

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
March 17, 2017

Present

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

SPECIAL PERMIT INFORMAL REVIEW - STARBUCKS

Jerry Goldman, representing Starbucks, informed the Board that the organization is seeking a modification of the existing Special Permit that was given for Bruegger’s Bagels at the library. They will be proposing to accommodate the same use as was applied for in 1996-1997. This move would provide Starbucks with the same amount of space as their current location, but would be a better functioning space. They are looking to change the business operator for the site. Mr. Goldman indicated that there would be no cooking or liquor sales at the site. He informed the Board that Starbucks was looking to be up and operating in the space in 120 days, and that there would be no exterior building changes, except for signage. Mayor Corby questioned the applicant as to what would be located in the store front windows. The applicant informed him there would be seating in front of the windows. There will be seating on the outside with umbrellas in between the tables. Trustee Caraberis questioned what difference there was between the two applicants. Mr. Goldman informed her that the only difference in the parties’ application would be their hours. Trustee Caraberis questioned if they would be able to transfer the existing Starbucks special permit to the new location. She was informed that the Starbucks location predated the issuance of special permits. Mayor Corby commented that the Starbucks request for a modification of the special permit would be for the same use as given previously. Trustee Caraberis questioned if there were differences to the issuance of the special permit given that the location is a public space and not private.

Trustee Lanphear questioned what SEQR review will be required for the location. Mayor Corby informed the Board that since it is a transfer of ownership, with no change being made to the outside, and will be of similar use, there is no significant environmental impact. The application as presented indicated the use would be less intense, since there will be no range hood for cooking and less seating. The applicant indicated they will be providing 46 interior seats and 40 outside seats. Trustee Plummer indicated that this would be a great opportunity for the Village.

Janet Reynolds, 36 Church Street, stated that the change in location for Starbucks is a good idea, but questioned the Board about the criteria been for a new application in comparison to a modification of a

Proceedings of a Meeting of the Board of Trustees
March 17, 2017

special permit application. Mayor Corby informed her that there was no difference, and that both applications were reviewed by the Board using the same criteria.

The Board questioned what the last day of occupancy for Bruegger's was, and they were informed the last day was September 20, 2016. There would be no lapse in the existing special permit.

Motion by Mayor Corby, seconded Trustee Plummer, that this is a Type II SEQR pursuant to 617.5c, 2, 20, 26 with the addition there are no changes to the property or building, therefore no significant substantial impacts on the environment.

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

Motion Mayor Corby, seconded by Trustee Lanphear, to remand the special permit application for Starbucks site plan review to the Planning Board for an advisory opinion of the seating layout of the terrace, and the overall layout compared to the original layout approval given to Bruegger's Bagels.

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

THE LOUNGE – SPECIAL PERMIT REVIEW

Mayor Corby thanked the Greg Kacprzynski for attending the rescheduled meeting. Ms. Cline reviewed with the Board the state of the operations at The Lounge; currently, they do not have a functioning kitchen and are having food prepared at the Kitchen location and brought to the Lounge. The Board questioned where the applicant currently is on the variance process for the kitchen area. The applicant and Ms. Cline indicated that the applicant had to provide additional information for the State and were placed on the State docket for review. Before the committee will meet, there needs to be three applications in front of the Board. Currently, the applicant is on the docket for April, but at this time, it does not appear there are three applications. Mayor Corby questioned what the implications were if the applicant did not obtain the variance. What The applicant indicated that they will work to resolve the violations. Mayor Corby stated that the Board should continue to review the situation and give them time to meet the conditions of the code. Trustee Galusha stated that the Board should acknowledge the operation violations, and that the Board is actively monitoring the situation. Trustee Caraberis asked Ms. Cline if there were any other inspections that would be necessary for the property. Ms. Cline indicated that would be a decision of the State Variance Board. The Fire Department is awaiting the decision of the State Variance Board, before their additional requirements will be requested for the full C of O to be given.

Janet Reynolds – 36 Church Street, asked if the requirement of the Liquor Authority for the operation to serve food caused a problem with the Village allowing them to operate. The Village Attorney stated that the Village is not involved in the Liquor Authority's enforcement, and that the requirement for a functioning kitchen is in the Village Code, and the existing violation of the special permit is the resolution that the Village Board is working towards.

Motion by Mayor Corby, seconded Trustee Lanphear, that the Board of Trustees acknowledge the current violation of the Special Permit provided to the Lounge, and the Board is working with the applicant who is actively seeking remediation of the violation with the State Variance Board. The applicant will appear before the Board upon a meeting with the State Variance Board on June 1, 2017 to provide the Village Board with an update on the variance.

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

NON-MUNICIPAL USE PERMIT – CORNHILL NAVIGATION

The Village Clerk reviewed with the Board the non-municipal use permit application provided by Corn Hill Navigation for the 2017 season. The applicant indicated that there were no planned changes for the

Proceedings of a Meeting of the Board of Trustees
March 17, 2017

upcoming season. The Village Board reviewed the provided information and requested the applicant be given approval with the same conditions as provided in 2016.

Motion by Mayor Corby, seconded by Trustee Lanphear, to issue a non-municipal use permit and Temporary Zoning Permit to Corn Hill Navigation for the Sam Patch for the 2017 Season 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.*

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

NON-MUNICIPAL USE PERMIT – TOWN OF PITTSFORD

The Town of Pittsford requested a non-municipal use permit for the following events listed below:

Paddle & Pour: Saturday, May 27 - 12:00-11:00 PM.

