

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

June 13, 2023, at 5:30 PM

PRESENT:

Mayor: Alysa Plummer
Trustees: Lili Lanphear
Justin Leitgeb
David Marshall
Lisa Cove
Village Attorney: Jeffery Turner
Village Clerk: Dorothea M. Ciccarelli

CALL TO ORDER

Motion by Mayor Plummer and seconded by Trustee Cove to call the meeting to order.

Vote: Plummer – yes, Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes, *Motion passed.*

CONFLICTS OF INTEREST DISCLOSURE

Trustee Cove informed the Board that she disclosed to the Board that she would be recusing herself from the application from Breathe Yoga & Juice Bar for a non-municipal permit.

REVIEW OF PROPOSED EAGLE SCOUT PROJECT

Griffin Murphy reviewed his Eagle Scout project for a butterfly garden on the canal in the Village. He was hoping to start the project around July 10, 2023. He was looking to plant a garden near the four butterfly signs along the canal. After the garden has been planted, the garden will require the DPW to take care of future maintenance. Discussion was had on a project and the necessary permits from the Canal Authority. Trustee Leitgeb requested that the gardens avoid blocking a potential path into the Arboretum from the canal.

Motion Trustee Cove, seconded by Trustee Leitgeb, to approve the proposed Eagle Scout project with the consideration that the Village will be responsible for the maintenance of the project as well, and a Certificate of Insurance will be granted through the Boy Scout rider plan for the project. The Scout will also work with the Village and DPW to ensure the western gardens do not impact the proposed trail for the Robert C. Corby Arboretum.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

NON-MUNICIPAL USE PERMIT- PITTSFORD YOUTH DUCK DROP DERBY

Pittsford Youth Services requested a permit for their annual Duck Drop Derby to be held on September 9th from 3– 6 PM.

Motion by Trustee Cove, seconded by Trustee Marshall, to accept the non-municipal use permit for Pittsford Youth Services for their annual Duck Drop Derby to be held on September 9, 2023.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

NON-MUNICIPAL USE PERMIT- BREATHE YOGA & JUICE BAR TENT SALE

Cindy Weiss, representing Breathe Yoga and Juice Bar at 19 South Main Street, was seeking approval for a 20 by 20 tent for a sale on August 3-5, 2023. They anticipated the tent would only take up two to four parking spots; it would be installed late Wednesday and taken down Monday morning.

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

June 13, 2023, at 5:30 PM

Motion by Trustee Marshall, seconded by Trustee Lanphear, to approve the non-municipal permit as presented with the condition that the proper insurance is received prior to the event.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - abstain; *Motion Carried.*

REVIEW AND SETTING OF A PUBLIC HEARING – SHORT-TERM RETAIL BUSINESS – BUFFALO BILLS

The Board reviewed the application from the Buffalo Bills for a short-term retail business. This is an annual request.

Motion by Trustee Marshall, seconded by Trustee Cove, to set a public hearing for a short-term retail business application for the Buffalo Bills on July 11, 2023, at 6 PM.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

REVIEW AND SETTING OF A PUBLIC HEARING – SPECIAL PERMIT APPLICATION – 14 S. MAIN STREET

Luciana Pedroso presented an application for a special permit for Doux Italian Coffee for a café. They anticipated being open seven days a week from 9 AM – 8 PM.

Motion by Trustee Lanphear, seconded by Trustee Leitgeb, to set a public hearing for a special permit for 14 South Main Street business on July 11, 2023, at 6 PM.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

BERNARD P. DONNEGAN – BAN INFORMATION FOR SOUTH AND WOOD STREET

Jason Schwartz, the president of Bernard P. Donnegan, reviewed and discussed options for Bonds and Bans for the Village of the proposed South and Wood Street project. Mr. Schwartz discussed the steps and the borrowing costs involved in the process. Trustee Marshall discussed the timeline involved and the benefits of the Village just issuing a Bond for the project and not opting for a BAN first. The action would save on the cost of borrowing.

GPI CONTRACT - TABLED

BREAK

Motion by Mayor Plummer, seconded by Trustee Cove, to take a 10-minute break.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

Motion by Mayor Plummer, seconded by Trustee Cove, to return to session.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

CONSIDERATION OF ARBORETUM DEDICATION

Trustee Leitgeb informed the Board that he would like to clarify the boundaries of the Arboretum. He thought it was important for the usage of the park and the safety of everyone in DPW and the public. The previous dedication was done using a conceptual map that included a rough area, but some areas of the map needed to be defined. He reviewed the locations involved for the Arboretum.

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

June 13, 2023, at 5:30 PM

Mayor Plummer discussed the ongoing concerns with the DPW property needing to be properly secured from public access for the safety and security of the property. With the activation of the land behind the DPW, more people, children, bicyclists, and dogs are on the property. There have been several near misses with the heavy equipment going in and out of the facility. The DPW is the underpinning of caring for our village and infrastructure. So, we want to ensure that their current and future needs are provided for, which provides safety for the DPW and the public because they are accessing public land adjacent.

