

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

Thursday, April 13, 2023, at 6:30 PM

PRESENT:

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

CALL TO ORDER

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

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

CONFLICTS OF INTEREST DISCLOSURE

Mayor Plummer presents a conflict of interest regarding the agenda item, Village Ethics Board –Investigative Authority/ Code Changes, and requests to enter the attorney-client session.

NON-MUNICIPAL USE PERMIT- PITTSFORD PUB

Scott Thyloff of The Pittsford Pub asks permission to a tent over the patio on May 8, 2023, coming down May 22, 2023. Public comment Charlie Fitzsimmons, a neighbor of the Pub, speaks in support of the permit.

Motion by Trustee Lanphear, seconded by Trustee Leitgeb, to accept the non-municipal use permit for Pittsford Pub as presented and waive the 45-day request requirement.

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

COPPER LEAF BREWING COMPANY

Clay Killian, co-owner of 50 State St. In honor of their 2nd anniversary, they are seeking a permit to have a food vendor set up in two spots of their parking lot on the side of building G. Building manager has approved. The event date being held on April 22, 2023.

Motion by Trustee Leitgeb, seconded by Trustee Lanphear, to accept the non-municipal use permit for Copper Leaf Brewing Company as presented and waive the 45-day request requirement.

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

NEUTRAL GROUND COFFEEHOUSE

Marianne Waffle, the business owner, is seeking a non-municipal use permit to hang a 3 x12 banner on the backside of the porch two weeks before the PGA kickoff. The banner will be advertising extended business hours adjusted to 6:00 am - 9:00 pm, announcing live music Wednesday –Saturday of two-person acoustics, as well as grilling of hotdogs. Neighbors are in support.

Motion by Trustee Leitgeb, seconded by Trustee Marshall, to accept the non-municipal use permit for Neutral Grounds Coffeehouse as presented. The 45-day request requirement was waived.

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

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SAMPATCH

The permit will run from May 12th, 2023, to October 31, 2023. Small changes compared to the prior year's permit details will include the route adding a portion of the canal so Sam Patch can travel through a special section.

Motion by Trustee Lanphear, Trustee Leitgeb seconded to accept the non-municipal use permit for Sam Patch boating season as presented and no changes in conditions as previously discussed.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb- yes, Marshall- yes, *Motion passed.*

PITTSFORD TOWN LIBRARY

The Clerk reads on behalf of the library a request to use Pittsford's Erie Canal Park and along Schoen Place for monthly pop-up Public Community Library (PCL) outreach. The event will use equipment such as a book bike and a 6 ft folding table. The hours will run from 3:00 -6:00 pm with 2-3 staff members on site.

Motion by Trustee Leitgeb, Trustee Lanphear seconded to accept the non-municipal use permit by the Pittsford Community Library with the dates as listed, waiving the 45-day request requirement.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb- yes, Marshall- yes, *Motion passed.*

SPECIAL PERMIT APPLICATION - CYCLE CAFE

Chuck Mancini is seeking a special use permit to operate a *Cycle Café* and brings answers to questions from Trustees at the previous Board information meeting. Accompanied by Mr. Mancini is Ryan Kelly, project architect. Additionally, Mr. Mancini is seeking a date for the public hearing. He addressed three variances with the PZBA of appeals on April 5, 2023. They were; eliminating parking and thus defining lot coverage, and site planning, which the PZBA and rubbish removal denied. Outside of the Board variances, the PZBA has asked two things from Cycle Café; to get consent for the shared dumpster or come up with a plan B for rubbish removal. With that, then the site plan can be approved. An agreement could not be reached with the Village Bakery, and the Cycle Café has decided to use the original bike wash area for stored trash bins.

Attorney Turner asks about the impact of the emergency exit with a restructured garbage plan in the original bike wash area; will there be safe ingress through the dumpsters? He states that both properties have equal rights to the parking area removed by a bike wash plan and restructured garbage housing. Thus, this Board does not interfere with private property rights. The Village Attorney reiterates that the special permit can be approved 1st then the site plan and other variances can be settled.

Trustee Lanphear asks Attorney Turner to clarify how specifically ADA accessibility and parking don't fall under the justification of the Board if it is listed in the special permit use guidelines. He answers that ADA accessibility won't apply here because of the PZBA's change to parking ADA parking requirements, not accessibility. ADA parking will not be inaccessible as there are many other options and areas that are ADA available.

Trustee Marshall asks about the perpendicular line between Cycle Cafe and Village Bakery and the sidewalk belonging to Village Bakery.

