

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

Tuesday, February 9, 2021 at 6:30 PM

Present:

Mayor: Robert Corby
Lili Lanphear
Frank Galusha
Renee Stetzer
Dan Keating

Village Attorney: Jeff Turner

Recording Secretary: Dorothea M. Ciccarelli

Deputy Treasurer: Brooklyn Thomas

Deputy Clerk: Marina Pacheco

CALL TO ORDER

Motion by Mayor Corby, and seconded by Trustee Galusha, to call the meeting to order.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

CONFLICTS OF INTEREST DISCLOSURE

The Board members indicated that they had no conflicts of interest to report.

BUILDING INSPECTOR REPORT

Building Inspector Lauth presented the Building Inspector Report.

- During period issued 5 permits for \$958.00 in permit fees and \$50,715.00 in improvements
- Worked with residents and businesses for 5HPB applications, 21 Schoen place - sign, 5 State St. – sign, 37 S. Main St. – sign, 36 Sutherland – fencing, and 9 Jackson Park – garage conversion.
- Have gone through the building department files and been able update the computer files and to complete the paperwork for over 50 files and have them put into the files upstairs at the village hall.
- Attended monthly coalition stormwater meeting, and updated paperwork for outfall inspections.
- Received a call for a house fire on 1/29/2021 at 20 Courtenay circle, assessed damage, met with homeowner and emergency enclosures, and placarded home.
- Final inspections; 100 S. Main – door, 98 S. Main – door, Grove St. – Generator, 50 Rand Place – Attic remodel, 7/8/9 Schoen Place – sign, 56 N. Main – tenant change.
- Several inspections 36 Sutherland for patio and 40 Sutherland for interior remodeling as well as garage addition
- Inspections for addition to 9 Grove street – failed framing inspection/ contacted contractor.
- Worked with owners of 4 Courtenay circle to obtain paperwork needed to apply for site plan review for an addition to their home.

- Contacted by owner of Tequilaria and informed him of the documentation required to obtain a permit to create pass through and he would have to amend the special permit for the former kitchen to allow the new restaurant to serve in the Tequilaria.
- I have read and processed over 280 emails during this time period, researching and answering many questions regarding zoning and Historical preservation requirements to new property owners and tenants. I have sent over 100 response emails.
- Receive on average 15 phone calls per day with questions or concerns over village issues.
- Have been working with the Collin's and their new engineer to get a final drawing for sight plan approval for the Pavilion. The pavilion has been moved to avoid the use of Canal Corporation property as they would have been able to rescind the permission at any time.
- Worked with the Mayor and Town council to find a solution for applicants such as Harliday Hots to make the process more streamlined. A new short term retail section of code has been developed.
- Found two different projects being worked on without permits, issued one and working on obtaining second one.

Trustee Keating asked for an update on the extension of the Tequilaria. Building Inspector Lauth stated that he requested a permission letter from both of the owners and that he informed the Tequila owner that he would need to amend his special permit in order to move forward.

Mayor Corby asked how the entranceways will be cut and how they will prevent fire spread in the event of a fire. Building Inspector Lauth explained that there are two separate walls and both entrances will be fire-rated entrances.

Trustee Lanphear asked if the doors would have to be closed at all times. Mayor Corby explained that break-away doors with a fusible link will be needed. Building Inspector Lauth agreed.

Trustee Keating asked for clarification regarding the permits. Tequilaria is currently operating under a permit. Building Inspector Lauth explained that the permit was attached to that space and that a new permit would be needed to operate their bar and restaurant in the new space.

Trustee Lanphear asked to clarify, for the record, that the Tequilaria is operating under a special use permit as a restaurant.

Trustee Keating asked for clarification about the pavilion project. Explained that the pavilion was moved so that it was not being built on Canal Corp Land, as they would be able to rescind their permission in the future. Building Inspector Lauth confirmed.

Building Inspector Lauth addressed the Board regarding 29 South Street. The Owners has applied for a few different variances, were referred to the Historical Preservation Board, and ended up rescinding their applications. The owners never appeared before the Planning and Zoning Board, and therefore Building Inspector Lauth asked that the Board refund their \$200 fee.

