

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

March 9, 2021 at 6:30 PM

**Present:**

**Mayor:** Robert Corby

**Trustees:** Lili Lanphear  
Frank Galusha  
Renee Stetzer  
Dan Keating

**Treasurer:** Mary Marowski

**Deputy Treasurer:** Brooklyn Thomas

**DPW Superintendent:** Zack Bleier

**Recording Secretary:** Dorothea Ciccarelli

**Deputy Clerk:** Marina Pacheco

**CALL TO ORDER**

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

**Vote:** Corby – yes, Lanphear – yes, Stetzer – yes. *Motion Carried.*

**CONFLICTS OF INTEREST DISCLOSURE**

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

**Susan Hughes – Roctricity, CCA**

Ms. Hughes explained that Roctricity went out to bid for a fixed renewable price that was previously below the 12-month benchmark. Roctricity is moving forward with another bid to the City of Rochester and Irondequoit and is approaching the Village and Town of Pittsford to see if we would like to join on the bid as well. A memo was prepared to the City of Rochester outlining 4 product options and methodologies.

1. Fixed rate, 100% NY renewable electricity. Supports local economy and positions the Village to access State clean energy grants. This action is worth 2000 points in the State's program.
2. 100% National renewable energy product. Energy provided primarily by wind farms in the mid-west. \$2.5-\$4.00 less per month compared to Option 1. Will not allow the Village access to State grants.
3. Standard electricity mix, only partially renewable energy used.
4. Half fixed rate, half "trued" up every 12 months.

Ms. Hughes explained that an RFP can be prepared for a variety of options. Explained that the critical decision point for the Board is determining which product best suits the Village's needs.

Trustee Keating commented that the last time the Board had discussed this was in October 2020 and that 6.1% benchmark had not changed since the previous discussion. Trustee Keating asked for clarification that the 6.1% was for clean energy, "dirty" energy was 4.6%. Ms. Hughes confirmed that was the case and that "dirty" energy is at 4.1% this month but is subject to change. Noted that the other option, whatever is chosen, is to have a "lookback" (ex. With a 12-month contract, would do a 12-month benchmark, with a 24-month contract, would do a 24-month benchmark) as to reciprocal pricing.

Trustee Keating stated that the last time the Board had reviewed the bid, prices were historically low, Village would not have been able to satisfy the 24-month lookback. Plan was to educate the public and lock in the low price. Trustee Keating stated that he would like to put a stop to the idea of a lookback because it would cause the Board to have to wait for prices to rise.

Ms. Hughes explained that every time it is time to renew the contract you are faced with a “moving target”. Cited Brighton’s energy program implemented at 4.292 cents per kilowatt hour.

Mayor Corby asked how long the contracts were with Brighton and the City of Rochester.

Ms. Hughes explained that the contract with Brighton is for 24 months and the contract with the City of Rochester has not been finalized. Ms. Hughes turns to **Mr. (Ben) XXX** to explain what was decided in Irondequoit.

Mr. Frevert explained that as the City moved forward the conversation came up with Irondequoit as well and they passed a resolution to join with the city and allow Jewel to proceed with an RFP and work with the municipalities to execute it. Resolution allowed Irondequoit Supervisor to work with Jewel to formulate the RFP and bid based upon the Jewel’s recommendation memorandum to the City.

Mayor Corby mentioned that the Village would have the advantage of the economy of scale of the municipality with a larger population than the original consortium in which the Village participated if they were to go out to bid right now. Ms. Hughes agreed and stated that the Village will likely not receive a better price than what is in this bid. Admitted that this bid does not solve the benchmark issue that was brought up by Trustee Keating.

Mayor Corby also stated that if the Village enters the program now, we will be in the same cycle as the City which will be an advantage when the contract is up for renewal.

Mr. Frevert also explained that there is an advantage in offering the option to “opt down” to a lower price for customers who may be concerned with the cost. Stated that the City is considering including that into the discussion as well. Trustee Keating replied that the Board had hoped not to do that. Stated that a big selling point for this was that it was 100% clean and cheaper. Stated that previously the savings were 3%.

Trustee Keating asked if the overall rates had moved up or down since the previous discussion. Ms. Hughes answered that rates did increase; third quarter RG&E was at 4.69 cents per kilowatt hour and second quarter rates were at 4.57 cents per kilowatt hour. Currently the rate is at 4.2 cents per kilowatt hour. Further explained the forward markets are indicating that rates should stay between 4.5-5 cents.

