

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

Tuesday, April 13, 2021 at 6:30 PM

**PRESENT:**

**Mayor:** Alysa Plummer  
**Trustees:** Dan Keating  
Lili Lanphear  
Renee Stetzer  
Justin Leitgeb  
**Treasurer:** Mary Marowski  
**Recording Secretary:** Dorothea M. Ciccarelli

**CALL TO ORDER**

**Motion by Mayor Plummer, and seconded by Trustee Lanphear,** to call meeting to order.

**Vote:** Plummer - yes; Lanphear - yes; Keating - yes; Stetzer – yes; Leitgeb - yes. *Motion passed.*

**CONFLICTS OF INTEREST DISCLOSURE**

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

The Village Clerk stated the guidelines for public comment for those in attendance at the request of Mayor Plummer.

**BUILDING INSPECTOR REPORT**

- During period issued 15 permits for \$2052.20 in permit fees and \$287,000 in improvements
- Worked with residents and businesses for 3HPB applications, 7,8,9 Schoen place – pavilion sign, 44 Lincoln – windows, and 36 E. Jefferson - windows
- Attended monthly coalition stormwater meeting.
- Several inspections 36 Monroe Ave for remodeling project, 9 Grove St.– addition final, Aladdin’s – heating and a/c system, 11 Schoen place – final for M. Newcome’s offices, footers and framing for the new pavilion, initial and final inspections for the geotherm heating system at 35 Courtenay circle.
- Worked with several applicants for variance applications and site plan reviews and attended planning/zoning meetings for approvals.
- Received drawings for proposed passthrough of Tequilaria new restaurant and am still waiting on permissions from building owners for the project to move forward.
- I have read and processed over 340 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 150 response emails.
- Receive on average 12-15 phone calls per day with questions or concerns over village issues.
- . A new short term retail section of code has been developed and will be presented to the Board.
- Attended third set of classes for my required annual in-service training and classes for the energy code updates.
- While touring the village I found five projects this month that were being done without the proper permitting and paperwork and all are now compliant
- I have spent an amount of time on the issue of windows within the Historic districts due to the fact that we continually receive applications and questions and complaints from residents in regard to this matter.
- Have completed proposed additions/changes to the fee schedule and will be sending these to the board and asking for approval at the organizational meeting.
- Zack and I have completed approx. 2/3 of the required stormwater outfall inspections.

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- I have reached out to the Powers family in regard to fill being dumped near our sewer easements behind the coal tower.
- Received complaints in regard to Towpath dumpsters and have had the area cleaned up.

Mayor Plummer asked if the Building Inspector could bring the Board and attendees up to speed on the Stormwater Coalition as he attends monthly meetings. The Building Inspector explained that the Village is a member in good standing of the Monroe County Stormwater Coalition. It is a paid program for municipalities that provides education and assistance in environmental matters, particularly stormwater and land use.

The Building Inspector asked if the Village was still active in the Community Solar Program. Trustee Keating explained that there is not currently an active engagement with the program, but it has been considered. The Building Inspector explained that engagement with the program may allow us to qualify for grants offered by the Stormwater Coalition. Mayor Plummer asked the Building Inspector if he would follow up and determine if that is a requirement.

Trustee Stetzer mentioned that there has been an issue regarding window repair/replacement for old homes in the Village and asked if that had anything to do with this. The Building Inspector explained that the HPB had held a meeting last night where two instances of modern, wood for wood, energy efficient windows were approved but it was not unanimous vote.

Mayor Plummer stated that this has been a recurring issue and proposed that the Building Inspector and the Boards hold an educational session to be brought up to speed about the window replacement options that are out there and the new types of materials that are being used.

The Building Inspector stated that he was approached by the Town of Pittsford for a permit to put up a tent at the Rec Center to hold a youth service that they conduct every year. The Building Inspector asked the Board if they would waive the fee for the permit.

Trustee Lanphear asked what type of permit they were seeking. The Building Inspector explained that it is simply a permit to have a tent there for the remainder of the summer season. It is not specifically a non-municipal use permit.

Trustee Lanphear asked what was put in place to ensure safety for the event. The Building Inspector explained that the tent will be insured and inspected by both Town and Village Building Inspectors.

Trustee Stetzer asked if the tent was used last year for COVID. The Building Inspector confirmed that was the case as it helped to enforce social distancing for the event.

**Motion by Trustee Stetzer, and seconded by Trustee Leitgeb**, to waive the fee for the permit application of the Town of Pittsford to have a tent erected behind the Recreation Center for the summer season to hold their youth events/activities.