Motion by Trustee Keating, and seconded by Trustee Lanphear, to refund the \$200 application fee to the owners at 29 South Street.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

DPW REPORT

Superintendent Bleier presented the DPW Report.

Trustee Keating asked about the SRF study on Schoen Place traffic before and during the bridge re-construction. Mayor Corby explained that it is anticipated that traffic will cause damage to Schoen Place and the study is to track the wear and tear on the area in order to provide accurate data to DOT in the event that rehabilitation is needed.

Trustee Lanphear noted that it would be prudent to have “8-Ton Weight Limit” signage so that trucks exceeding that limit do not use Schoen Place as a detour. Mayor Corby explained that he did reach out to DOT and asked them to include the weight limit on their signage. Signs will be posted at Marsh Road and Route 31.

Motion by Trustee Keating, and seconded by Mayor Corby, to approve the retainment of SRF to conduct the study on Schoen Place and South Street.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Superintendent Bleier addressed the Board regarding Michael Hartman. Explained that the DPW has had an open position and that Mr. Hartman has the previous experience in DPW work and necessary qualifications to fulfill the position. Mr. Hartman has had two interviews and it is believed that he is the best candidate. Superintendent Bleier requested that the Board hire Mr. Hartman at \$18 per hour.

Trustee Galusha asked if Mr. Hartman’s driving history had been checked. Superintendent Bleier explained that the Village Clerk conducts those background checks upon hire. Mayor Corby clarified that his hiring to the position would be dependent upon a clean background check.

Trustee Galusha asked if Mr. Hartman’s availability would be of any issue. Superintendent Bleier explained that Mr. Hartman is aware of the overtime required for the position and accepts it.

Motion by Mayor Corby, and seconded by Trustee Galusha, to approve the hire of Michael Hartman as a DPW employee at \$18 per hour.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

TREASURERS REPORT

The Deputy Village Treasurer presented vouchers listed on Abstract #16 of 2020 / 2021 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.

Vouchers for approval – Abstract #16

- | | |
|---|------------------|
| • General Fund (#414-431, 433-441,443-448): | \$16,345.46 |
| • Sewer Fund (#423,432,442,443): | <u>\$ 900.91</u> |
| | \$17,246.37 |

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carried.*

Trustee Galusha asked a question regarding Voucher 436, Mengele Metzger and Barr. Treasurer Marowski explained that that line was for CPA services and not legal services.

SPECIAL PERMIT APPLICATION – NEUTRAL GROUND COFFEE HOUSE

Marianne Warfle presented her plans for Neutral Ground Coffee House. Intention is to partner with the owner of Dolce Cupcakery to share the commercial space. Dolce Cupcakery will utilize the kitchen area and Neutral Ground Coffee House will operate in the front. Businesses will be separate entities with Dolce providing the baked goods for the coffee house to retail.

Trustee Lanphear noted the previous discussion about special permits and that two are not needed in this case because they will be separate entities sharing a space. Trustee Lanphear also noted that it was favorable that the Coffee House had differing hours than the other businesses in the area, thus avoiding a parking conflict.

Trustee Keating asked if a coffee stop was technically a restaurant or if it is thought of differently. Trustee Lanphear answered that coffee shops are separate in the code.

Trustee Keating asked if coffee shops do require a special permit. Mayor Corby answered that because it has essentially the same operating components and issues as restaurants a permit should be in place.

Motion by Trustee Lanphear, and seconded by Mayor Corby, to move the special use permit application of Marianne Warfle for Neutral Ground Coffee House to a Public Hearing scheduled for March 9, 2021 at 7:00 PM.
Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

NON-MUNICIPAL USE PERMIT – JEMBETAT GALLERY

Mayor Corby explained that this is a non-municipal use permit that Jembetat applies for annually regarding their benches on Schoen Place.

