

**PROCEEDING OF A REGULAR MEETING OF THE VILLAGE
BOARD OF TRUSTEES
October 22, 2024, 5 PM**

PRESENT:

Mayor: Alysa Plummer
Trustees: Lili Lanphear
Justin Leitgeb
David Marshall- absent until 5:16 PM
Lisa Cove
Village Attorney: Jeffery Turner
Village Clerk: Dorothea 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 – absent. *Motion passed.*

CONFLICTS OF INTEREST DISCLOSURE

Mayor Plummer asked the board if they had anything to disclose. Trustee Marshall stated that he would abstain from the Hotel Tax discussion, and the other trustees said they had no conflicts.

PLEDGE OF ALLEGIANCE

The room then stood and recited the Pledge.

PUBLIC COMMENT

Mayor Plummer asked if there were any public comments. The village clerk stated that there was not.

CLIMATE SMART ENVIRONMENTAL BOARD

Mayor Plummer informed the board that the town supervisor did not believe that having a joint board between the Village and town would not be effective. An action item was set for the board to reacquaint themselves with the state’s requirements for this type of board and bring it back on the next meeting's agenda.

TREASURE/VILLAGE CLERK REPORT

Motion by Trustee Leitgeb and seconded by Trustee Lanphear to approve the bill pay as presented.

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

Motion by Trustee Leitgeb and seconded by Trustee Cove to approve September 2024 financials as presented.

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

Motion by Trustee Leitgeb and seconded by Trustee Cove to approve the budget transfer as stated.

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

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The board set an action item to direct the Village Attorney to review the code regarding public notifications and adjust the language to make the cost of postage less prohibitive.

Trustee Marshall joined the meeting at 5:16 PM.

Emily Diaz asked if new technologies, such as emergency text services or other municipal services, could be used to notify public hearings.

The Village Clerk stated these options were being investigated.

Motion by Trustee Cove and seconded by Trustee Leitgeb to approve the meeting dates with the amendment that the meetings start at 5 PM.

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

VILLAGE TREE LEGISLATION

The tree legislation discussion focused on the Village's tree ordinance, which aims to protect the canopy by regulating tree removal. The board discussed the importance of protecting native trees and the influence of insurance companies on tree removal decisions. They considered revising the ordinance to include a more flexible definition of heritage trees and making arborist recommendations optional. The discussion also touched on the need to balance property owners' rights with the goal of preserving the Village's tree canopy. The board plans to revisit the ordinance with a focus on heritage trees and flexibility in the next meeting.

Margo Fass suggested considering not only the diameter of trees but also whether they are invasive in the description of what the Village considers a heritage tree.

Bob Corby, 7 Washington Avenue, expressed concerns about the tree ordinance, particularly regarding the requirement for a certified arborist's recommendation for tree removal and if the Village were to experience a natural disaster that damaged several trees at once. He suggested that the decision to require an arborist's recommendation should be optional and that the board reviewing the application should have the flexibility to request it if needed. Mr. Corby also discussed the importance of protecting the Village's tree canopy and suggested defining "heritage trees" with specific criteria, such as size, age, and native status, to ensure the ordinance is not overly restrictive while protecting significant trees.

Caroline Torres, 41 Monroe Avenue, expressed concern about the potential expense for the Village in terms of having someone hired by the Village to assess trees, as opposed to placing the responsibility on the homeowner to get an assessment for tree removal.

An Action item was set to bring this discussion back before the board at the next meeting.

SEQR- PROPOSED LOCAL LAW ON SHORT-TERM RENTALS

Motion by Trustee Marshall and seconded by Trustee Leitgeb to adopt the findings in Part II and classify the Short-Term Rental Ordinance as a negative Declaration and to authorize the mayor to sign Part II.

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

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VILLAGE FUND BALANCE POLICY

The board discussed the Village's fund balance policy, which is required by the comptroller. The current policy maintains a fund balance of 10 to 15% of the current year's budget to ensure financial stability and compliance. The board considered revising the policy, with some members suggesting a higher percentage for added security. However, it was noted that maintaining the current range is acceptable for now, given the Village's financial situation. The board agreed to revisit the fund balance policy during the next budget process to ensure it remains adequate and compliant.

Motion by Trustee Marshall and seconded by Trustee Cove to adopt the fund balance policy as presented for both the general and sewer fund.

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

PUBLIC HEARING- 9 SOUTH MAIN STREET

Brad Sluman came before the board to present his application for a special use permit at 9 South Main Street, the current location of bluHorn. Mr. Sluman planned minimal changes to the establishment, focusing on menu items like beef on weck, roast beef, corned beef, turkey, and daily soup. The operation will employ a few staff, including a manager, on-site at all times. The proposed hours were 12 PM to 11 PM, with variations on weekends 12-12. The board discussed the need for a compliant kitchen and the definition of a restaurant in the local code. It was noted that the previous permit was in violation because it was supposed to be supported by a full restaurant kitchen next door, which never happened. The board would like the code enforcement officer to make a determination.

Motion by Trustee Marshall and seconded by Trustee Cove to open the public hearing regarding the special use permit for 9 South Main Street.

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

Motion by Trustee Marshall and seconded by Trustee Leitgeb to adjourn the public hearing until November 12, 2024, at 6 PM.

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

CODE DEFINITIONS BAR, TAVERN, RESTAURANTS, LOUNGE

The discussion regarding code definitions focused on clarifying and potentially revising the definitions of establishments like bars, taverns, restaurants, and lounges within the village code. The board considered the need for more flexible definitions to accommodate diverse business models, such as micro-restaurants or cafes, which may not fit neatly into existing categories. They discussed the possibility of creating new categories, like bistros, with relaxed expectations for food preparation and cooking and considered the impact of square footage on classification. The goal was to ensure fair treatment across the board while allowing for a variety of dining and drinking establishments in the Village.