**Vote:** Plummer - yes; Lanphear - yes; Stetzer – yes; Leitgeb - yes. *Motion passed.*

## DPW REPORT

- Rand Place Ext: Residents requesting additional pedestrian safety and speed restricting devices on their street.
  - Sidewalks
  - Speed Limit Signs
  - Speed Feedback Sign
- Speed Limit Signs- South St
  - Installed 2 new Village Speed Limit 20 MPH signs on South St.

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- 28 Monroe Ave
  - Brought topsoil up to final grade, spread grass seed and covered with straw.
  - Project completed but will keep an eye on washout until grass is established.
- Speed Feedback Sign- Kustom Signals
  - Kustom Signals loaned the Village a feedback sign to demo.
  - Collected vehicle data on South St for approximately 1 month.
  - Can be purchased off of the NYS Contract list bypassing the need for additional quotes.
- Drinking Fountains:
  - Should they be left inoperable through this season as Covid virus persists?
- Outfall/ Culvert inspections
- UFPO stakeouts
- Patching potholes
- Stump grinding and lawn repair.
- Plow damage repair- sidewalk/roadside
- Permit application with NYSDOT to install benches on State St from State St addresses 58-72
- Installed park bench along canal path near Sam Patch hut
- Fence repair in municipal parking lot behind Town Hall
- Spring cleanup at office and parks
- Street sweeping roads and parking lots.

Trustee Stetzer asked if the Village still had the speed century. The Superintendent explained that it was a 45-day trial and that he had to return it, but the Village was actually allowed to have it for twice as long.

Trustee Stetzer asked what data was collected from the century and if it was in a spreadsheet format. The Superintendent explained that he was unable to capture the data from the century, he reached out to the provider about it but did not receive a response. Explained that from his understanding the century does read car speed in miles per hour and clocks the maximum speeds reached by cars travelling in the area. The Superintendent stated that he did notice that when drivers noticed the sign that they slowed down to the speed limit posted. He is unsure if drivers maintained that speed after the fact.

Mayor Plummer asked the Superintendent about public drinking fountains, as there is a concern regarding their use while COVID is still at large. Trustee Stetzer stated that the drinking fountains had been closed at the school at the beginning of the year, but she does not know if that is still the case. Several Board members and the Superintendent agreed that the public drinking fountains should not be turned on at this time and that the matter can be revisited.

The Superintendent stated that he had received multiple requests to employ new traffic calming strategies on Rand Place Extension. The speed limit in the area is 30 MPH. Currently the DPW uses speed humps but has found that they can be ineffective for some cars. It has been suggested that sidewalks and extra speed limit signs be installed as well as having the area placed on the rotation for the speed feedback device.

Trustee Stetzer asked if the traffic in the area had increased due to the State Street bridge closure. The Superintendent confirmed that it seemed to be the case and that the Rand Place extension was being used as a cut-through for State Street traffic. Several Board members discuss the possibility of lowering the speed limit in the area. Trustee Lanphear suggested placing 25 MPH speed limit signs in the area in anticipation of the recently passed legislature lowering the speed limit of Village owned roads to 25 MPH. The Village Attorney explained that it was his understanding that the legislation only applied to certain streets, but the Village is free to lower the speed limit further on Village owned roads. Several Board members and the Village Attorney discuss the possibility of lowering the speed limit of all Village owned roads to 20 MPH.

The Village Clerk proposed other signage suggesting slower speeds due to children/families in the area.

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Trustee Keating asked if the Superintendent had any traffic information pertaining to South Street. The Superintendent replied that he has the information from the SRF study, but it is 6-8 months old and may not have the specific information that he is looking for. The Superintendent stated that he will reach back out to the century provider to see if he can obtain the traffic information for South Street that was collected.

The Superintendent spoke to the Board regarding DPW staff hours. DPW staff summer hours in effect from Memorial Day to Labor Day are 6 AM to 3:30 PM Monday through Thursday, and 7:00 AM to 10:00 AM on Friday per the union contract. Due to the bridge closure, it is taking DPW staff longer than usual to drive around the Village. The 6 AM start-time is helpful because traffic does not typically increase until after 8 AM. The Superintendent requested that the Board change the Friday DPW summer hours from 7:00 AM to 11:00 AM to 6:00 AM to 10:00 AM, to accommodate the staff's travel times and projects.