The Superintendent commented that safety concerns have always been an issue with the property. Still, safety concerns have increased since the transformation to a park opened to the public. The Superintendent informed the Board of an incident with a kid on a scooter on the DPW property. Some people have even cut through the gated area on the DPW property to access the Arboretum trail.

Jason Cernis, Working Foreman, informed the Board that people probably think the DPW property is for public use. We have people cutting through behind our cars in front of our vehicles and walking right through with their dogs, sometimes off-leash. We have had dogs come into our break room while eating lunch off-leash. The concern is that this private space is not intended for public use. This has led to several close misses with the heavy equipment. He expressed that there needs to be a defined path to the arboretum with signage. Since the property is not secure, the staff has had problems with people on the property drinking and using the facilities. Dealing with the trespassers on the property at off hours is unsafe. Given these safety issues, he requested that the facility be fenced for the safety of the public and the DPW staff.

Sean Darcy, a DPW employee expressed his concern for safety and informed the Board that in the past year, his car was broken into while on the property. He also informed the Board that he had a recent issue with a dog running into the facility while working on a vehicle. The dog could have been hurt, and they would have been responsible.

The Superintendent spoke to the Board, and he said the safety and security issues with the facility are of concern, but the use of the facility in a long-term capacity.

Motion by Trustee Leitgeb, seconded by Trustee Lanphear, to waive the requirements of public RFP and classify the dedication of parkland as type II action under SEQR, based on the balancing test that was undertaken.

Vote: Plummer – no; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

Trustee Leitgeb asks the Board to review the meets and bounds document pertaining to the land of discussion. And proposes a resolution by which he reads for the record.

The Village Building Inspector asks the Board to consider the Superintendent's request for the mulch pile to be properly allocated and sectioned. Trustee Leitgeb states that the mulch pile will be exclusively used inside the Arboretum. Superintendent Bleier asks for this area not to be developed for public use due to significant safety concerns and concerns for improper disposal of invasives.

Motion by Trustee Leitgeb, seconded by Trustee Lanphear, to adopt the resolution for the Robert C. Corby Arboretum and Wildlife Sanctuary.

Vote: Plummer – no; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

APPOINTMENTS TO THE SHORT-TERM RENTAL COMMITTEE

For the record, Mayor Plummer reads a letter to all the people who expressed interest in serving on the Short-Term Rental Committee.

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

June 13, 2023, at 5:30 PM

Motion by Mayor Plummer, seconded by Trustee Marshall, to approve the appointment of Karl Fleischmann for the Short-Term Rental Committee.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

Motion by Mayor Plummer, seconded by Trustee Leitgeb, to approve the appointment of Bob Michaels for the Short-Term Rental Advisory Board.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

Motion by Mayor Plummer, seconded by Cove, to approve the appointment of Ajna Pierce for the Short-Term Rental Advisory Board.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

Motion by Mayor Plummer, none seconded, to approve the appointment of Erin Eater for the Short-Term Rental Advisory Committee.

Motion Not Carried.

Motion by Mayor Plummer, seconded by Marshall, to approve the appointment of Benajmin Richards for the Short-Term Rental Advisory Board.

Vote: Plummer - yes; Lanphear- no; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried*

Motion by Mayor Plummer, seconded by Marshall, to approve the appointment of Len Parker for the Short-Term Rental Advisory Committee.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried*

Motion by Mayor Plummer, seconded by Cove, to approve the appointment of Maria Venette for the Short-Term Rental Advisory Committee.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried*

Trustee Lanphear asks if we are opposing the resolution by not appointing seven members. Attorney Turner states that the committee meets quorum standards.

Trustee Cove asks if the committee will have a liaison, at which Attorney Turner reminds that they will appoint their own to reach out to the Board as needed.

The Board agrees the meetings for the advisory committee will not be expected to be open to the public.

PUBLIC HEARING FOR SHORT-TERM RENTAL MORATORIUM LAW

The Board discusses details of the proposed Short-Term Rental Moratorium.

Motion by Trustee Marshall, seconded by Leitgeb, to set the Short-Term Moratorium Law to a public hearing and revised on July 11, 2023, at 6:00 p.m.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

REFUSE DISTRICT

Trustee Cove would like to ask the Board if they would be interested in doing more research regarding a Village refuse district. She will bring the topic back to the Board.

**PROCEEDINGS OF A REGULAR MEETING
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June 13, 2023, at 5:30 PM

TREE ORDINANCE DRAFT

Attorney Turner requests to bring this item back to the Board after he further reviews.

