

**PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES**

January 26, 2021 at 6:30 PM

**Mayor:** Robert Corby  
**Trustees:** Dan Keating  
Lili Lanphear  
Frank Galusha  
Renee Stetzer  
**Village Attorney:** Jeff Turner  
**Building Inspector:** Steve Lauth  
**Recording Secretary:** Dorothea M. Ciccarelli  
**Deputy Clerk:** Marina Pacheco  
**Deputy Clerk:** Brooklyn Thomas

**CALL TO ORDER**

**Motion Mayor Corby, seconded by Trustee Lanphear,** to call meeting to order at 6:30 PM.

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

Mayor **Corby** introduced new staff members Brooklyn Thomas and Marina Pacheco. All Trustees introduced themselves. Mayor Corby introduced Presenters: Jacqueline Ebner of Color Pittsford Green; Margot Fass of The Frog House and Permaculture Expert Patty Love; and Casey Dunlavey of Lock 32.

**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.

**THE COLOR OF PITTSFORD GREEN INITIATIVE - FOOD WASTE EXCHANGE**

Presenter: Jacqueline Ebner

Ms. Ebner proposed a food waste exchange program where residents are assigned a food waste container which is exchanged for empty containers when full. The food waste is collected into a local compost pile and used for further Village Green initiatives. Educational outreach and signage regarding food insecurity and creation of closed loop economies will be used to push initiative. Proposes to pursue 6-month pilot program with Spiegel Center as potential drop-off site to gauge community interest. Program may be mandatory or voluntary, free, fee-based, or incentivized. Trustees asked several questions regarding the program:

- Fees for the program may be covered by the Village or forwarded to residents through purchase of food waste container. Container cost approximately \$15-\$20 each.
- Should Village incur cost, it is estimated at a few hundred dollars a year.
- Program likely to fall under the NYS 360 Requirement.
- Permits will be needed for concrete under the compost pile and potentially also for waterway separation and runoff management; this is indicative of Village managed compost rather than using a 3<sup>rd</sup> party.

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- Potential to earn 43-49 points in NYS climate smart community program.
- Fulfills recommendation from comprehensive plan adopted a year ago.
- Opportunities to obtain grants that cover entirety of program funding.

Mayor Corby mentioned that program fulfills recommendation from comprehensive plan adopted in 2019. Trustee Galusha supported implementation of the program. Trustee Lanphear suggested holding a public information session (similar to previously held session to discuss solar and green energy) to gauge public interest and create an education opportunity. Possibly even a joint session with the Town. Trustee Lanphear also suggested creation of a committee to conduct research on best options in program implementation and present findings to the Board. Mayor Corby supported Trustee Lanphear suggestion of a joint session and supports Spiegel Center and Farmers Market as potential drop-off areas.

The Board thanked Ms. Ebner for her presentation.

## **PERMACULTURE WORKSHOP/DPW FOOD FOREST**

Presenter: Patty Love & Margot Fass of The Frog House

Ms. Love proposed use of 2 sites, approximately 25ft x 12ft. spa behind DPW on Village Lane to develop a “food forest” and nursery for native trees. It is proposed that a workshop be held in May on Village land as a demonstration project, during which the food forest and nursery project will be commenced. Ms. Love explained 3 components of the plan; firstly, to establish food forest with signage, secondly to begin a native seed bed (oaks, hickories, maples, etc.), and finally, to use the native seed bed to further the future Village Arboretum project. Trustees asked several questions regarding the program:

- Possibility of recruiting Eagle Scouts to complete initial planting.
- Donation of mulch and Village resources to water nursery and forest is requested. Seeds to be provided by program. Suggestion that maintenance may also be completed by Eagle Scouts.
- Maintenance (watering) only necessary for first month of project, once seeds take, areas will be self-maintaining.
- Further possible costs include fencing and deer tubing.

