

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

Tuesday, June 8, 2021, at 6:30 PM

**Present:**

**Mayor:** Alysa Plummer  
Lili Lanphear  
Renee Stetzer  
Dan Keating  
Justin Leitgeb

**Village Attorney:** Jeff Turner  
**Recording Secretary:** Dorothea M. Ciccarelli  
**Deputy Treasurer:** Brooklyn Thomas  
**Deputy Clerk:** Marina Pacheco

**CALL TO ORDER**

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

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

**CONFLICTS OF INTEREST DISCLOSURE**

Trustee Leitgeb stated that he will recuse himself from the discussion and vote on the ethics board referrals as he filed one of the complaints.

Remaining Board Members had nothing to disclose.

The Village Clerk reviewed guidelines for public comment for all attendees.

**BUILDING INSPECTOR REPORT**

Board members reviewed the Building Inspector report prior to the meeting.

Trustee Keating asked for an update on the issues in the back parking lot at Schoen Place. The Building Inspector explained that business owners are having a difficult time keeping the parking lot clean due to lack of employees.

Mayor Plummer noted that the Village did host a clean-up and understands the high volume of traffic and the employment issues, but there must be a solution to the issue other than waiting.

The Building Inspector stated that he will keep working with the owners.

DPW Superintendent commented that he noticed some slats missing on the garbage enclosure behind the Coal Tower and wondered if that contributed to the issue at all. The Building Inspector responded that he would suggest that they fix it.

**DPW REPORT**

Board members reviewed the DPW report prior to the meeting.

The DPW Superintendent noted that regarding the oak tree at 38 Boughton, he met with a representative from the tree removal company as well as a gentleman with a mill who is willing to create items for the Village and for himself from the tree. Currently waiting on estimates to move forward.

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

Tuesday, June 8, 2021, at 6:30 PM

Trustee Lanphear asked if the Board would have a visit to the oak tree to discuss its future and to get a second opinion. Trustee Keating stated that in the previous meeting it was determined that the tree should be taken down for safety reasons.

Board Members and the DPW Superintendent discuss the possibility of having an assessment done for the tree and/or getting a second opinion. Board members agreed that getting a second opinion would not hurt.

The DPW Superintendent reviewed for the Board the cost differences between mitigation and removal. Stated that he will follow up to get a second opinion.

**TREASURERS' REPORT**

The Deputy Treasurer presented Vouchers listed on Abstract #02 of the 2021/2022 fiscal year for approval.

**Vouchers for approval – Abstract #02**

• General Fund (10-20)	\$14,571.37
• Sewer Fund (18)	<u>\$ 52.86</u>
<b>Total Vouchers for approval:</b>	<b>\$14,624.23</b>

The Deputy Treasurer presented Vouchers listed on Abstract #03 of the 2021/2022 fiscal year for approval.

**Vouchers for approval – Abstract #03**

• General Fund (21, 23-31)	\$3,226.42
• Sewer Fund	\$ 0.00
• Capital Improvement Fund (22)	<u>\$ 337.50</u>
<b>Total Vouchers for approval:</b>	<b>\$3,563.92</b>

**Motion by Mayor Plummer, and seconded by Trustee Keating**, to approve payment of the Vouchers listed on Abstracts #02 and #03, in the amounts of \$14,624.23 and \$3,563.92 respectively and to charge them to the appropriate accounts.

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

**VILLAGE CLERK'S REPORT**

Board members discussed possible participation in a survey administered by the Department of Health and Human Services through the CDC.

Trustee Stetzer asked if participation would take away from Village resources (i.e., employee time). The Village Clerk answered that she would assess that when the survey arrives.

**NON-MUNICIPAL USE PERMIT: PRIDE PARADE**

Kendra Evans thanked the Board for their issuance of the Pride Proclamation and explained the plans for the parade.

Trustee Lanphear asked if the parade would be on the sidewalk only or if the street would be used. Ms. Evans answered that they intend to use the sidewalk only but intends to hold a meeting with Town and Fire Department officials to determine if the street could be closed.

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

Tuesday, June 8, 2021, at 6:30 PM

Trustee Lanphear asked about the insurance liability for the Village. Ms. Evans answered that the Village would be named as an insured and that all remaining insurance information needed can be provided once the permit has been approved.