Trustee Stetzer asked if the union contract would need to be modified in order to make this change. The Superintendent responded that the language of the contract states that hours may be modified by Board decision. Several members and the Village Attorney agree that the contract should be reviewed by Christian Cassini, the Village General Labor Attorney, prior to proceeding with the schedule change.

Trustee Lanphear asked if it would be possible to have some of the light poles along Main Street as well as the clock re-painted this year as they are beginning to fade. The Superintendent explained that the Village poles are re-painted on a rotational schedule and that the ones mentioned by Trustee Lanphear would be looked at.

**TREASURER'S REPORT**

The Village Treasurer presented vouchers listed on Abstract #22 of 2020 / 2021 fiscal year for approval. A motion was made by Mayor Plummer, seconded by Trustee Leitgeb, to approve payment of the vouchers listed on Abstract #22, in the amounts stated below and to charge them to the appropriate accounts.

**Vouchers for approval – Abstract #22**

• General Fund (#590-#596, #598-#602, #604-#611)	\$13,066.32
• Sewer Fund (#597, #603, #605):	\$ 657.46
• Attorneys Invoices	<u>\$ 6,373.92</u>
	\$29,097.70

**Vote:** Plummer – yes, Lanphear – yes, Keating – yes, Stetzer – yes, Leitgeb – yes. *Motion Carried.*

**Motion by Mayor Plummer, and seconded by Trustee Lanphear,** to approve the books through March 31<sup>st</sup>.

**Vote:** Plummer - yes; Lanphear - yes; Stetzer – yes; Leitgeb - yes. *Motion passed.*

Trustee Stetzer asked if there was any further information on the federal aid from the American Rescue Plan that was discussed last meeting. The Village Treasurer stated that she had not have any further updates on when that funding would arrive.

**PUBLIC HEARING: SPECIAL USE PERMIT - BLUE HORN RESTAURANT & TEQUILARIA**

Mayor Plummer opened the floor to questions and comments from the Board prior to opening the Public Hearing.

The Village Clerk confirmed that Tim Parrinello is in attendance, present as “Caller One”.

Trustee Lanphear stated that pursuant to the discussion in the last meeting, more information to supplement the application was to be provided before the Board reviewed it. Mayor Plummer asked the Building Inspector what was missing and if any further information had been received. The Building Inspector explained that previously the

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application was missing the signature of one of the owners of the property. Further explained that Mr. Kurtzmeyer, the other owner, wrote a letter authorizing the action and provided it to him via e-mail.

Mayor Plummer asked the Village Attorney if the e-mail version of the letter was sufficient to move forward. The Village Attorney confirmed that as long as the letter can be printed out and put on file that it would be sufficient.

Trustee Lanphear asked for clarification if this action would be a modification of an existing special permit or a new special use permit that is all encompassing for the two addresses. The Village Attorney explained that this action is for a new special use permit as Mr. Parinello's proposal is to operate with one kitchen across the two addresses, and that may only happen under one special permit. The new permit will have the same conditions as the previous ones.

Trustee Stetzer pointed out that in the packet the Hearing refers to this action as a modification of the special use permit. Asked if the Board can proceed even if the titling of the action is incorrect. The Village Attorney responded that it is the language of the special permit that is important and that the action could be considered as a modification because the Board will be replacing two special permits with one.

Trustee Lanphear asked for clarification regarding the business name and if the special permit will apply to two different DBA's. The Village Attorney explained that both business names can be included on the permit. Mr. Parinello explained that the two DBA's will be "Blue Horn Tequilaria" for the tequilaria and either "Casa de Blue or "Blue Casa" for the restaurant, operating under one corporation.

The Village Attorney asked Mr. Parrinello if he would be comfortable with having the name of the corporation be used on the special use permit to ensure that both companies are recognized no matter what the final decision on the name of the restaurant is. Mr. Parinello agreed to use the name of the corporation and stated that the New York State liquor authority also required his corporation's name instead of the DBA name.

The Village Attorney asked for the Corporation name to ensure that the permit is correctly issued. Mr. Parrinello explained that the corporation's name is NINESM INC.

Trustee Leitgeb asked the Building Inspector if he as the Fire Marshall had any other concerns related to the fire door that was being installed between the two locations. The Building Inspector explained that he had Mr. Parrinello contact his architect and modify the drawings to ensure that the openings complied with the Fire Code.

**Motion by Mayor Plummer, and seconded by Trustee Lanphear**, to open the public hearing regarding the special use permit for NINESM INC by Tim Parinello.

