

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

Thursday, September 8, 2022 at 6:30 PM

PRESENT:

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

CALL TO ORDER

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

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

CONFLICTS OF INTEREST DISCLOSURE

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

BUILDING INSPECTOR REPORT

The Building Inspector received a question from Trustee Lanphear on his report regarding four projects that were found without proper permits; she was interested in the project that received a permit. He explained that in the one project he discovered, he was able to work with the homeowner, and they now have a permit for the activity being completed.

Trustee Keating questioned the Building Inspector on the grant the village received for \$5,000 for Clean Energy Community Benchmark. The inspector informed the Board that we had met one benchmark in the program entitled the Village to the \$5,000 grant, and we are very close to meeting the next milestone, which will provide the Village with \$20,000 toward a clean energy project. The more things the Village works towards being green, the more opportunities there are for grant funding. Mayor Plummer informed the Board that there are no matching funds with these grants.

DPW REPORT

The Superintendent of Public Works reviewed with the Board that Spall Management approached him regarding a small section of road on Grove Street that was not paved when the Village paved Grove Street in 2016. Since the road is jointly owned, the owner of Spall Management is proposing that we split the cost of paving the 3500-square-foot section of the road. The anticipated cost would be around \$4,750. The Board had a discussion it was agreed that we should be looking to see if there is a maintenance agreement in place. Spall Management is hoping to complete the project this year.

Trustee Lanphear questioned an item on the Treasurer's report for payment for tree root flare injection. The Superintendent informed the Board that the invoice is for the annual treatment of the village ash trees.

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Trustee Keating informed the Superintendent that he was willing to assist in the creation of the digital logs and spreadsheets.

The Superintendent reviewed with the Board the NYSDOT project; it appears that work will continue in Spring 2023 due to supply chain and labor issues. They anticipate filling the curb ramps with asphalt until they can do the final work in the Spring.

A discussion was had on the issues with the street light outages that have been passed on to RGE. The Superintendent is working on the problems with RGE.

Trustee Lanphear questioned when the light poles would be painted; the Superintendent responded that they hope to have them completed in the next month.

The Superintendent requested that the Village donate a tree for Lacey Sawyer. The Board agreed, and he would give the family the list of available trees.

The Superintendent requested that the Board, given the loss of the anticipated Village Gardener position he asked for, extend Peter Bessey's employment to 40 hours a week through December.

Motion by Trustee Stetzer, and seconded by Trustee Leitgeb, to extend Peter Bessey's employment at 40 hours a week thru December 2022.

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

TREASURER'S REPORT

The Village Treasurer presented vouchers listed in Abstract #04 of the 2022 / 2023 fiscal year for approval. A motion was made by Trustee Lanphear, seconded by Trustee Stetzer, to approve payment of the vouchers listed in Abstract #04 in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #04

• General Fund (#99-#139)	\$71,679.84
• Sewer Fund (#123):	<u>\$ 77.30</u>
	\$71,757.14

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

MAY FINANCIALS

Trustee Leitgeb requested that the Clerk make every effort to transfer money as needed before overspending budget lines. The Clerk agreed that every effort would be made to anticipate shortages and changes in the budget to the best of their ability. Trustee Keating questioned when the next financials would be provided to the Board. The Clerk informed the Board until the Village's Accountant was in the process of completing the Annual Update Document for the NYS Comptrollers. Once that process was completed and given the okay, she would provide the Board with updated financials. She anticipated

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having the Annual Update Document for the Board at the next meeting. Due to the Village's software, she cannot move forward with the financials until she completes last year's books.

Trustee Keating questioned if the sales tax check received was in the ballpark for the budget year. The Clerk indicated that it is in the anticipated amount for the budget year.

Motion by Trustee Leitgeb, and seconded by Trustee Stetzer, to approve the books through May 31, 2022.

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

VILLAGE CLERK REPORT

CLG UPDATE

The Clerk updated the Board that she spoke to several employees with SHPO regarding the reports for 2020 and 2021. The employee she talked to does not see a problem filing late reports. She is currently awaiting additional phone calls and will update the Board.