Motion by Trustee Lanphear, and seconded by Mayor Corby, to approve the non-municipal use permit of Jembetat with the same conditions as set forth in previous approvals.
Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

MEMBER ITEMS

Mayor Corby

PROPOSED LOCAL LAW – SHORT-TERM RETAIL BUSINESSES

Mayor Corby explained that he, Attorney Turner and Building Inspector Lauth identified an issue in the amended Village code in that it does not provide an avenue for short term retailers, in this case, Harladay Hots, to operate in its previous location. Attorney Turner further explained that the Planning and Zoning Board is having a difficult time applying temporary use permits for some of the short-term businesses that operate in the Village. The proposed law is similar to the transient merchant provision and will allow for multiple types of uses. Unlike the transient merchant provision, the proposed law will take discretionary authority from the Village Clerk and place it with the Board of Trustees.

Trustee Stetzer asked if the Building Inspector could give approval. Attorney Turner explained that giving the Building Inspector discretionary authority would be improper and that the authority properly lies with the Board of Trustees.

Trustee Lanphear asked if there were fees associated with the permit. Citing that it is unfair that permanent businesses are obligated to pay taxes whereas temporary businesses do not have the same obligation. Building Inspector Lauth answered that the fee for the permit is based upon the tax rate, also explained that previously the owner of Harladay Hots paid the Village based on his total gross sales for the time period in which he operated.

Mayor Corby referenced provision 189.5 which allows the Board of Trustees to set the fees and adjust them as they see fit at the annual meeting every year.

Trustee Keating asked if the previous transient merchant provision and the proposed law will apply to food trucks. Cited 189.2 regarding what a short-term business might be and believes that food trucks may fall within that category and that the Board may wish to address them explicitly. Building Inspector Lauth answered that food trucks should be regarded separately as the fees would be disproportionate between a food truck that may only be operating 1 day and businesses which operate multiple days within a season. Attorney Turner advised that currently, food trucks do fall under the provision.

Building Inspector Lauth asked if the fees must be “one fee for all” or if the fee can be adjusted based upon the use.

Mayor Corby stated that food trucks would have to be considered carefully as there may be issues with their operation on state owned roads and because there have been previous concerns from local restaurant owners about food trucks being located near them.

Attorney Turner explained that the Board has flexibility in this law in that they do not have to grant approval to permits which would seem unfit for the Village.

Building Inspector Lauth proposed using one-day, three-day, and one-month fee levels. Attorney Lauth explained that the “equal protection” must be observed. Further explained that there is a difference in fees and imposed taxes in that fees are related to the administrative costs in issuing the permit whereas taxes differ. If certain applications require more administrative work, then others to approve then that may entitle the Board to charge a higher fee. Attorney Turner mentioned that the Board could possibly ask to see the financial records for short-term businesses and charge the appropriate tax.

Mayor Corby stated that the proposed law will need more work and that Building Inspector Lauth, and Attorney Turner could further revise it offline. Opened the floor to questions and comments from the Board.

Trustee Stetzer asked if this needed to be decided quickly or if the Board could take some time with moving the application to Public Hearing. Mayor Corby answered that the Board could take some time to review as Harladay Hots typically does not setup until the end of April/beginning of May.

ROCTRICITY CCA

Mayor Corby explained that if the Village would like to re-bid for their participation in the Roctricity CCA program, now is the time. Several Board members agree that they would like to go out to bid.

Motion by Mayor Corby, and seconded by Trustee Galusha, to authorize that the Board re-bid their participation in the Rocrtricity CCA program for the same terms as originally proposed in 2020.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Trustee Stetzer

Trustee Stetzer provided an update regarding the Home Rule Resolution that was passed at the previous budget meeting. Explained that there is no further action at this time and the Board will monitor the upcoming legislation.

Trustee Stetzer asked about the upcoming Village election; how the absentee ballots will be handled and what the plans are for the election in light of COVID. The Village Clerk explained that elections are being run by Monroe County and they issue the absentee ballots, option should be available on their website to request one. The Village Clerk to follow up with Monroe County regarding this.

Trustee Keating

Trustee Keating cited concerns about the meeting information on the website not being the most up to date. The Village Clerk explained that when items are received after the cutoff time, they may not make it into the packet in time for the meeting.