Trustee Keating expressed frustration that the Board did not complete the bid upon their previous discussion when the rates were lower and hopes that the Board will act this time. Ms. Hughes explained that the decision in Irondequoit to give the Supervisor the oversight power on the bid was to make sure that they did not lose time making changes.

Mayor Corby asked if the Board chooses to proceed when the bids would go out. Ms. Hughes answered that she hopes to go to bid in April.

Trustee Keating asked if the Board were to go out to bid if there was any obligation to accept it. Ms. Hughes and Mayor Corby confirmed that there was no obligation.

Trustee Lanphear asked if there was still a resolution in place to allow Mayor Corby to review the RFP and allow him to act without calling a meeting. Mayor Corby asked the Village Clerk if she knew if the resolution had expired. The Village Clerk stated that she did not know and would have to check.

Trustee Keating agreed with Trustee Lanphear, suggested that the Board propose another resolution and asked that he be included in the Resolution as well as he is familiar with the figures.

Ms. Hughes summarized that the Board seemed interested in 100% clean energy. Discussed that the RFP would include multiple energy sources (i.e., local, mixed, nationwide) and then it would be determined which option is more cost effective.

**Resolution by Trustee Keating, seconded by Mayor Corby**, to grant Mayor Corby and Trustee Keating the authority to review and make changes to the Roctricity's RFP and to accept or decline on behalf of the Board.  
**Vote:** Corby – yes, Lanphear – yes, Keating – yes, Stetzer – yes. *Motion Carried.*

**Motion by Mayor Corby, seconded by Trustee Stetzer**, to adjourn for a five-minute recess due to Trustee technical issues.

**Vote:** Corby – yes, Lanphear – yes, Stetzer – yes. *Motion Carried.*

#### **PUBLIC HEARING – SPECIAL USE PERMIT, NEUTRAL GROUND COFFEE HOUSE**

Marianne Warfle is intending to pursue a partnership with Lisa Palvino from Dolce Cupcakery in which Ms. Warfle opens a coffee spot in the front portion of Ms. Palvino's space. Intention is to feature a local coffee roaster, products/menu items from the Pittsford Dairy, and baked goods from the Cupcakery. Estimated that hours will be 7am – 3pm Monday through Friday, and 8am – 3pm Saturday and Sunday.

Mayor Corby opened the floor to any questions or comments from the Board.

Trustee Lanphear stated that in the Board's previous discussion regarding this application, she felt that the hours of the coffee house and cupcakery were staggered enough that there would not be an overlap in parking. Also mentioned that the refuse management will remain the same. Ms. Warfle explained that refuse collection was a part of the lease.

Trustee Lanphear asked where employees would be parking. Ms. Warfle explained that there is a parking lot in the rear of the location, and it will be expected that employees park in the rear in order to save the premier parking for customers.

Trustee Stetzer stated that if Ms. Warfle were to want to extend her hours in the future she would have to come back before the Board. Trustee Stetzer asked if the Board would prefer to grant her extended hours now. Mayor Corby agreed it would make sense to approve extended hours now and save Ms. Warfle the trouble of having to come back before the Board. Ms. Warfle stated that she would appreciate if the Board did so.

Mayor Corby asked how many seats Ms. Warfle intends to have in her coffee shop. Ms. Warfle answered that she is anticipating seating for 28-32 people. There will be a countertop area which seats 4 and 13 2-top tables.

**Motion by Mayor Corby, seconded by Trustee Galusha**, to open the Public Hearing for Neutral Grounds Coffee Shop to consider an application for a special permit.

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

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, March 9, 2021 at 7:00 PM at 21 North Main Street, Pittsford, New York. The Board consider an application for a Special Permit by Neutral Ground Coffee House to operate at 50 State Street, Bldg. R, Pittsford, NY 14534.

Pursuant to Governor Cuomo's recent Executive Orders 202.1 and due to the Coronavirus pandemic, the Village Hall will be closed to the public during the public hearing. The Members of the Board of Trustees will be present at Village Hall or participating from home, that home will be closed to the public as well for the reasons stated above. The Public Hearing will be made available for the public to view and hear thru video conferencing link. The public will be able to participate in the public hearing via comments submitted through the video conferencing link identified on the Village website and Facebook page.