**Vote:** Plummer - yes; Lanphear - yes; Stetzer – yes; Leitgeb - yes. *Motion passed.*

Mayor Plummer opened the floor to comments from the public.

**Margaret Caraberis – 81 South Main Street:** "I just have a couple of questions for Mister Parrinello. About how this is going to play out with his business. First of all, will there be patrons moving between the Tequilaria and the restaurant?"

Mr. Parinello confirmed there will be and that was the reason for the fire doors. Fire doors will not only be for the employees but for the patrons as well to move between the locations.

**Margaret Caraberis – 81 South Main Street:** "All of the meals that you're serving in the restaurant will be prepared in the basement of the tequilaria, is that true?"

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Mr. Parinello explained that the 5 South Main Street location will have a full-service kitchen and all of the meals for both the restaurant and the tequilaria will be served from there.

**Margaret Caraberis – 81 South Main Street:** “Ok, so, the old kitchen, that side of the department store, the old department store, is where you’re preparing food?”

Mr. Parinello confirmed that is correct.

**Margaret Caraberis – 81 South Main Street:** “Ok, and so the kitchen in the basement of the Tequilaria will not be used?”

Mr. Parinello confirmed that it is in use as of now as a warming kitchen but will not be used going forward.

**Margaret Caraberis – 81 South Main Street:** “Ok, but you’ll be serving maybe some appetizers using that kitchen?”

Mr. Parinello confirmed that all food will be served from the main kitchen.

**Margaret Caraberis – 81 South Main Street:** “When you applied for the liquor license fo5th Tequilaria, did you tell them that you would be using the other side for the...you know what I’m saying?”

Mr. Parinello explained that at the time that he applied for the liquor license, he had not yet acquired the space where the Tequilaria would be. After review with the liquor authority Mr. Parinello was advised that if there is an opening and a walk through between the restaurant and the Tequilaria, it becomes one space in their eyes and one permit will apply to the entirety of the space.

**Margaret Caraberis – 81 South Main Street:** “Ok so you have to clear that up with them. And I also wonder if there is any other reporting that need to take place at the Village Board level in terms of the liquor authority, you know, accessing the Board for...to get permission...or to get...to explain to them what the application is being amended to? Do you know if they are going to?”

Mr. Parinello explained that he is required to provide the liquor authority with drawings of how both of the spaces will be laid out including the doorways and the fire doors being installed, but other than that he is not aware of any further requirements.

**Margaret Caraberis – 81 South Main Street:** “Ok. Now here is a question I have for the Board to, have you seen the design, and all that we see in the packet for this meeting, is the application for the special use permit, have you seen the drawings and the...all the specifications for the door and all that kind of stuff? Has the Board seen any of that?”

The Building Inspector explained that in his capacity as the Building Inspector, Code Enforcer and Fire Marshall, that design and drawing information of that nature would go to him for review and approval and then he would make his recommendation to the Board. The Board does not review this information as it is under his purview.

**Margaret Caraberis – 81 South Main Street:** “I’m not saying that they would need to approve it, but I do think that they should see what’s going to be happening. I guess just a request from me to let them know exactly how this is going to look, how it’s going to work, just for informational purposes, not to regulate you or anything.”

The Building Inspector stated that he could send the drawing to the Board Members at their request.

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**Motion by Mayor Plummer, and seconded by Trustee Leitgeb**, to close the public hearing regarding the special use permit for Tim Parinello on behalf of NINESM INC.

**Vote:** Plummer - yes; Lanphear - yes; Stetzer – yes; Leitgeb - yes. *Motion passed.*

**Motion by Mayor Plummer, and seconded by Trustee Lanphear**, to approve to replace the two existing special use permits with one special use permit for Tim Parinello on behalf of NINESM INC with the same conditions as the previously granted permits, with the exception that the Tequilaria will not be operating its own kitchen but will be serviced by the kitchen in the restaurant.

**Vote:** Plummer - yes; Lanphear - yes; Keating – Abstain; Stetzer – yes; Leitgeb - yes. *Motion passed.*

**PUBLIC HEARING 2021-2022 VILLAGE BUDGET**

Mayor Plummer opened the floor to questions and comments from the Board prior to opening the Public Hearing.

Mayor Plummer took a moment to thank the previous Board for their work on the budget and made special thanks to Village Treasurer Mary Marowski for her work balancing the budget.