Trustee Lanphear questioned the status of training for the Historic Preservation Board. Mayor Plummer informed her that she just had a phone call with the Chairmen of the HPB, Jeff Pollock, and he has set up training thru the Landmark Society with their preservation director. They anticipate doing a series of sessions that will be taped for use at later dates.

REQUEST TO WAIVE TAX PENALTY

The Clerk informed the Board that she was approached by a resident requesting that she waive penalties associated with their tax bill. The State Comptroller does not give the clerk that capability and the Board must approve that waiver.

Motion by Trustee Lanphear, and seconded by Trustee Keating, to waive the penalties for 9 Boughton Avenue, for a total of \$54.20.

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

MINUTES

Motion by Trustee Stetzer and seconded by Trustee Keating to approve the Village Board Special Meeting Minutes of April 26, 2022, as amended.

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

Motion by Trustee Stetzer and seconded by Trustee Leitgeb to approve the Village Board Meeting Minutes of April 28, 2022, as amended.

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

Motion by Trustee Stetzer and seconded by Trustee Keating to approve the Village Board Meeting Minutes of June 14, 2022, as amended.

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

Motion by Trustee Keating and seconded by Trustee Stetzer to approve the Village Board Meeting Special Minutes of July 12, 2022.

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

Motion by Trustee Stetzer and seconded by Trustee Leitgeb to approve the Village Board Regular Meeting Minutes of July 19, 2022, as amended.

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

JOHN LIMBECK – SHORT-TERM VACATION RENTALS

Mr. Limbeck addressed the Board and provided a statement that is included at the end of the minutes and petitions received.

Trustee Keating thanked Mr. Limbeck for his input and thought it should be considered. He informed Mr. Limbeck that during the code rewrite, it was discussed. The discussion at that time and thought was that people have the right to make money off their property. The other issues were issues with regulations for the properties. It was also discussed that the operating companies of the short-term rentals have their process for rental properties, which does more of the checks that the Village would do. He also stated that the other issue that is hard to manage is that there are sometimes issues with neighbors with the same issues.

Mr. Limbeck stated that these are residential neighborhoods, and it is the introduction of commercial use in a residential neighborhood.

Trustee Lanphear is very interested in a moratorium; her concern is the amount of time to establish. The Village Attorney informed the Board that establishing a moratorium would be the only way not to permit it at this time.

Mayor Plummer commented that the subject should have its workshop. Trustee Lanphear agreed that it should be addressed and have its workshop meeting.

Ann Limbeck, 62 State Street- commented that Pittsford has the highest real estate properties, and if the short-term rentals are not appropriately addressed, you jeopardize the residents.

Mayor Plummer questioned the Building Inspector if the Village was receiving complaints. The inspector informed the Board that there had not been any complaints, but he is for a rental registry.

Trustee Leitgeb thanked Mr. Limbeck for providing the information. He stated that residents have heard that short-term rentals are a concern for them. He did not think that there should be some regulations and would like to have a workshop and would like to have a moratorium while we put the rules in place. He suggested a 6-month suspension on new rentals.

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The Village Attorney expressed enforcement concerns; how would you know if the moratorium is being violated? He informed the Board that he would need to speak to NYCOM about some of the uses. He stated the Board would have to decide what they would be getting out of a moratorium, given the complex enforcement.

Trustee Stetzer commented that she was not in favor of a moratorium; she was for having a workshop with the community.

Emily Diaz, 81 South Street – Thanked Mr. Limbeck for bringing it to the Village Board, but she thought she was concerned with the fabric of the community changing with the short-term rentals. She is looking forward to a workshop to discuss this.

Margot Fass, Discussed that in the past, the code enforcement officials expressed concern with a business being run and the owner not living at the property. She thought the same code used for that concern should be applied to this issue.

The Buildings Inspector commented to the Board that he hoped they would not do a moratorium due to the enforcement issues.

The Board set the workshop meeting for September 29, 2022, at 5:30 PM.

Trustee Keating left the meeting at 7:57 PM.