Mayor Corby explained that the Village does have capability to assist with watering as the Village has many trees and flowers that they maintain in this manner during the growing season. Mayor Corby expressed issues with vandalism in the area in the past yet hopes that community involvement with project and higher traffic in area will deter vandals. Mayor Corby finds educational value in project and cites that it aligns with vision of preserving area as public park and creation of arboretum.

Trustee Keating asked what potential cost to the Village may be and if proposal includes costing or is just informational. Ms. Love explained that only donation they are seeking is of mulch and cardboard and the watering assistance. Ms. Fass also explained intention of charging a fee to participate in the workshop demonstration, which will cover the costs. There is also mention of a \$750 grant which might cover any other unforeseen costs.

Trustee Keating questioned that due to the program request for resources he would like for Mayor Corby to disclose involvement with The Frog House to ensure no conflicts of interest.

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Mayor Corby explained his informal relationship with The Frog House from the time of its foundation. Mayor Corby stated that he has volunteered at educational events in the past but has no vested financial interest in The Frog House. Finds no conflict of interest as only interest is in preserving the area, which the Mayor has advocated for over 20 years.

Ms. Fass further reassured Trustees that The Frog House has never received money from the Mayor or the Village and does not require funding to implement this project. Ms. Fass also mentions that project may earn further points in the NYS climate smart community program.

Question of permitting requirements was brought up by Trustee Lanphear. Mayor Corby explained that project will likely require a non-municipal use permit.

Ms. Fass stated that project will likely need insurance and asks if the Village insurance will cover project.

Mayor Corby answered that the Village board must discuss and consider. Also asked that project team provide quantity of mulch that they are seeking, and board will review how much the Village is able to cover.

Trustee Galusha supported project and statements by Mayor Corby. Stated that the labor and material cost to the Village is minimal.

Trustee Lanphear supported the project. Hopes to pursue option of involving Eagle Scouts.

Building Inspector Lauth mentioned that a new trail has been recently created, has higher visibility and is less prone to vandalism. Suggests implementing project along new trail.

Mayor Corby answered, explaining that several locations were reviewed for this project and found not to be as suitable. States that even minor trails are getting more use and would like to use the project as a means of deterring vandalism from the area.

The Board thanked Ms. Love and Ms. Fass for their presentation.

**SPECIAL PERMIT AMENDMENT – LOCK 32 BREWING**

Applicant/Representative: Casey Dunlavey

Building Inspector Lauth makes correction that this is a new application for a special permit and an amendment to the previous application is no longer being pursued.

Attorney Turner explained that the reason for the new application is that the pre-existing application will be non-conforming due to up-coming code change. He stated that it will make more sense to have the permit match the current code. Should the Board choose not to grant Lock 32 the new permit, they will be able to operate under the previous one.

Mayor Corby explained that vote on the permit should wait until code is changed. Attorney Jeff Turner explained that votes can be done in the same evening.

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Mayor Corby opened discussion to the Board.

Trustee Galusha expressed concern that public has access to the space. Suggest use of signage.

Trustee Lanphear, to follow question by Trustee Galusha, stated that NYS liquor authority requires a barrier between public space and where alcohol is consumed. Asks that Lock 32 show Trustees how this will be accomplished.

Trustee Keating stated that originally location was a parking lot, not a true public space. Stated that putting up a pavilion for the consumption of alcohol prohibits use by anyone under the age of 21.

Trustee Lanphear provided further history. Location was a parking lot in the 80s but was absorbed into public space along the canal. Patio, pathway, and linear park were all created for public use. Trustee Lanphear identified that the building of the pavilion and the expansion of the special use permit are separate items. Explained that the concern of the Board is making sure that area remains publicly accessible and that the Board has been assured by the owner that accessibility will be preserved.

Mayor Corby provided further context. Originally the plaza occupied the whole area. Due to concern for loss of parking, a compromise was reached that parts of Collins property remained parking. Public accessibility of the area is maintained. Trustee Lanphear' pointed out that when grant money for area was awarded it was with the intention that an effort would be made to preserve the area for public use. Mayor Corby believed that proposed design accomplishes preservation efforts while also allowing plaza to experience the same success they experienced this summer during COVID.

