer has a special permit.

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- Ron Habecker: 92 South Main Street. Mr. Habecker has requested a determination on the two-family status of the house located at 92 S. Main Street. This property has not been utilized as a two-family structure in over a year, and it has lost its status. Ms. Cline will be issuing a letter indicating that it can only be utilized as a one family unit. Ms. Cline reminded the Board that these types of decisions by the Inspector can be challenged to the Zoning Board of Appeals. Jeff Turner informed the Board that he would have a conflict of interest if there were any challenges to this decision.
- Ms. Cline informed the Board that she is currently working on the NYS 1203 report for the Village.
- The problem with the Del Monte sewers has been discovered to be a dishwasher. Ms. Cline is working with them to resolve the problem.
- 44 Sutherland Street will be appearing before the APRB for the preliminary review. They will be submitting an application to the Planning Board for demolition.
- Powers Farm: Ms. Cline received notification from Jeff Turner regarding the enforcement of the Code Violations on the property. She is currently reviewing all the available information on the 5-year plan and the issues to be addressed. She will also need to visit the property to see what has been repaired. Mr. Kofahl did leave information regarding discussions he had with Mr. Powers addressing what has been completed so far and his intentions to continue in the spring.

VILLAGE ATTORNEY REPORT

Zombie / Property Maintenance

The Board reviewed the updated property maintenance law. Jeff Turner reviewed the changes with the Board and recommended to them that they amend *Chapter 80 Buildings, Dangerous and Unsafe* by establishing increasing penalties for repeated noncompliance. The Board discussed the changes and set a public hearing for possible amendment to the code.

Motion Mayor Corby, seconded Trustee Plummer, to set a public hearing on March 28, 2017 at 7:30 PM to consider amending *Chapter 80 Buildings, Dangerous and Unsafe* establishing increased penalties for repeated noncompliance, establishing Chapter 81 Vacant *Property Registry and Property Maintenance Code*.

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

Mr. Turner questioned the status of the quote for the ticket booth. Trustee Plummer stated she would look into the status of the quotes.

The Board and Mr. Turner discussed the issues related to the Sewer and Pond Easement and the next steps needed to resolve the issues.

ATTORNEY CLIENT PRIVLEDGE

Motion Mayor Corby, seconded by Trustee Galusha, to enter attorney client privilege.

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

Motion Mayor Corby, seconded by Trustee Lanphear, to exit attorney-client at 10:11 PM.

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

TREASURER'S REPORT

Village Clerk, Dorothea M. Ciccarelli, presented vouchers listed on Abstract #16 of 2016/2017 fiscal year for approval. A motion was made by Mayor Corby, seconded by Trustee Galusha, to approve payment of

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the vouchers listed on Abstract #16 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #16

• General Fund (#507-#510,#512-#-#518,#521-#529, #531-#540):	\$ 30,114.43
• Sewer Fund (#511, #515, #519-#520, #530,#531):	\$ 7,183.41
• Capital Improvements 2015 (#515)	<u>\$ 30,000.00</u>
Total Vouchers for Approval:	\$ 67,297.84

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

VILLAGE CLERK REPORT

The Clerk reviewed the proposed DEC grant with the Board that is currently being completed by Sophie Bennet. The Board agreed with the work that has been done and for the grant to be submitted when completed.

The Clerk discussed with the Board a phone call from a resident regarding an issue with a sewer bill. They received a very large bill due to a water leak, which actually did not affect their sewer usage. The Mayor requested that the issue be reviewed by the Village Attorney before any action is taken.

The Clerk also reviewed with the Board that the project action list needed to be updated to review the current status of projects. She stated that she will be updating it in the near future for the Board’s review. Also, she discussed the current deadline dates for Board items and the Village Board’s meeting packet. She will be changing the meeting deadline dates; the tentative agenda will be changed to Monday and the packet issued on Wednesday the week prior to the Village Board meeting.

MEMBER ITEMS

Trustee Plummer discussed the current balance in the escrow account for Mark IV and the current outstanding bills. Additions are needed by the Planning and Zoning Board for consultants for the project. Trustee Plummer suggested a letter from our attorney to collect the funds needed. The Clerk stated that in the past, before the Village Boards would continue working on the project, payment was demanded and received. Trustee Plummer will put the letter together and forward to the Board and Hodgson Russ for review.

EXECUTIVE SESSION

Motion Mayor Corby, seconded by Trustee Galusha, to enter executive session to discuss pending litigation on 75 Monroe Avenue.

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

Motion Mayor Corby, seconded by Trustee Lanphear, to exit attorney-client at 10:20 PM.

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

MEMBER ITEMS – CONTINUED

Mayor Corby discussed with the Board the Village sign, and he suggested that the sign be relocated from Jefferson Road to State Road, since the sign is too big for that location and would be a better fit at Jefferson Road. This way, the Village will be able to obtain a smaller sign for the State Road site. The Board agreed that would be a wise way to handle the replacement of the stolen Jefferson Road sign.

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Mayor Corby reviewed with the Board the approval of the Lock 32 sliding door. The Board discussed their concerns with the approval given and the process the APRB used to give the approval. The Board discussed the implication on the upcoming application for Lock 32.

Mayor Corby suggested to the Board that the current fence code should have the agricultural fence language removed. The Board discussed the impacts this change would have on the code. Mayor Corby suggested that this item be placed on the next agenda.

Mayor Corby discussed with the Board the need to research new drinking fountains for Schoen Place. The Board discussed that in the current budget there are funds to replace one fountain. The Village currently has a \$5,000 budget to replace the fountain.

Mayor Corby informed the Board that he has an appointment with Senator Funke and Assemblyman Joseph Errigo to discuss possible projects that could be funded with their assistance.

Trustee Caraberis questioned if the draft letter to the Comprehensive Plan Steering Committee from the Mayor was ok to be mailed off. The Mayor indicated the letter was ok to be sent to the committee.

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Plummer, to adjourn the meeting at 10:50 PM
Vote: Corby – yes, Lanphear – yes, Galusha – yes, Plummer – yes, Caraberis– yes. Motion carried.

Dorothea M. Ciccarelli, Recording Secretary