Carolina Torres, 41 Monroe Avenue, asked that the board consider how the code could be written to encourage as many different types of dining, drinking, and community experiences in the Village as possible rather than focusing on what could be considered onerous details. Her hope was to save time and legal fees while also providing business owners with many different opportunities within the Village.

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The board members agreed with Ms. Torres' thought process but wanted to focus right now on how they could facilitate the opening of the proposed business at 9 South Main Street and then focus on a zoning code update. Trustee Marshall also stated that it is important not to make the code too open because it would open the Village to establishments that it does not want.

HOTEL TAX AND VILLAGE REVENUE OPPORTUNITIES

Trustee Marshall left the meeting room and recused himself from the discussion.

The board focused on the potential for the Village to implement a hotel occupancy tax as a new revenue source. It was noted that Monroe County and the City of Rochester currently collect such taxes, but the Village would need to collect it directly. The process would involve drafting a home rule resolution and seeking approval from the state legislature. The board considered the potential revenue from this tax and discussed including short-term rentals in the tax. Concerns about the administrative workload and the impact on local businesses were also mentioned. The action items were to gather more information, including which other villages have implemented similar taxes and what percentage was charged, and bring the discussion back to the next meeting.

David Wilkes asked if the board would conduct an analysis of estimated village income from all scenarios, including Del Monte Canal Lamp Inn and short-term rentals (STRs) in the Village, considering the status quo that would remain after implementing the new STR law.

The board confirmed that they would.

PUBLIC COMMENT

Margot Fass reiterated the importance of community effort in creating beautiful vernal ponds in the Village. She emphasized that this initiative would draw people to the area and serve as an educational example. Margot encouraged community participation, mentioning various ways people could contribute, such as attending a gala with a sliding fee scale. She highlighted the potential benefits of the ponds for residents and visitors, aiming to enhance the Village's appeal as a destination, and left a poster for the village hall to display.

PRO HOUSING RESOLUTION

Concerns were raised about the resolution's requirements, which include streamlining permitting for various types of housing and adopting policies that encourage a broad range of housing development. Some board members felt that the resolution's one-size-fits-all approach might not align with the Village's comprehensive plan or specific needs, given its small size and built-out nature. It was noted that the resolution might not be necessary for eligibility in certain programs if the Village meets other criteria, such as housing growth through permits. The board set action items to reach out to the Pro-Housing committee to clarify if the Village can wait until next year to submit the resolution. They will also compare the provided resolution to the Village's comprehensive plan to ensure alignment. The clerk would also reach out to the grant administrators to determine eligibility for the New York Forward grant without signing the resolution while also following up with NYCOM regarding the status of advocacy for smaller villages like Pittsford.

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MEETING DATE FOR BUSINESS OWNERS FORUM

The discussion began considering whether to include property and business owners, as their perspectives and interests might differ. The forum aims to engage property owners with empty storefronts to attract businesses. Timing options include January or February to avoid the holiday season, and the forum may be held on weekends or during business hours, depending on availability. The board plans to compile a list of potential attendees and coordinate the meeting around their schedules. A clear purpose statement and agenda are essential for the forum. Business owners may be included later, and the role of the Chamber of Commerce was noted. The board will gather contact information to facilitate coordination.

MEMBER ITEMS

Trustee Cove brought up confusion regarding the Sheriff liaison role. The village clerk stated that the proposed liaison list was mistakenly referred to instead of the final list, and the issue had been remedied now that it had been brought to the deputy clerk's attention.

Trustee Cove also asked for clarification on the Chamber of Commerce's response to forming a subcommittee for village business owners. The mayor reiterated the forwarded email stating that the Chamber created Shop 14534, which includes the entire zip code, not just the Village, and that the Chamber does not plan to create a separate Village Business Association.

Trustee Marshall mentioned that more needs to be done on the R5 zone change, and it remains an open item for future discussion.

A reminder was given about the on-site meeting at Shame Place, inviting village residents to join. A bulletin would also be sent out and posted on the village website.

MINUTES

Motion by Trustee Leitgeb and seconded by Trustee Marshall to approve the minutes from June 10, 2024.

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

Motion by Trustee Leitgeb and seconded by Trustee Cove to approve the minutes from June 18, 2024.

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

Motion by Trustee Leitgeb and seconded by Trustee Cove to approve the minutes from May 13, 2024.

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

Motion by Trustee Marshall and seconded by Trustee Leitgeb to approve the minutes from June 3, 2024.

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

Motion by Trustee Marshall and seconded by Trustee Lanphear to approve the minutes from August 19, 2024.

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

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Motion by Trustee Leitgeb and seconded by Trustee Marshall to approve the minutes from September 10, 2024.

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

EXECUTIVE SESSION

Motion by Mayor Plummer, seconded by Trustee Cove, to enter executive session to discuss an employee matter.

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

Motion by Trustee Marshall, seconded by Trustee Cove to leave executive session.

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

Motion by Trustee Marshall, seconded by Trustee to approve a \$1.00 merit-based raise to Laura Donk, Francine Brokaw, and Alexandria Torres-Vaughn, effective immediately.

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

ADJOURNMENT

Motion by Mayor Plummer, seconded by Trustee Cove, to adjourn the meeting at 7:33 PM.

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

Laura Donk, Recording Secretary