Trustee Lanphear agreed. Stated that she would like to see how Lock 32 will accommodate public use issue in tandem with meeting NYS requirement to create separate areas for consumption of alcohol.

Mr. Dunlavy explained that the use of the pavilion does not fall within the scope of his application. From what he understands of the plan is that it will continue to operate in the way that it currently does. There are no locked gates and are openings for pass through traffic. The NYS liquor authority has already approved use in this manner and the only separation required is some form of barrier to delineate alcohol consumption areas. Location can maintain current appearance. Regarding signage promoting public use, Mr. Dunlavy expressed that signage may incur an insurance issue.

Trustee Lanphear stated that her question was answered.

Mayor Corby expressed that Mr. Dunlavy's plans fall in line with the Village hopes for the plaza. Would like to promote another opportunity to have a successful summer as last year.

The Building Inspector stated that he has spoken with Jenny Collins and Mr. Dunlavy regarding the plaza and that two things have not yet been mentioned. Firstly, that the establishment pavilion is to fulfill the final wishes of Mr. Ted Collins, Jenny's father. Plans for said pavilion have existed since 1994 but have not yet come to fruition. Inspector Lauth was also in contact with the NYS liquor authority and further corroborated the assertion by Mr. Dunlavy that delineation of the area was sufficient to satisfy the NYS liquor authority.

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Trustee Keating thanked Building Inspector Lauth for clarification. Recognizes that public access issue has been verbally resolved and inquired if an amendment to the special permit is still necessary. Mayor Corby stated that the matter of how Mr. Dunlavey wishes to delineate the space can be included in the new application.

Mr. Dunlavey stated that Ms. Collins is heading up this project and that it is ultimately her project. The current plans are the vision they wish to pursue. Attorney Turner asked if this was acceptable to the Board. The trustees were in agreement, that the applicant did not have to submit a new application or revision to their application.

The Building Inspector stated that the new application references all the requirements of the original application. Other stipulations can be added. All conditions granted in the original resolution were rolled into the new application and Ms. Collins is open to making additional changes if necessary.

**Mayor Corby made a motion, seconded by Trustee Stetzer, to set a public hearing for Tuesday, February 16, 2021 at 7:15 PM for the special permit application for Lock 32.**

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

The Board thanked Mr. Dunlavey for attending the meeting.

**TREASURER’S REPORT**

**VOUCHERS**

The Village Treasurer presented vouchers listed on Abstract # 015 of 2020/2021 fiscal year for approval. A motion was made by Mayor Corby, seconded by Trustee Lanphear, to approve payment of the vouchers listed on Abstract # 015, in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract # 015

• General Fund (391-396, 398-402, 404-413)	\$36,584.03
• Sewer Fund (390, 397, 403)	<u>\$ 1,296.29</u>
Total Vouchers for Approval:	\$37,880.32

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

**ATTORNEY BILLS**

The Treasurer reviewed with the Board the current outstanding Village Attorney Bills.

**Motion Trustee Galusha seconded by Trustee Keating** to approve the payment of Osborn Reed & Burke invoice #58415 for \$16,279.58 and Zoghlin invoices #1008 for \$285.50, and #1017 for 1,744.50.

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

**Motion Mayor Corby, seconded by Trustee Stetzer,** to set a public meeting to override the tax cap as recommended by NYCOM, for Tuesday, February 23, 2021 at 7:00 PM.

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**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

**CLERK’S REPORT**

The Village Clerk requested approval from the Board for Health Saving Account funding for new employees Marina Pacheco and Brooklyn Thomas in the amount of \$1,250.00 each.

**Motion Trustee Galusha seconded by Trustee Stetzer,** to approve Health Saving Account funding for new employees.

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

**25 MPH SPEED LIMIT IMPLEMENTATION**

Trustee Stetzer updated the board regarding the bill to change the Village speed limit to 25 MPH. Stated that the bill had been introduced and assigned Bill # S02959 by the Senate. A Bill number has not yet been received from the Assembly.