Charlie Fitzsimmons, 5 State St. -stands to make his case of there being no issues before with the garbage shared previously with Mike Reynolds. Additionally, he had to obtain a special use permit to obtain the existing accessible parking spot closest to the Phoenix building.

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Peggy Caraberis, 81 South St - Questioned if the establishment will be a restaurant; confirmed yes by Mr. Mancini. She adds a concern regarding parking territories and that the planning board and the zoning board of appeals function similarly and pose a conflict of interest.

Mike Reynolds, 5 State St. -Property owner of the front parcel for the property of discussion. States his LLC did not consent to the Phoenix parking spot referenced by C. Fitzsimmons as being a shared parking spot.

Motion by Trustee Leitgeb, Trustee Marshall seconded the approval to move the application of *La Fabrica* to a public hearing on April 27, 2023, at 7:00 pm.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

PUBLIC HEARING - TOWN PARK –NORTH MAIN STREET

Mayor Plummer states that this space is proposed on N. Main Street.

Motion by Trustee Leitgeb, Trustee Marshall seconded a motion to open a public hearing.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

No participants requested to speak on this item.

Motion by Trustee Leitgeb, Trustee Marshall seconded a motion to close the public hearing.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

Trustee Leitgeb explains that the extended plans from the March 22, 2023, meeting are posted on the website. The discussion is deciding whether we will enforce the zoning code for this project. The decision will be based on addressing the ‘9 factors’, which are not weighted and can be balanced across various items.

- 1) Municipality seeking immunity, which the Town of Pittsford feels they are not subject to our zoning
- 2) The town encroaching governments grant of authority- the Town of Pittsford does not have an implicit grant of authority
- 3) Construction is for public use- the park will host visitors and villagers
- 4) Effect of concerning enterprise- is the park a permitted use
- 5) Alternative locations with less restrictions- none
- 6) Impact on legitimate local interest
 - a) Of use to Villagers
- 7) Alternative methods for proposing improvements
 - a) No alternatives since this is the Town of Pittsford budgeted project
- 8) Intergovernmental participation in the project development process and the opportunity to be heard
 - a) March 22, 2023, was a presentation from the Town of Pittsford
 - b) The Town held two additional presentations at Village Hall
- 9) The extent of the public interest to be served by improvements

Motion by Trustee Leitgeb, seconded by Trustee Lanphear, that the encroaching municipality shall not be subjected to settlement regulations.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

Motion by Mayor Plummer, seconded by Trustee Leitgeb, adjourn for a break.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

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

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

2023-2024 VILLAGE BUDGET

Mayor Plummer begins the budget presentation by way of a slideshow. The budget narrative and overview are attached. Specifically, the presentation brought to attention that the impact of waiting for projects is costing the Village more than if it was to be taken care of years ago. A significant challenge of the budget, in relation to small municipalities, is that we get less response from contractors because the projects are small. Thus, looking to the reserves is crucial to fund these projects. The goal is to keep investing in our Village. General and Sewer reserves require funding and re-purposing. Attainment of this budget has been guided by looking at 22% of appropriations to account for operating, maintenance, and utility costs for sanitary work. The Village has not raised taxes in multiple preceding years.

Peggy Caraberis, 81 South St. --questions the percent increase for taxes and sewer rates and how the new budget will be monitored. The Clerk answers that the process to monitor the budget will remain the same as it is currently monitored monthly. Peggy mentions a certain amount of Trustee salary allocated to the sewer budget. Mayor Plummer reiterates Sewer's ability to fund budgeted salaries appropriately.

Motion by Trustee Leitgeb, Trustee Marshall seconded a motion to close the public budget hearing.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

Trustee Marshall begins the Board's comment by asking if the sewer budget is currently balanced. The Clerk states it is balanced by where funds are moved from and covered by fund balance. He also asks if we have been identified appropriately with the comptroller and how the reserves can be used to be self-insured. The Clerk explains that we have fully funded reserve accounts in the sewer department but are underfunded in the general budget. Marshall adds that the underfunded reserves have an opportunity to be balanced by anticipated tax rate increases, and rate increases are smaller than the reassessments. He says property tax allocations need fully operable sewage and shouldn't be paid inequitably by funding for people who do not call the village home year-round.

The Clerk explains that Sewer Fund, in a way, has been benefiting from general funds since the two funds have different tax bases. The sewer profited from General Fund paying operating costs for the Sewer Department, which was unfair to the General Fund.