Memorial Day Parade: Monday, May 29 at 10:00 AM.

Pittsford Food Truck and Music Fest: Saturday, September 9-12:00 - 9:00 PM.

The Board discussed the request from the Town of Pittsford and expressed concern with the trash pickup that was not taken care of properly last year and requested that this be an additional condition on the non-municipal permit given. The Board indicated that the tentative agenda provided was good.

Motion Trustee Lanphear, and seconded by Mayor Corby, to approve the non-municipal use permit for the Town of Pittsford, with the condition of a planned coordination of the removal of trash for all events, which will happen immediately after the event.

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

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 6, 2017 at 10:00 AM until approximately 10:45 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

Proceedings of a Meeting of the Board of Trustees
March 17, 2017

Motion by Mayor Corby, seconded by Trustee Galusha, to issue a non-municipal use permit to Pittsford Little League for the annual parade on May 6, 2017, with all the requirements of the non-municipal use permit.

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

BERO ARCHITECTURE – PAVILION / VILLAGE HALL BATHROOMS

Mayor Corby reviewed the proposal from Bero Architecture for the pavilion and the Village Hall bathrooms, and he informed the Board that the designing and engineering were necessary for the changes to the bathrooms. The Board discussed the grant received for the updating of the bathrooms, and that it is not a matching grant, but was given for a specific amount.

Motion by Trustee Plummer, seconded by Trustee Caraberis, to authorize Mayor Corby to sign the proposal from Bero Architecture for the necessary design and engineering for the pavilion and Village Hall bathrooms for \$11,600.

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

BUILDING INSPECTOR REPORT

Ms. Cline informed the Board that due to the wind & snow storms, she did not have a long report.

- Canandaigua National Bank will be coming to the Village APRB with a sign package. Ms. Cline will be requiring assistance with research from the Records Clerk.
- The applicant is moving along with the project at 36 Sutherland Street.
- 44 Sutherland Street has provided engineering plans and is currently working with the Planning Board and the APRB.
- The Village faired very well with the recent storms. Damage was minor and the Village should be seeing applications for building permits for repair. She also wanted to acknowledge that Zack Bleier had done a great job during the recent emergencies.

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 8:30 PM.

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

MEMBER ITEMS

Trustee Lanphear and the Village Clerk updated the Board on the status of the village urn that was destroyed in an accident at the 4-corners of the Village in November. The Village obtained a copy of the police report, and a letter requesting compensation for the damage was sent to the party involved in the accident. The replacement cost of the urn is \$1,000. The Clerk suggested, per Trustee Lanphear, that when the urn is replaced, the Village orders two, so that the new urn does not look out of place.

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

Proceedings of a Meeting of the Board of Trustees
March 17, 2017

Vouchers for approval – Abstract #16

• General Fund (#541-#546, #659-#548-#561,#563-#592):	\$118,032.27
• Sewer Fund (#547, #533, #562, #568, #577):	<u>\$ 2,145.56</u>
Total Vouchers for Approval:	\$120,177.83

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

VILLAGE CLERK REPORT

The Clerk reviewed with the Board the quotes received for the replacement of the village parking lot light pole. The pole was damaged by Toshiba when they delivered the new copier. The Clerk recommended that the Board review the possibility of replacing all four poles. She submitted the quote to Toshiba for reimbursement for the repair.

The Clerk reviewed with the Board the new hire for the Department of Public works and the necessary approvals. Trustee Galusha reviewed the applicant with the Board and his request for the approval of the memorandum of understanding and the terms of the agreement.

Motion Trustee Plummer, seconded by Trustee Lanphear, to authorize the Mayor to sign the Memorandum of Understanding with the Union.

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

Motion Mayor Corby, seconded by Trustee Plummer, to authorize the hiring of Joan Rule in the position of MEO at a rate of \$15.75 per hour with a start date of March 27, 2017.

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

The Village Clerk presented to the Board the election inspectors for the March 21, 2017 election, as provided by the Monroe County Board of Elections:

Grant B. Fowler – Republican
Paul W. Vandermeid – Republican
Barbara W. Beerens – Democrat
Marcia G. Sheldon - Democrat

Motion Mayor Corby, seconded by Trustee Lanphear, to approve the election inspectors as provided.

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

The Clerk requested approval from the Board to send Zack Bleier to the upcoming Highway School training scheduled for June 11 – June 14.

Motion Mayor Corby, seconded by Trustee Galusha, to approve the attendance for Zack Bleier to the upcoming Highway School in Ithaca.

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

MEMBER ITEMS - CONTINUED

Trustee Galusha reviewed with the Board the canvassing he is conducting on financing for the new village sweeper. He is currently working with the possible lenders, who have provided quotes for yearly, quarterly or monthly payments. He would like to review the quotes with Board at the next budget meeting.

Proceedings of a Meeting of the Board of Trustees
March 17, 2017

MINUTES

Motion Mayor Corby, seconded Trustee Plummer, to approve the Village Board Budget minutes from March 1, 2017.

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

Motion Mayor Corby, seconded Trustee Galusha, to approve the Village Board Budget minutes from February 15, 2017.

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

Motion Mayor Corby, seconded Trustee Galusha, to approve the Village Board Budget minutes from January 25, 2017.

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 January 24, 2017, with amendments.

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

Motion Mayor Corby, seconded Trustee Lanphear, to approve the Village Board Special Meeting minutes from December 23, 2016.

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 January 10, 2017.

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

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