**Motion by Mayor Plummer, and seconded by Trustee Stetzer**, to open the public hearing regarding the 2021-2022 Village Budget.

**Vote:** Plummer - yes; Lanphear - yes; Keating – yes; Stetzer – yes; Leitgeb - yes. *Motion passed.*

General discussion is had regarding the budget and what is covered this year. The Village Clerk informed the Board that the exemption to the Open Meetings Law which allowed for virtual board meetings has been extended through May 9, 2021.

DPW Superintendent provided an overview of the upcoming South Street re-construction project. Included in the project will be the installation of new curbing, the widening of 4 FT sidewalks, gutter work, and adjustments to drainage inlets and manholes. Sewer rehabilitation projects were outlined as well.

Mayor Plummer opened the floor to questions and comments from the Board.

Mayor Plummer opened the floor to questions and comments from the public.

**Justin Vlietstra – 19 Boughton Avenue:** “I wanted to make a few comments on the budget. First of all, you are talking about some drainage repairs and I know I have been asking for something like five years to fix the problems up the street on Boughton Avenue, and also on Wood Street. Right now, after the road was paved on Boughton. Water has to flow uphill to get to the drain in the street and downhill to get to my basement. So, I think you can guess as to where it likes to go. I have been talking to the trustees about trying to get this addressed for years, likewise on Wood Street. Significant drainage problems because there is no channel on the street to direct water to the drain and instream it goes into people’s yards. So please add these to your list of things to fix and I encourage you to update your drainage repair budget. Second of all. Last year I spoke to the Board about this, over-allocation of funds for attorneys, particularly for regular business. There seems to be what definitely occurred, and it is definitely occurring in this budget. It looked like, for regular business trustees and HPB, they are allocating something like one thousand hours, which sounds completely out of line to me. And I understand there are some issues in last year’s budget when you are looking at it, it was unclear as to what the attorney bills were for a litigation for regular business or for special projects. So, I am wondering if the trustees were able to sort that out for all the Boards, and so that they can make good projections going forward as to what the attorney bills are going to be for...regular business, special projects, and litigation and so on. So, it looked like in this budget for Mr. Turner in particular, you allocated \$118,000 and over the six months of last year, granted COVID occurred only 25k was used. So, it looks like based on these projections, you over-allocated attorney funds of about \$68,000 and it looks like they will continue to budget it relative to what was spent in the last six months, which may or may not be accurate.

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Likewise, I am looking at your sales tax revenues and it looks like, relative to what it was in 2019, you are estimating a 22% reduction in sales tax, and I do not think there is any evidence to support that amount of reduction in the revenue estimates. So just from these two numbers, you have errors in your budget with almost \$200,000, which would, that number alone would allow for close to a 20% reduction in property tax, which pretty much offsets your property tax increase last year. I am not asking you to do that, but I think these two items, even factoring in state and federal aid, which is coming in with this COVID relief, I really think there is some significant errors in this budget that need to be addressed and be brought into line with accurate estimates. Thank you.”

Trustee Keating addressed Mr. Vlietstra’s concerns regarding the attorney budgeting. Explained that one of the reasons for the high estimate was that another round of code revision was supposed to occur that did not happen because of COVID. Trustee Keating stated that another reason for the higher estimate was due to the 75 Monroe litigation situation. Further explained that the timeframe that the Village has to create and submit a budget does not allow for the attorney fees to be based upon actuals, only projected use.

Mayor Plummer asked the Village Treasurer if attorneys submitted their estimates in terms of ongoing work and if those estimates are used to help prepare the budget. The Village Treasurer confirmed that is the case.

Trustee Keating further explained that traditionally there has not been a great deal of accountability regarding the attorneys, they would provide their estimates as best they could and then things would come up to be dealt with and the Board managed it in that way. Last year it was discovered that the Board had been way underestimating the attorney bills, so it was raised. The Village Treasurer confirmed the same and referred Mr. Vlietstra to the handouts in the packet which break out the law categories for all projects.

The Village Treasurer stated that in regard to the sales tax, she spoke with Monroe County, NYCOM, NYS Comptrollers’ Office and the Village CPA and they all recommended that the 20% be maintained as the trends for the upcoming year do not suggest a change.

Mayor Plummer stated that she would follow up with the DPW regarding Mr. Vlietstra’s request to address drainage on Boughton and Wood and create a strategy to address it.

**Motion by Mayor Plummer, and seconded by Trustee Keating**, to close the public hearing regarding the 2021-2022 Village Budget.