Trustee Stetzer asked if DOT needed to be notified if the road is being used. The DPW Superintendent answered that the DOT typically requests notice, does not believe that the date and time of the event coincide with peak traffic times so they may waive the requirements. Suggested that Ms. Evans reach out to DOT to confirm.

The Building Inspector noted that Ms. Evans should also contact the Monroe County Sheriff's for safety purposes if the parade does take place on the street. Ms. Evans responded that the Sheriffs were who suggested closing down the street, but she has not yet followed up with that community liaison as he recommended that she obtain the necessary permits first.

The DPW Superintendent provided Ms. Evans with a contact at NYSDOT in the event that she would like to process in the Street.

**Motion by Trustee Keating, and seconded by Trustee Stetzer**, to waive the 45-day requirement for their application.

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

**Motion by Trustee Keating, and seconded by Trustee Stetzer**, to approve the non-municipal use permit application of Village of Learning Studio, LLC for a Pride Parade to be held on June 27, 2021, at 3:00 PM processing from 35 Lincoln Avenue to the Port of Pittsford Park.

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

**NON-MUNICIPAL USE PERMIT: PITTSFORD LITTLE LEAGUE PARADE**

The Village Clerk presented plans for the annual parade. The parade will begin at 10:00 AM Saturday, June 26, 2021, and follow the same parade route as previous years from Sutherland High School to Ford Field, concluding at 10:45 AM.

**Motion by Trustee Lanphear, and seconded by Trustee Keating**, to waive the 45-day requirement for the application.

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

**Motion by Trustee Lanphear, and seconded by Trustee Keating**, to approve the non-municipal use permit application for the Pittsford Little League Parade to be held on Saturday, June 26, 2021, from 10:00 AM to 10:45 AM processing from Sutherland High School to Ford Field.

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

**TOWN OF PITTSFORD (INFORMATION ONLY)**

The Village Clerk explained that previously Town events were handled by non-municipal use permit, but this year, everything is being held on their property, so they are simply informing the Village about the upcoming events.

**AMERICAN LEGION 100 YEAR CELEBRATION AND BANNERS**

Mayor Plummer explained that due to COVID, the Legion missed their 100 Year anniversary celebration and are now planning that celebration for Saturday, July 24, 2021. The Legion is also requesting that banners be hung advertising the event for the majority of the month of July.

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

Tuesday, June 8, 2021, at 6:30 PM

Mayor Plummer noted that the banner request conflicts with the banner request for the Monroe Invitational, The DPW Superintendent responded that he would work the issue out.

Trustee Stetzer asked if the banners will be the same banners as last year. Several Members confirmed that is the case.

Trustee Leitgeb pointed out that the Monroe Invitational banners were approved by the Building Inspector and asked if the Board needed to make a motion on them.

Mayor Plummer responded that the banners would be up for almost a whole month and that is beyond the normal time frame for banners to be hung.

The Village Clerk stated that last year the Board did vote on the banners because they were up for nearly a year.

The Village Attorney agreed that because the time period is in excess of what is typically approved by the Building Inspector that the Board should make a motion on it. The Building Inspector agreed.

**Motion by Trustee Lanphear, and seconded by Trustee Stetzer**, to approve the American Legion 100 Year Celebration to be held on Saturday, July 24, 2021, as well as banners for the event.

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

**APPLICATION FOR SHORT TERM RETAIL BUSINESS – RONALD JURINCIE**

Mr. Jurincie previously presented his proposal to operate a food truck in the Village. In order to not waste any more time, Mr. Jurincie is dropping the proposed location of 50 State Street and is focusing on the 10 Main Street option. Thanked the Board for working with him on this process.

Trustee Lanphear asked if the original location was Town property. Mr. Jurincie responded that is correct and that he reached out to the Town Supervisor to obtain his approval and expects to have no issues. Mr. Jurincie hopes that once approval is obtained that he can still be heard at July's meeting.

Trustee Lanphear asked if Mr. Jurincie had spoken with Mr. Fox, who operates Harladay Hots at that location. Mr. Jurincie indicated that he did speak with Mr. Fox before coming to the Board.

Trustee Lanphear asked if Mr. Jurincie was able to provide everything required by the permit in regard to electric hookups and trash handling. Mr. Jurincie responded that he can provide everything required.