**Motion by Mayor Corby, seconded by Trustee Galusha**, to close the Public Hearing for Neutral Ground Coffee Shop to consider an application for a special permit.

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

Building Inspector Lauth commented that he would like to make the stipulation that he as Fire Marshal have the opportunity to set the occupancy based upon the size of the space. Mayor Corby agreed stating that occupancy for guests can be contingent upon the review and approval of the Fire Marshal to ensure it meets the NYS fire safety code.

Mayor Corby commented that he would like to include that because the businesses will share an existing dining area, to make sure that it is in conformance with §210-35.4 (A-F) of the Village Code. Also stated that the proposed peak hours of operation do not coincide with other restaurants/entertainment venues in Northfield Common and that the owner has made arrangements to share existing dumpster space.

Trustee Stetzer mentioned that the time extension should be included. Mayor Corby agreed and proposed extending the house to 9pm.

Trustee Keating stated that he was unsure about the inclusion of language outlining the overlap with other businesses as the approval is not contingent upon that and it cannot be monitored going forward. Further explained that the language should not be included because it implies that they will always have to be at different times than other businesses. Mayor Corby explained that he added it because there are 80 approved commercial parking spaces in that area and the language is to make sure there is enough parking for customers once COVID restrictions are lessened.

Attorney Turner stated that the overlap language and the code compliance language are essentially findings of fact rather than conditions.

**Motion by Mayor Corby, seconded by Trustee Lanphear**, to approve the Special Permit for Neutral Ground Coffee House.

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

## **BUILDING INSPECTOR REPORT**

- During period (2/5/21 – 3/5/21) issued 5 permits for \$572.50.00 in permit fees and \$79,375.00 in improvements.
- Worked with residents and businesses for 5 HPB applications: 7,8,9 Schoen place - pavilion, 22 Boughton – pergola, 4 Courtenay circle – addition, 7 Schoen place/Simply Crepes – signage, and 57 S. Main – porch conversion.
- Have completed and submitted annual state building department 1203 report.

- Attended monthly coalition stormwater meeting.
- Several inspections 36 Monroe Avenue for remodeling project, 46 Rand – remodeling, 9 Grove Street – addition, Aladdin’s – start of the commissary, 57 S. Main – remodeling
- Contacted ESL in regards to new light bulbs being installed that do not meet our code lighting standards and in regards to some of the trim that has started falling off of the building.
- Contacted Rachels in regards to removing frames that were utilized for the parking lot and have now been damaged.
- Inspections for addition to 9 Grove Street – failed framing inspection/ contacted contractor – reinspected and passed.
- Worked with several applicants for variance applications and site plan reviews and attended planning/zoning meetings for approvals.
- 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, called and left message to update tenant of final requirements needed to obtain a building permit, spoke to Mr. Parinello on 3/2 to update, met with Mr. Parinello to discuss occupancy and requirements to allow restaurant to open.
- I have read and processed over 300 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.
- Have had many issues and much time spent with the changeover of the email system with items missing and functions still not working.
- Receive on average 12 phone calls per day with questions or concerns over Village issues.
- Have received sight plan approval for the Pavilion. The last item prior to issuance of the building permit will be the HPB meeting on the 8<sup>th</sup>.
- A new short term retail section of code has been developed and will be presented to the Board.
- Have created a right of way permit for the village and will be seeking approval for its use and associated fees to be added to the fee schedule.
- Attended second set of classes for my required annual in-service training and classes for the energy code updates.

**Motion by Mayor Corby, seconded by Trustee Galusha**, to approve the proposed Right of Way permit and make revisions to the fee schedule as proposed by Building Inspector Lauth.

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

Trustee Keating asked Building Inspector Lauth how he determined the proposed new fees. B.I. Lauth explained that he is mirroring what the Town does.

Trustee Keating asked Building Inspector Lauth if the Historical Preservation Board had approved the pavilion application. B.I. Lauth confirmed that the HPB did approve it.

Building Inspector Lauth explained that regarding Mr. Parinello’s special use permit application, he previously came into a special use permit that he was unable to utilize due to COVID. B.I. Lauth requested that the Board waive the second \$250 fee to amend his special use application due to the COVID caveats. Mayor Corby and several Trustees agreed.

**Motion by Mayor Corby, seconded by Trustee Lanphear**, to waive the \$250 fee for the modification of the special use permit of Tim Parinello for 9 & 5 S. Main St.