VILLAGE BOARD RULES AND PROCEDURES

The Board discusses items such as but limited to Updates to meet postings, updates to the agenda additions up to meeting time, and public notices that are not questionable. They would like to set a standard for all Board members to send items to the Clerk by Thursday for a meeting the following Tuesday.

Motion by Trustee Marshall, seconded by Leitgeb, to adopt the Rules of Procedures as presented with modifications made by discussion.

Vote: Plummer - yes; Lanphear- yes; Leitgeb - yes; Marshall - yes; Cove - yes; *Motion Carried.*

INFORMATION FOR MULTI-YEAR PLANNING

The Clerk and Trustee Leitgeb have reviewed the insurance information specific to DPW. The Deputy Clerk will poll the Board for dates to conduct a multi-year planning meeting.

RETAINER AGREEMENT FOR ETHICS BOARD

The Clerk presents a retainer agreement for the Ethics Board to attain counsel with Finucane and Hartsell, LLP for \$1,750. Trustee Leitgeb and Trustee Lanphear have recused themselves from this discussion.

Motion by Trustee Marshall, seconded by Cove, to approve the retainer agreement with Finucane and Hartsell, LLP.

Vote: Plummer - yes; Marshall - yes; Cove - yes; *Motion Carried.*

BUILDING INSPECTORS REPORT

The fee schedule was presented by the Building Inspector, who researched its applications to local municipalities. Trustee Marshall clarifies that the schedule should be read as an evaluation against the value of the project multiplied against .008, not per square foot. There will be a \$450.00 minimum per unit; any unit larger than 1500 square foot to be charged at the \$.030 per square foot rate. Additions will be separated from a remodel scheduled at a minimum of \$ 1,000.00 per addition.

Inspector Lauth asks the Board to authorize any short-term rental enforcement within his role. Additionally, he would like Attorney Turner to review drafting a rental registration within the Village.

Motion by Trustee Marshall, seconded by Trustee Cove, to approve the fee schedule as amended and discussed.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed.*

DPW REPORT

Superintendent Bleier shares the routine tasks being done in the Village and updates for training with DPW; otherwise, nothing new for the Board.

Trustee Marshall asks to evaluate the area needs of permanent trash receptacles.

**PROCEEDINGS OF A REGULAR MEETING
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June 13, 2023, at 5:30 PM

TREASURER’S / VILLAGE CLERK REPORT

The Village Clerk presented vouchers listed in Abstract #25 & #2.

A motion was made by Trustee Marshall, seconded by Trustee Leitgeb, to approve payment of Abstract #25 & #2 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – #25

• General Fund (658-689):	\$27,157.82
• Sewer Fund (683, 689):	\$ 274.82
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Total Vouchers for Approval:	\$27,432.64

Vouchers for approval – #2

Total Vouchers for Approval:	\$37,102.00
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Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed.*

The Clerk informs the Board we will be making debt payments.

The Clerk gives an overview of April financials.

Motion by Trustee Leitgeb, seconded by Trustee Cove, to approve financials.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed.*

Motion by Trustee Leitgeb, seconded by Trustee Cove, to approve budget transfers.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed.*

The Clerk gives an overview of renovation tasks, upgrades, and costs applicable to Village Hall and DPW.

Motion by Trustee Leitgeb, seconded by Trustee Marshall, to approval for Village re-cabling.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed*

Motion by Trustee Leitgeb, seconded by Trustee Marshall, to approve new Village carpeting.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed*

Motion by Trustee Marshall, seconded by Trustee Leitgeb, to approve the purchase of PSA hours.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed*

MEMBER ITEMS

Trustee Cove asks for guidance regarding the control box art and presents a proposal drawing from one artist. DOT may approve plantings with further discussion.

Trustee Lanphear reminds the public to address the Board as a whole, not individual members. Additionally, she asks the Board to consider moving the public comment segment to a more appropriate meeting time rather than each agenda item at its presented time.

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

June 13, 2023, at 5:30 PM

Trustee Marshall asks if it should be the role of the Board of Trustees to be solely charged with permit applications versus Planning and Zoning.

Motion by Mayor Marshall, seconded by Trustee Cove, to enter executive session to address an employee matter.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed*

Motion by Mayor Plummer, seconded by Trustee Cove, to leave the executive session.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed*

Motion by Trustee Leitgeb, seconded by Trustee Cove, to approve the pay increase for Mindy Barnes of \$17.75 an hour, effective at the current pay period.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed*

Motion by Trustee Leitgeb, seconded by Trustee Cove, to approve the change of employment status for Brandon Hopkins to permanent, with a pay increase of \$1.00 an hour from his current hourly rate.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed*

Motion by Mayor Plummer, seconded by Trustee Cove, to adjourn.

Vote: Plummer – yes, Lanphear—yes, Leitgeb –yes, Marshall – yes, Trustee Cove—yes, *Motion passed*

ADJOURNMENT

Dorothea M. Ciccarelli, Village Clerk