Building Inspector stated that he does not anticipate any issues with approval from the Town.

The Village Clerk proposed scheduling the Public Hearing for July 8, 2021.

**Justin Vlietstra, 19 Boughton Ave.** – “I did have a question about event permits. You said that the Town didn't need to apply for them, and outdoor assembly is a temporary use only permitted by a temporary use permit. It doesn't matter who owns the property. But you guys can look into that with the Building Inspector.”

The Village Attorney clarified that the Town did not need to apply, but they did need to sign the application as the property owner.

**Motion by Trustee Keating, and seconded by Trustee Leitgeb**, to schedule a public hearing for the Application of Ronald Jurincie for a Short-Term Retail Business for a food truck on July 8, 2021, at 7:00 PM.

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

Tuesday, June 8, 2021, at 6:30 PM

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

**PUBLIC HEARING – SPECIAL PERMIT APPLICATION – KAROL KUTTER, SALON**

Ms. Kutter previously presented plans to open a Salon at 50 State St., Building A. Mayor Plummer opened the floor to comments and questions from the Board.

**Motion by Mayor Plummer, and seconded by Trustee Stetzer,** to open the public hearing for the special permit application of Karol Kutter.

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

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

**Motion by Mayor Plummer, and seconded by Trustee Lanphear,** to close the public hearing for the special permit application of Karol Kutter.

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

**Motion by Trustee Keating, and seconded by Trustee Lanphear,** to approve the special permit application of Karol Kutter for a salon at 50 State St., Building A.

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

**ETHICS BOARD APPOINTMENTS & REFERRALS**

Trustee Leitgeb recused himself.

Mayor Plummer presented 3 appointments to the Ethics Board: Jared Cook, Lawrence Hickey, and Dr. Jeffrey Hanson.

Trustee Lanphear noted that Trustee Leitgeb recused himself because he is involved with one or more complaint, believes that anyone else who might be involved in a complaint should recuse as well.

The Village Attorney responded that the Village Clerk has kept the complaints confidential, therefore, the only way that Board members would know to recuse themselves is if they were a Complainant.

Mayor Plummer asked if anyone is made aware when a complaint is received. The Village Clerk answered that she does not notify anyone of who or what the complaint is about, outside of requesting that an Ethics Board be seated.

Trustee Lanphear asked if a Board Member should recuse themselves if they are aware that they are involved in a complaint.

The Village Attorney explained when recusal should take place. Stated that making a complaint would not personally involve you in the process of seating an Ethic's Board to allow them to review the complaints. Seating the Ethic's Board will have no bearing on how the complaints are handled. Further explained that Trustees may choose to recuse themselves, but it is not necessary.

Trustee Stetzer asked if the Ethic's Board will be a standing Board to review all future complaints as well. Mayor Plummer responded that it is per Code.

**Mike Reynolds, 35 Church Street** – Stated that complaints have been filed against two Board Members present, believes they should not vote on the appointments.

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

Tuesday, June 8, 2021, at 6:30 PM

**Art Pires, 70 State Street**– Thought that he had heard in another Trustee meeting discussion about establishing a Pittsford Village Ethic’s Board when there is already a Monroe County Ethic’s Board. Confused that he is now hearing that there is an existing Village Ethic’s Board, Asked why there is duplication.

Mayor Plummer responded that it is in the Code that the Village may seat an Ethic’s Board, many other municipalities operate in that manner.

The Village Attorney confirmed that the Village has always had an Ethic’s Board, but it hasn’t always been seated. Agreed that it is the exception, rather than the rule, to forward ethic’s issues to the County Board.

**Peggy Brizee, 81 S. Main St.** – Asked the Mayor to make it clear that she has no knowledge of the complaints received and that she will not be involved with the handling of the complaints as it is her appointments.

Mayor Plummer stated that she does not have any knowledge regarding any complaints aside from ones that were mentioned in this meeting. Further stated that she does not know the contents of any of the complaints.

Mayor Plummer asked the Village Attorney if the submission of complaints should be confidential. The Village Attorney responded that it was not enforceable, a complainant may disclose that they have filed a complaint, it is the responsibility of the Village Clerk to keep the contents of the complaint confidential. Recommended that complainants do not disclose that they have made a complaint.