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

## **DPW REPORT**

Plowing and salting:

- 358.5 hours plowing and salting in the last 4 weeks.
- 132 hours in overtime in the last 4 weeks
- Approximately 56 tons of salt used.

Flushed the sanitary sewer siphons at Austin Pk and by the CSX line on Monroe Ave due to materials that do not breakdown in water being flushed into the sewers.

Continued hauling out debris from DPW yard.

Street Signs:

- Straightened out signposts that have been pushed around from plowing snow.
- Installed new signposts where needed.
- Rebuilt damaged crosswalk flag station flag holders.
- Prepped crosswalk Yield to Pedestrians signs to be put out when the weather breaks.
- Installed Radar Speed Feedback sign on South St. This radar sign was loaned to the Village by Kustom Signals as a demo. I will report the data collected in the following weeks.

Misc:

- Trimmed trees
- Patched potholes
- Collected garbage three times per week.
- Inspected sewer siphons when we collect garbage due to an increase in sewer backups from improper materials being put in the sanitary sewer.
- Vehicle and equipment service/maintenance and repairs
- Cleaned shop.
- Cleaned vehicles.
- Removed trees and opened up area at Monroe Ave sewer siphon to allow better access for flush truck.

The department installed 4 Ton Weight Limit signs at both ends of Schoen Place. The Superintendent asked the NYSDOT Engineer-In-Charge of the bridge project to modify their detour signage in hopes to reduce the number of large trucks from using Schoen Place. He also asked that they install pedestrian crossing signals at the N Main St intersection to help with pedestrians crossing at the street.

Mayor Corby Asked Superintendent Bleier if he had a solution regarding the catch basins on Washington Road. Superintendent Bleier answered that he spoke with NYSDOT about it and the issue is a collapsed pipe and two failing basins approximately 4 ft. apart. NYSDOT went to the site and filled most of the void with asphalt. Superintendent Bleier is assuming that they will return and complete the repairs.

Trustee Stetzer mentioned the speed radar sign and asked how long it was on loan for. Superintendent Bleier answered that he was unsure, waiting for the company to call.

Trustee Stetzer mentioned that Caroline Murray from Maple and South contacted her and was happy that the DPW found a spot for an additional "20 Miles per hour" sign and thanked them.

Trustee Keating stated that there may be an error in programming with the speed radar. Superintendent Bleier responded that he would look into it.

The Superintendent noted that he had received complaints from State St. residents that they were having trouble getting out of their driveways due to the bumper-to-bumper traffic. Mayor Corby responded that he believes that NYSDOT changed the timing of the traffic light and it should begin to alleviate the issue.

### **SPECIAL USE PERMIT, 9 & 5 S. MAIN ST., TIM PARINELLO**

Mr. Parinello explained his intention to expand his restaurant at 5 S. Main to 9 S. Main. Expansion will double the size of the restaurant, allow access to a bigger kitchen, and allow the restaurant to serve more patrons. Currently at 9 S. Main they only have a “warming kitchen” in the basement. 5 S. Main will have a full kitchen and allow for a larger menu. Remodel will include cutting holes into 2 walls between the locations in order to create 2 fire rated entry ways. Considering addition of extra garbage bin in the rear. No changes to parking are proposed. Expecting 24-34 seat capacity.

Mayor Corby asked if sidewalk seating had been considered. Mr. Parinello did not know that was an option but is open to incorporating it.

Trustee Lanphear asked if there would be an advantage, or if it would be more efficient, to have one special use permit as Mr. Parinello is essentially proposing one business. Mr. Parinello explained that the proposal is for one business being run in two locations. Attorney Turner advised that two special permits were on file and can be utilized in the event that the fire door is not installed. With the fire door installation conjoining the two properties into one business, one permit can be issued and used. Trustee Lanphear stated that as a Board all that they would need is a verification of the fire door. Mayor Corby agreed.

Trustee Lanphear asked if Mr. Parinello needs permission from both property owners to have the fire door and if the fire door meets fire code standards. Mr. Parinello has been in contact with Mike Newcomb and is making sure to obtain a letter of approval to move forward.

Building Inspector Lauth stated a permit will not be issued nor will construction to install the fire door begin until all permissions are obtained, and code requirements are met. Per Attorney Turner, new special permit conditions may require that permissions and requirements be met prior to construction, once met, new special permit will go into effect and the two previous ones will expire.