**Vote:** Plummer - yes; Lanphear - yes; Keating – yes; Stetzer – yes; Leitgeb - yes. *Motion passed.*

### **PUBLIC SAFETY AT NORTH MAIN & SCHOEN PLACE**

Trustee Stetzer explained that there have been multiple comments from residents of both the Village and Town citing pedestrian safety concerns that have been created due to the temporary light that has been installed at North Main Street and Schoen Place. Further explained that Trustee Lanphear had previously received comments from residents that crossing the street at State Street and Schoen Place has become dangerous as well due to the temporary stop sign not being followed. The DPW Superintendent requested that NYSDOT place a temporary crossing light at the intersection, and they refused. NYSDOT also refused to phase in timing for pedestrians to cross at the temporary North Main and Schoen Place light because it did not meet MUTCD standards.

Superintendent Bleier added that he is unsure how to proceed in light of the rejections from NYSDOT. Stated that the issue will only worsen as summer progresses and more people are out. Also stated that this will be an issue for cyclists as they are asked not to ride under the bridge on the canal path.

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Mayor Plummer asked what the needed criteria would be to meet MUTCD standards. The Superintendent stated that he is unsure what the requirements are and that he believes that they are based upon what NYSDOT deems fit for the area. Trustee Stetzer added that NYSDOT bases it upon volume.

Mayor Plummer, Trustee Stetzer and Superintendent Bleier agree to meet and discuss alternative solutions to the issue and reach out to DOT engineers for the project again.

Mayor Plummer opened the floor to questions and comments from the public.

**Mike Reynolds – 35 Church Street:** “I’m not sure that... the DOT might not realize how difficult it is to make that crossing. If you are on the West side, there is no light, that you can see. There is no pedestrian light. There is no traffic light you can see. Theoretically, you could see the light on Main Street, the light facing the northbound main traffic. Theoretically you could look at that light and, you know, when it is green you cannot cross, but you cannot see that light because it is blocked by a left turn only sign, so you cannot see any light at all. And I think if DOT, if you could explain that to DOT, how dangerous this is for a pedestrian wanting to cross, that might help.”

Mayor Plummer stated in response to Mr. Reynolds comment, that a site visit by the DOT may be in order.

## MEMBER ITEMS

### Trustee Stetzer

**Bridge projects:** Trustee Stetzer explained that at the end of March she attended a meeting with Mayor Corby and NYSDOT where they discussed possible funding to replace the deck on the North Main Street bridge as part of the re-surfacing project. There is already re-surfacing scheduled for Route 96 in 2022. Further explained that if funding can be secured it would create the opportunity to make the sidewalk wider and to make some other improvements on the bridge. NYSDOT did not wish to speculate too much as funding is not secured as of yet. Trustee Stetzer explained that she should have an answer by fall and that the re-surfacing work will roll-in to the Active Transportation Plan.

Trustee Stetzer also mentioned that there is supposed to be a “re-striping” meeting coming soon in conjunction with the State Street bridge rehabilitation and that she would like to make sure that we do not miss the opportunity to attend.

**Speed limit legislation:** Trustee Stetzer explained that she has no new updates on the speed limit legislation as we are waiting for the Assembly to change the language of their bill and amend it. Home rule legislation cannot be completed until the amendments in the Assembly are complete. Trustee Stetzer stated that she will be reaching out to Senator Brouk’s legislative assistant to follow up.

**HOPR:** Trustee Stetzer explained that Paul Schenkel from the Town is currently working with HOPR. There were no further updates.

### Trustee Keating

**Chamber of Commerce:** Trustee Keating explained that there was a Chamber of Commerce meeting held this morning and that they are looking to do outreach to new people who have moved into the Village. Further explained that the Chamber is always looking for a better process by which they can get a list when properties change owners, Bill Smith stated that that information is handled by the Assessor’s office and that has been accurate. Trustee Keating asked if the Village Clerk maintained any list that was similar. The Village Clerk answered that she receives the same information from the Assessor’s office. Trustee Keating stated that the Chamber may be interested in

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meeting with the Village Clerk for a “state of the Village” update. Trustee Keating also explained that the Chamber intends to hold a scaled down version of Candlelight Night, he is unsure of what that entails but is awaiting more information about it.