Trustee Keating stated that he is still in favor of negotiating with Mark IV in order to determine a solution to the 75 Monroe Avenue issue.

VILLAGE CLERK REPORT

The Village Clerk explained that she had received a request from the Chamber of Commerce to advertise the Candidates' Forum in the Village's E-newsletter and asked for Board approval to do so.

Motion by Trustee Keating, and seconded by Trustee Galusha, to advertise the Mayoral Candidates' Forum in the Village e-newsletter.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

The Village Clerk explained that new employee Brooklyn Thomas had been titled as a Deputy Clerk when his title should be Deputy Treasurer. Asked for Board approval to change his title.

Motion by Trustee Lanphear, and seconded by Mayor Corby, to change the title of Deputy Clerk Brooklyn Thomas to Deputy Treasurer.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – abstain; Stetzer – yes. *Motion Carries.*

APPROVAL FOR SCOTT HARTER TO ISSUE RFP FOR THE SEWER MAINTENANCE & REVIEW OF THE RESTORATION PLAN FOR RAND CREEK AT 44 RAND PLACE (EROSION PROJECT)

Mayor Corby explained that there was erosion occurring at 44 Rand Place and asked Mr. Harter what he believed was the best solution to address it. Further explained that the Board must determine if it is feasible within the budget to plan for the repairs this year and that some repairs may be covered by the sewer budget as the erosion is

affecting the sanitary sewer. Mr. Harter stated that he did analyze the flow of the creek at that location and contacted the DEC to determine what options could be pursued as gabions are no longer in use. The proposed solution is a stone treatment, plans have not yet been submitted to the DEC or Army Corps. Further explained that there is a currently a tree intertwined with the sanitary system that must be removed first. Superintendent Bleier explained that he had some contactors come to look at the tree and that they are reluctant to remove due to it's connectivity to the sewer systems. Explained that the solution may be to go in with chainsaws and slowly cut the tree away. Superintendent Bleier also stated that another option would be to install a retaining wall to re-direct the water causing the erosion. Mayor Corby mentioned the possibility of re-grading the slope on the Palumbo side in order to avoid installing a retaining wall. It is agreed that whatever solution is pursued, Mr. Palumbo will need to be included. Trustee Lanphear commented that there were also water velocity issues being caused by an undersized aperture opening and asked if Mr. Harter had solutions to that. Mr. Harter and Mayor Corby agreed that that was an issue that the homeowner must fix. Mr. Harter to return to the Board with a refined RFP.

STATE STREET BRIDGE CLOSING

Mayor Corby updated the Board that he did confirm with NYSDOT that they will be installing a traffic light at North Main and Schoen Place and that they intend to install two other lights so that there will be a gap in traffic to allow egress in and out of Northfield Commons. Trustee Stetzer asked how many temporary lights there will be. Mayor Corby answered that there will be three totals: one at the bridge on State Street, one at Schoen Place near the Bill Walls building, and another at North Main Street and the west entrance to Schoen Place.

Trustee Stetzer mentioned her concerns that the construction may narrow the sidewalk and asked for an update regarding that. Mayor Corby explained that there is another meeting planned regarding striping and that he will bring up the sidewalk issue in that meeting.

MINUTES

Motion by Mayor Corby, and seconded by Trustee Galusha, to approve the minutes of January 6, 2021.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Motion by Mayor Corby, and seconded by Trustee Stetzer, to approve the minutes of January 12, 2021.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Motion by Mayor Corby, and seconded by Trustee Galusha, to approve the minutes of January 20, 2021.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – abstain; Stetzer – yes. *Motion Carries.*

Motion by Mayor Corby, and seconded by Trustee Galusha, to approve the minutes of January 26, 2021.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Motion by Mayor Corby, and seconded by Trustee Galusha, to adjourn the meeting.

Vote: Corby – yes; Lanphear – yes; Galusha – yes; Keating – yes; Stetzer – yes. *Motion Carries.*

Dorothea M. Ciccarelli, Recording Secretary