The Village Clerk stated that no one other than herself has any information on the complaints received, she has kept them confidential.

**Peggy Brizee, 81 S. Main St.** – Asked if when the Ethic’s Board deliberates if their decision comes back before the Board of Trustees for a final decision.

The Village Attorney responded that it is referred to the Board, but not every complaint will require Board action. Once a complaint comes before the Trustees, any determinations of violations made by the Ethic’s Board will be made public record.

**David Ferris, 27 Monroe Avenue**– Asked if there is a conflict if a party to a complaint is choosing the Board.

Trustee Keating stated that the 3 appointees were put forward before any members of the Board were made aware of the complaints disclosed in this meeting.

The Village Attorney responded that there has only been an allegation of a complaint.

**Dave Marshall, 67 South St.** – Asked if the Mayor could speak to the process of obtaining the appointees and if they are Village residents. Asked if other Board members were involved with the decisions.

Mayor Plummer responded that the resumes of the 3 appointees are available to the public. They are Village residents, as required by law. The positions were publicly noticed.

Trustee Lanphear stated that the members of this Board may not all be of one political party and asked the Mayor to verify this. Mayor Plummer verified that the appointees did not share any political parties.

**Motion by Trustee Keating, and seconded by Trustee Lanphear,** to appoint Jared Cook, Lawrence Hickey, and Dr. Jeffrey Hanson to the Ethics Board, allowing them to convene and handle any previous and future complaints received.

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

Tuesday, June 8, 2021, at 6:30 PM

**Vote:** Plummer – yes, Lanphear – yes, Keating – yes, Stetzer – yes, Leitgeb - Recused. *Motion Carries.*

**75 MONROE AVENUE MEETING PLANNING**

Trustee Keating explained that the Board was approached by Chris DiMarzo in an attempt to engage in settlement negotiations and for him to present new ideas for the area. Further explained that tonight he would like to hash out what that meeting would entail and then approach the other Boards for their thoughts.

Mayor Plummer notified the other Boards of Mr. DiMarzo's request. Believes the meeting should be a publicly noticed informational workshop to listen to his presentation then determine how to move forward.

Board members discuss the logistics of how this workshop would operate. The Village Attorney advised that each Board speak to their attorneys regarding the meeting and how the Village Code may be applied to the information presented.

The Board agreed to speak with legal counsel, contact the other Boards to determine their position, and to schedule the workshop even though they may have to postpone it.

The Village Clerk proposed the date of June 22, 2021.

**Dave Marshall, 67 South St.** – Offered the following comment on behalf of the PZBA: “The PZBA has consistently indicated its willingness to consider new proposals regarding Westport Crossing, we respectfully request a detailed site plan which includes size, scale, elevations, parking, landscape, and public amenity details as indicated in our prior communication. We are willing to discuss the plans after sufficient time for review and will then consider advancing our discussion in either private or public at that time.” We offer no further comment at this time.

Mayor Plummer stated that she spoke with Mr. McBride (HPB Chair re: 75 Monroe) and that he was open to receiving the information. Requested to have the plans ahead of time.

Trustee Keating stated he is in favor of allowing them to walk the Board through the presentation.

**Bill McBride, HPB Chair re: 75 Monroe** – Stated that he spoke with all HPB members, and it is their opinion that they would be happy to hear a presentation from Mr. DiMarzo, but uncomfortable with it being a public meeting with public comment as it would be the first step in the adjudication process. Understands if it is necessary. Would like to follow-up with a public information only meeting with HPB and suggested that the other Boards do the same. Stated he would be uncomfortable holding joint Board meetings regarding this after the initial one.

Mayor Plummer stated that the next steps would be to discuss the matter with counsel and to schedule the presentation for the June 22<sup>nd</sup> meeting.

Village Attorney commented that there is an HPB meeting coming up, unsure of the next PZBA meeting, but advises that the Trustees send a proposal to the two Boards for them to discuss at their meetings so they may be in a position to react and give input.

**Motion by Mayor Plummer, and seconded by Trustee Stetzer,** for a 5-minute recess.

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

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

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

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

Tuesday, June 8, 2021, at 6:30 PM

**UPDATED HOPR AGREEMENT**

Trustee Stetzer explained that she just forwarded the new agreement to the Village Attorney and there may be a little bit more do change before it is ready. HOPR would like the Village to consider a joint agreement. Trustee Stetzer reviewing the differences in the joint agreement from the original agreement. Conducting a visit soon to determine locations for the bike racks.