Mayor Plummer reminds the Board of New York state's budget deadline for May 1st, 2023. If the budget is not approved, the tentative budget will be the final budget. She requests the Board to discuss the budget in a special meeting further. The special meeting is set for April 18, 2023.

Trustee Leitgeb agrees with the sewer allocations yet wants to reevaluate the blanketed 22% general allocations.

REFERRAL FROM THE PLANNING BOARD

Trustee Lanphear is collecting information regarding the traditional downtown district. She is researching the location of minutes. She will speak to whoever was involved and ask for their input. This item has been deferred to the meeting in June.

GREEN INFRASTRUCTURE RFP

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Chris Catt presented the RFP for Siemens to help with grant writing and rebates and implement our green infrastructure initiatives. They operate under Article 9 of New York Synergy and Infrastructure law and get paid the project's total cost. They will take the project from concept to completion, manage the entire process, guarantee the units of energy synchronized, contractually guarantee that number, and hold the risk first party. The goal is to subsidize this work to make sustainable improvements that self-fund and are an excellent long-term investment for communities.

The Board will take more time to review the material provided and defer this item to future agendas. The Clerk will poll the Board when this item should be revisited.

COMIDA SUPPORT LETTER FOR 75 MONROE AVENUE

Trustee Leitgeb asked to discuss the Board's drafted letter of support for Comida. He requested that the Board adopt the resolution that was a part of the meeting packet, which would rescind the Village support of Comida.

Trustee Lanphear asks the Board if we should reconsider this item in another meeting. She asks for Attorney Turner to give a legal response to the Board's direction for voting on this item.

Mayor Plummer briefly overviews Comida's foundations and its intent and overall impact on the Village businesses. She voted as a proponent of Comida. When the vote occurred, we don't have the authority to give abatement, so the letter is to support the mission of Comida regardless of the litigation and what has happened in the past. The date for the attorney-client session will be polled with The Clerk.

VILLAGE ETHICS BOARD –INVESTIGATIVE AUTHORITY/ CODE CHANGES

It was tabled for the next meeting.

VILLAGE HALL BACK ENTRANCE BID

The Clerk presents an overview of where the Village is on bids for this project and, in relation, costs for Bernie Donegan consultations. The bid can be reduced by \$6,000 with project support by DPW. The Board will defer a decision until further review of the budget.

URNS AT 4 CORNERS

Trustee Lanphear references an email from Paula Sherwood explaining that the urns are returning to the four corners and that we are replacing two of them.

Peggy Caraberis, 81 South St. --speaks on behalf of the garden club to provide plants for the urns and possibly flowers by the end of June.

VILLAGE PARKING CODE UPDATE

Motion by Trustee Leitgeb, Trustee Marshall seconded a motion to close the public budget hearing.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb- yes, Marshall- yes, *Motion passed*

BUILDING INSPECTORS REPORT

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The Board had no questions about his report.

TREASURER'S / VILLAGE CLERK REPORT

The Clerk presents bill pay, February financials, and a dividend notice. Additionally, there will be three quotes for the replacement handicap brought to the next meeting.

Motion by Trustee Marshall, seconded by Trustee Leitgeb, to approve bill pay.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

Motion by Trustee Leitgeb, seconded by Trustee Leitgeb, to approve February financials as presented.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

Motion by Trustee Lanphear, seconded by Trustee Marshall, to approve the budget transfers.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

The Clerk requests the approval to hire Alexandria Torres-Vaughn as Records Clerk.

Motion by Trustee Leitgeb, seconded by Trustee Leitgeb, to approve the hire as presented.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

MEMBER ITEMS

Trustee Marshall asks to revisit the Northwest portion of the South Main/ Jefferson Rd—intersection as needing to be reclaimed by The Village.

Robert Corby, 7 Washington Ave –asks about the plan for replacing the removal of street trees. Mayor Plummer responds that DPW will be planting trees within the following weeks.

Motion by Mayor Plummer, seconded by Trustee Marshall, to enter executive session to discuss pending litigation.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

Motion by Mayor Plummer, seconded by Trustee Marshall, to leave the executive session to discuss pending litigation.

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

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

Vote: Mayor Plummer- yes, Lanphear- yes, Leitgeb– yes, Marshall- yes, *Motion passed*

ADJOURNMENT

Dorothea M. Ciccarelli, Village Clerk

Topic Webinar ID
Village of F 857 9562 0777

Actual Start Time # Question
4/13/2023 18:22 1

Question Details

Question
1 sound of this presentation is garbled and difficult to understand. could speaker have a microphone in hand as speaking janet reynolds

Asker Name Answer
mike reynolds live answer