**MEMBER ITEMS**

**Mayor Corby**

Mayor Corby informed the Board that the code had caused an issue with the approval of Harleday Hots. He informed the Board that he has been working with Village Attorney and the Building Inspector and that a new short term business code be discussed at the next regular meeting.

Attorney Turner stated that the Zoning Board of Approvals expressed difficulty in implementing a temporary zoning permit. A transition from a transient merchant code to a short-term retail business code provides the same protections as a temporary use permit. It is a Board of Trustees function and should be kept outside of the zoning code. Stated that there is no need to keep planning amendments to the zoning code and that the issue may be settled in this way.

**Trustee Stetzer**

Trustee Stetzer informed the Board that HOPR bike share agreement was sent to Attorney Turner with questions, concerns, and a request for feedback. Attorney Turner reviewed and provided a memo. Trustee Stetzer asks Attorney Turner if the memo can be shared with HOPR.

Attorney Turner stated that the memo can be shared with HOPR. The Village Attorney cited possible issues with agreement; firstly, if the Village is receiving a municipal benefit that justifies the use of municipal space, this must be resolved in the positive; and secondly, unsure if the Village would prefer to pursue a license rather than a 3-year lease. License creates easier opportunity to opt-out if necessary.

Mayor Corby discusses how the bike share is supported by the Active Transportation Plan and is covered by previously received grant.

Trustee Stetzer stated that clarity regarding payment must be determined if opting for license over 3-year agreement. Uncertainty regarding cost after 3-year period.

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Several Trustees inquire if permits will be needed to implement. Mayor Corby informed the Board that a non-municipal use permit will be required as the facilities will be located in the public way. The Board determined that further discussion with Building Inspector Lauth would be needed to determine if a right-of-way permits are necessary.

Mayor Corby asked who will cover insurance. Attorney Turner answered that HOPR will need to provide the insurance and the Board must find out the amount of insurance. The Village Clerk to follow up.

Building Inspector Lauth cited that permit applications will likely have associated fees and asked if fees should be waived. Trustee Stetzer supported waiving fee as cost of bike share is being covered by governmental agency.

**Motion Mayor Corby, seconded by Trustee Stetzer**, to waive permitting fees associated with bike share.

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

Trustee Stetzer provided further updates before moving on. Trustee Stetzer will be reaching out to towpath and spoke with HOPR on virtual bike stations, which involves placing e-bikes on existing bike racks in the Village. Mayor Corby suggested alternative location for rack, by DPW lot by canal under bridge. Schoen Place location is still being discussed.

Trustee Keating asked that before moving on if Attorney Turner needed any further information regarding the benefit question. Attorney Turner stated that benefit is outlined in the Active Transportation Plan and needed no further information.

**Trustee Keating**

Trustee Keating received an e-newsletter from the Village of Pittsford. Asks that Board have opportunity to review communication sent from the Village of Pittsford to its residents before it is disseminated.

**Motion Trustee Keating, seconded by Trustee Stetzer**, to require that the Board of Trustees review and have an opportunity to add any communications being sent by the Village to its residents.

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

Trustee Stetzer commented that this does not include correspondence from the office of the Mayor. Everyone was in agreement.

Trustee Keating presented member item regarding 75 Monroe, that he is in favor of negotiating with Mark 4 to solve the issues.

**EXECUTIVE SESSION**

**Motion Mayor Corby, seconded by Trustee Lanphear**, to enter into Executive Session regarding pending litigation.

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

**Motion Mayor Corby, seconded by Trustee Stetzer**, to exit into Executive Session at 9:05 PM.

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

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**ADJOURNMENT**

**Motion Mayor Corby seconded by Trustee Stetzer** to adjourn the meeting.

**Vote:** Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. **Motion carried.**

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Dorothea M. Ciccarelli, Recording Secretary