The Village Attorney added that all of the comments that he made originally have been dealt with except one. Unsure about the joint agreement definition and how it will be executed. Would like them to provide a red-line copy outlining the changes.

**DISCUSSION – PUBLIC COMMENT PERIOD**

Trustee Lanphear previously proposed that public comment sessions be formalized. Seeking a period of public comment after each agenda item and a period for comments overall.

The Village Attorney stated that he and the Village Clerk have been discussing the topic and intended to poll other communities on how they handle public comment and bring their findings in a proposal back to the Board.

Board members agreed to this approach.

**Art Pires, 70 State St.** – Stated that he has never experienced a municipal Board that did not allow public comment. Made comment regarding the application process being used for Mr. DiMarzo regarding 75 Monroe.

**ROBERT C. CORBY ARBORETUM AND WILDLIFE SANCTUARY FOLLOW-UP**

Mayor Plummer explained that the Board will be scheduling a walk-through with all members of the Board and the public, hopefully sometime next week. Held a walk-through today with some experts as well as the Village Engineer and Building Inspector. Outlined some of the next steps determined at that walk-through.

A member of the public stated that the Pittsford Garden Club would be willing to participate in maintaining the area and/or future events.

Mayor Plummer outlined a proposal to establish a Stewardship committee for the Arboretum.

**BANNER REQUEST**

Trustee Lanphear stated that the Board received 3 requests simultaneously to fly banners at Village Hall, one was addressed and the other two were not. Would like to address the remaining requests and establish procedure.

Mayor Plummer shared her thoughts regarding the request for the Irish flag.

Trustee Lanphear suggested drafting a proclamation to recognize the Irish who helped build the Erie Canal. Suggested doing so in March.

Trustee Lanphear explained that for the second banner request, the opportunity to fly it was missed, presenting to the Board to consider for next year.

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

Tuesday, June 8, 2021, at 6:30 PM

Mayor Plummer noted that since the time frame was missed and there was nothing to be considered that the Board be open to discussing the request when it is brought back before them.

**DISCUSSION ON POLICIES – BOY SCOUT/EAGLE SCOUT BADGES**

Trustee Lanphear to prepare a draft of guidelines for boy scouts Eagle Scout badges when they are working with the Village on projects.

**MEMBER ITEMS**

**Mayor Plummer** – Updated the Board regarding Schoen Place traffic study, looking to have an appointment on Monday or Tuesday of next week.

**Trustee Leitgeb** – Related to the Arboretum, spoke with Mayor Plummer regarding the trail leading to the arboretum and suggested following up with Trustee Stetzer for input.

**Trustee Keating** - Disclosed that he was approached by two (current or past) members of the Friends of Pittsford Village regarding 75 Monroe. Explained that he was transparent about the previous communications that he and the Mayor have had with Mr. DiMarzo and will continue to be transparent about anything else that comes forward. Stated that one of the persons who came forward was “loosely threatening” and felt influenced to not hold meetings with Mr. DiMarzo. Disclosed emails sent to him and Mayor Plummer to the remainder of the Board.

Asked to follow-up on a previous request by him to have access to post on the Village Facebook page. Mayor Plummer explained that he may work with Village staff to draft and post items.

Trustee Stetzer stated that the Board has not yet updated the policy and has some concerns regarding how articles are approved before being posted. Asked how to ensure that all Board members agree to an article if only a few are appointed to post.

Trustee Keating responded that the solution is to give veto power to Board members. Looking to be able to post in “real-time”.

Trustee Leitgeb shared his thoughts that the Mayor acts as spokesperson for the Board and that he would be uncomfortable delegating that responsibility to other members of the Board.

Trustee Stetzer asked for clarity on the kinds of things that would be posted. Cited concerns regarding editorializing.

**Motion by Trustee Keating, and seconded by Trustee Stetzer**, to amend the Village social media policy to allow members designated by the Board of Trustees to post to the Village Facebook page.

**Vote:** Plummer – no, Keating – yes, Stetzer – no, Leitgeb - no. *Motion failed.*

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

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