Trustee Keating asked if both businesses would operate under the same name and if it matters that the business has two different addresses. Mayor Corby answered that yes, two different business names may be on a special permit as well as two different addresses.

Trustee Keating asked Attorney Turner if Mr. Parinello would need to do anything further with the NYS liquor authority if the permits are granted in this matter. Attorney Turner answered that he does not know but that the Board’s issuance of a special permit should have no impact on the NYS liquor authority’s decisions. Mr. Parinello explained that per the NYS liquor authority, as long as there is a pathway between the two locations, only one liquor license is needed.

Mayor Corby asked if both locations will be under the Blue Horn name or if the second location will have a different name. Mr. Parinello explained that the new location would have a different name but would tie in with the existing business. New location will be called Casa De Blue.

Trustee Lanphear asked to clarify, initially this application was being held as an information only. The Board has determined that this application is incomplete. Further explained that information is needed from the

property owner and the fire marshal before the Board can make a decision. Clarified that the Board is moving the application to Public Hearing with the condition that all missing information will be provided prior to a decision being made by the Board.

**Motion by Mayor Corby, seconded by Trustee Lanphear,** to set a Public Hearing for the special permit of Tim Parinello at 9 & 5 South Main Street on April 13, 2021 at 7:00 PM.

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

## **VILLAGE ATTORNEY**

Attorney Turner will follow up with Jewel regarding the CCA contract. Regarding the PCP, there were no new updates.

## **TREASURER'S REPORT**

The Village Treasurer presented vouchers listed on Abstract #18 of 2020 / 2021 fiscal year for approval. A motion was made by Trustee Galusha, seconded by Mayor Corby, to approve payment of the vouchers listed on Abstract #18, in the amounts stated below and to charge them to the appropriate accounts.

### **Vouchers for approval – Abstract #18**

|  |                  |
|--|------------------|
| • General Fund (#463 - #479, #481 - #485): | \$10,485.99      |
| • Sewer Fund (#476, #480):                 | <u>\$ 330.16</u> |
|  | \$10,816.15      |

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

## **VILLAGE CLERK REPORT**

- Review of changeover in cleaning services for Village Hall.

**Motion by Trustee Lanphear, seconded by Mayor Corby,** to accept bid for Village Hall cleaning services from Coverall.

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

The Clerk informed the Board that she had received Liquor Authority notification for The Village Bakery liquor license application.

## **PANDEMIC OPERATION PLAN**

The Village Clerk presented the Pandemic Operation Plan to the Board of Trustees. The Clerk thanked the members of staff who assisted in creating the plan.

**Motion by Mayor Corby, seconded by Trustee Galusha,** to adopt the Pandemic Operation Plan.

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

## **STATE STREET BRIDGE CLOSING**

Mayor Corby received update that NYSDOT intends to replace the deck on the North Main Street bridge as well. Mayor Corby and Trustee Stetzer are scheduled to meet with NYSDOT on March 24, 2021. Mayor Corby hopes that the sidewalk may be widened, and extra lighting added as part of the re-construction. Trustee

Stetzer also hoped to note the addition of a permanent traffic light at that location where the temporary one is currently located.

## **MEMBER ITEMS**

### **Trustee Stetzer**

Trustee Stetzer met with Town Supervisor Smith and Paul Schenkel (from the Town) and it was agreed that stations would be placed in front of the library and in front of Village Hall. Town Hall was dropped as an option as there were concerns regarding pedestrian walking space during high traffic seasons. Trustee Stetzer explained that there was an issue with the station by Nazareth College and an alternate location is being determined. Possible station at Barnes and Noble rather than at the Cheesecake Factory, those locations are being handled by the Town.

Trustee Lanphear noted that a memorial bench has been purchased that will be added to the benches currently at the library. Supervisor Smith had stated that with the addition of the bike station that the benches would be re-configured, but Trustee Lanphear is unsure if he is aware about the additional 4<sup>th</sup> bench. Additional bench may impact space for bike share station. Board Members recall discussion to install concrete pads in the area so that the benches would not sit on the grass. Trustee Stetzer made noted that she did not believe the additional bench would interfere with the bike share station.

Trustee Stetzer stated that the Zone A Captain, Captain DeLyser, is retiring. His replacement has not yet been determined.

### **Trustee Keating**

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.

**Motion by Mayor Corby, seconded by Trustee Galusha**, 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