**75 Monroe:** Trustee Keating stated that he and Mayor Plummer received a message from Chris DiMarzo, PCP, inviting them to breakfast. Further explained that Mr. DiMarzo does not intend to bring a lawyer. Trustee Keating explained that Village attorneys were notified and did not respond to advise against the meeting. Described the meeting as a “listening session only”. Trustee Keating and Mayor Plummer intend to attend the meeting and report necessary information back to the Board.

**Zoom Transition:** Trustee Keating alerted both the PZBA and the HPB about the Board’s intention to move from GoToMeeting to Zoom. All Boards are receptive of the change. Trustee Keating asked the Village Clerk when the contract with GoToMeeting expires. The Village Clerk responded that she believes there is a month or two left on the contract but given the issues that the Board has been having in terms of accessibility that a switch over sooner rather than later would be appropriate.

**Social Media Policy:** Trustee Keating brought up the social media policy, as it was discussed last meeting, and asked if there was anything further to be done. Mayor Plummer advised him that it would be best to meet with the Village Clerk and Deputy Clerk to review the current social media policy and see if any changes should be made.

The Village Clerk read public comment:

**Dave Ferris – 27 Monroe Avenue:** “What is the purpose of the meeting with PCP. The HPB and PZBA were scheduled to meet with PCP last Friday to hear a new proposal.”

Mayor Plummer explained that the purpose of the meeting was to make introductions as the incoming mayor. Further explained that no negotiations were planned for the meeting as there are two Boards already engaged with it and that their only intention is to listen. Mayor Plummer asked The Village Attorney’s opinion on the matter. Attorney Turner responded that he is not representing this Board on that issue but explained that the Boards that he is working with on the matter have submitted a proposal with Mark Four and have not yet received a response.

Trustee Lanphear asked Trustee Keating if he had received a response from the attorneys when he notified them that he and the Mayor would be attending the meeting. Trustee Keating stated that he did not. Several Board members expressed that they would feel more comfortable receiving a firm response from the attorneys prior to attending the meeting.

**Public Comment:** “Doesn’t a meeting of the Trustees with a developer undercut the Board who has the full responsibility for the project approvals?”

Mayor Plummer stated again that the intention of the meeting is not to discuss anything relating to the 75 Monroe matter, simply a cordial meet and greet.

**Public Comment:** “The Village resolution says there would be no meetings, except for the full Board.”

Mayor Plummer asked Board members if they were aware of any such resolution. Several members responded that they were not aware of anything to that effect.

**David Marshall – 67 South Main Street:** “I believe there is a strong risk that this may undercut the positions of the other Boards and that there may be appearance of impropriety, which is the standard by which the public could consider these actions to be inappropriate. In advance of the meeting, would it be appropriate to determine what is

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required by members of the Board regarding disclosure? Should the meeting be recorded? Furthermore, might it be appropriate that another member of the Board, someone other than Dan, meet with PCP given the discussion of prior non-disclosed public meetings?"

Mayor Plummer answered that this may be an opportunity to have a training across all of the Village Boards regarding what disclosure means. Further explained that Board members may meet with people as long as they are diligent about the nature of the meeting, what was discussed, and that an accurate summation of that meeting is brought back to the entire board. Mayor Plummer stated again that she and Trustee Keating have no intention of holding any negotiations at their meeting and that there will be full disclosure from them regarding what the meeting entailed.

Trustee Keating stated that all of his previous meetings with Friends of Pittsford Village and Mark Four had been documented and are available for public review.

**Dave Ferris – 27 Monroe Avenue:** "I'd like to speak up. I'm still puzzled what the purpose of the meeting by the Trustees were with the developer...was the Mayor aware there was a meeting scheduled last Friday of those two Boards to meet with a developer, hear, a new proposal."

Mayor Plummer confirmed to Mr. Ferris that she was aware of the meeting.

**Dave Ferris – 27 Monroe Avenue:** "Well I think by the action taken last Thursday...those Boards learned Thursday evening that meeting was canceled. I cannot believe the developers are coming to...you are just having a cup of coffee and say "Hi". Are they coming to make their proposal or see what you would agree to...but, let me finish...the Trustees have no role, or determination, in the remaining aspects of the project? And I think by suggesting you are going to talk with them, delays the true discussion, to get to a resolution that those Boards have tried for the last three years, contrary to what was said during the election, there were meetings. There were communications multiple times, multiple hours by those Boards. If you have talked to those Board Chairs, in good faith with a developer not coming forward with any change of the mass or size or scale, the project. A court decision in December, basically vindicated our Boards actions 100%. And the developer knows they are going to come back at a smaller scale. So, I do not see how the trustees' inserting themselves over those Boards help in anyway. I think it does potentially open it up to further litigation of interference with the actions of those Boards. I just can't see how it adds anything."

Mayor Plummer responded that if Chris DiMarzo were to bring up anything about a proposal in their meeting, that she would leave the meeting, because it is the charge of the other two Boards to handle negotiations.

Trustee Keating explained that Mr. Ferris was unsure of the point of the meeting and he views the point as a method of direct communication. Cites this situation as a difference of opinion.

**David Marshall – 67 South Main Street:** "So I'm a member of the Planning and Zoning Board of Appeals, and with regards to a meeting with PCP, I find it as a significant risk to the negotiating process that we're currently engaged in and if I may, in addition to asking your own PCP attorney as to whether or not it may be a good idea, I would suggest that you ask for the opinions of the attorneys of the independent Boards by which you're charged to support and if they should suggest that it's a good idea, then perhaps consider it. But if both Boards attorneys who represent them in the litigation currently underway, that it is not a good idea for independent members of the Board to act independently from the Board of approval. You may want to consider otherwise given that you're charged with supporting those, both the Planning Board and the HPB."

Mayor Plummer thanked Mr. Marshall for his comments and will consider them.

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**Margot Fass** – “Thank you Mayor Plummer for your April 9<sup>th</sup> reply and your stated willingness to engage in environmental and conservation issues important to our community. I am glad you appreciate the efforts of A Frog House and Barefoot Permaculture are trying to implement. While I recognize this must be a challenging time as you get a handle on many new issues. It is unfortunate that it resulted in the previously approved permits for our “Forest in a Nutshell: Part 2 – Sustainable Demonstration project” being indefinitely postponed at a moment when time is of the essence to its success. In an effort to resolve this issue as quickly as possible I requested to be on tonight’s agenda. Well, I was disappointed that my request was denied. I would like to provide the following information in the hopes of cooperatively moving rapidly to a resolution. Close scrutiny of the New York State SEQRA regulations indicate that the previously approved Comprehensive Plan for the seven acres of Village land is fully consistent with SEQRA, and that a Type one, environmental review is not required. Actions taken so far are beneficial, and we only want to further improve the property. Two, the milkweed overseeding project on the North-West Quadrant, Village property designed to stabilize the soil and provide habitat for Monarch butterflies was stopped on day one of the new administration. Three project actions proposed are environmentally beneficial and consistent with the guidelines of SEQRA to ensure its effectiveness and to increase the likelihood of success. Repeated support of the permit needs to be implemented tonight. We request the Board turn its attention to this issue for three minutes tonight and bring the permit to vote to either approve or rescind it and move forward with your items that are surely more imperative than finding sustainable progress. A Frog House and Barefoot Permaculture are non-political entities and simply want to advance the interests of the world that is being destroyed by heedless development at breakneck speed without adequately considering the needs of the environment. We have no enemies, although others may have enmity towards us, and we seek win-win solutions that all involved can tout as success. As the Department of State Office of Planning and Development States on their website; “The Office of Planning and Development increases resilience and sustainable growth of New York organizations, academia, governments, including development, natural resource, and social service agencies, and other stakeholders. While sustainability is a worthy goal, its success is ultimately up to those of us working in partnership at our local level to this and we remain open and willing to work cooperatively towards achieving success, but again emphasize that the time is of the utmost importance right now. Please help us help our community.”

Mayor Plummer thanked Ms. Fass for her letter and asked other members of the Board what the plan for the milkweed seeding project was and what was approved. Members of the Board were unable to recall. The Village Clerk explained that she knew of two non-municipal use permits that were issued to A Frog House and Barefoot Permaculture for the “Garden Spaces for Sustainable Governance”, which was her understanding of the tree nursery.

Mayor Plummer stated that the Board is aware of the disturbances and the events that had taken place around the event in the past two weeks. Mayor Plummer asked the Village Attorney if he wished to weigh in. The Village Attorney stated that he does not recall discussion about a milkweed seeding project. It is his understanding that the Code Enforcement Office/Stormwater Office and the Village engineer are in the process of evaluating the area to determine a recommendation and that the Board should follow what they recommend.

**Motion by Mayor Plummer, and seconded by Trustee Keating**, to adjourn the meeting.

**Vote:** Plummer - yes; Lanphear - yes; Keating – yes; Stetzer – yes; Leitgeb - yes. *Motion passed.*

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Dorothea M. Ciccarelli, Recording Secretary