SETTING A PUBLIC HEARING FOR AN APPLICATION FOR SHORT-TERM RETAIL BUSINESS

The Clerk requested the Board set a public hearing for a Short-Term Retail Business permit for 44 North Main Street to operate the Christmas Tree Stand.

Motion by Trustee Lanphear, and seconded by Trustee Stetzer, to set a public hearing for October 13, 2022, at 7 PM for 44 North Main Street, for a Short-Term retail Business permit for a Christmas Tree Stand. **Vote:** Plummer – yes, Stetzer – yes, Lanphear – yes, Leitgeb - yes. *Motion passed.*

SETTING A PUBLIC HEARING FOR AN APPLICATION FOR A SPECIAL PERMIT – 5 S. MAIN STREET

The Clerk requested the Board set a public hearing for 5 S. Main St. for a special permit for opening a Mediterranean Restaurant.

Motion by Trustee Lanphear, and seconded by Trustee Stetzer, to set a public hearing for October 13, 2022, at 7 PM for 5 S. Main Street for a special permit for a Mediterranean Restaurant. **Vote:** Plummer – yes, Stetzer – yes, Lanphear – yes, Leitgeb - yes. *Motion passed.*

VILLAGE ENGINEER UPDATES

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Scott Harter, the Village Engineer, presented updates regarding projects he worked on for the Village. The first project he reviewed was the survey being completed on the DPW / Arboretum property. He shared with the Board the research on all the adjoining properties and the mapping they could locate. After reviewing all the information, a boundary determination was made. The overall acreage for the site is 11.2. Ten acres have been designated for the Arboretum, which leaves 1.2 acres for the DPW facility. A discussion was had on how everything is subdivided. He suggested that the Board might need a Landscape Architect or Design consultant to review the property and its use. Trustee Leitgeb expressed concerns over labeling on the map sent out. Mr. Harter explained the labeling and discussed that the Arboretum is designated 10 acres. The discussion was had on the Comprehensive Plan concept plan for the Arboretum and overlay it onto the survey map to assist in the property determination. Mr. Harter commented that if he was provided the map, he could overlay it and make a shape file for the Board.

A discussion was had on the DPW land use; currently, they are occupying about an acre and ½ and are now encroaching on the Canal Authority lands.

Margaret Caraberis, 81 South Main Street - Can the information be available on the Village website for the public? The Village agreed to put the info up on the website.

Robert Corby, 7 Washington Avenue – Stated he was surprised to hear this subject at tonight's meeting since so many of these issues were discussed in 2020. When the Village dedicated the parkland, he informed the Board that he had explained previously that the acreage had been determined by going on GIS and drawing a line by the trees. The line should be placed there due to the natural boundary. Which buffers the DPW yard from the rest of the Arboretum; it protects both uses. It is consistent to find municipalities using Canal Authority lands. The Canal Authority has a history of leasing or selling the ground if there are no historical issues. He indicated that the current layout of the DPW is currently inefficient. The yard has historically never been proven to be too small. He hoped the Village would abide by the resolution for the layout of the Arboretum. He thanked the Village for their support.

Mayor Plummer stated that the 10 acres that were designated were not changed with the property survey.

Emily Diaz, 81 South Street – She appreciated the conversation regarding the survey. She stated that the topic had been mischaracterized on Social Media; she encouraged Board Members to stick to the facts that it can be dangerous when there is misinformation. She was pleased that the proper steps were taken to care for the property for future use.

The Superintendent also commented that if Board members see misinformation on Social media, they try to correct the information.

Robert Corby, 7 Washington Avenue - Informed the Board that they had had a conversation with the Village Attorney, and he advised that the Village needed not to take any additional steps regarding the Arboretum.

The Village Attorney commented that he can divulge any attorney-client discussion and will not do that. He stated that if you look at the 2020 minutes, there was no discussion of future questions, and there are

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no questions to the Village Attorney on which course the Village should take. There were no statements from him on any course of action.

The Board discussed the necessary steps in the process, which could include the use of the concept plan from the Comprehensive Plan and the help of an Architect or Design Consultant. Trustee Leitgeb requested that the relabeling be completed.

Gabrial Diaz, 81 South Street – He just wanted to clarify that some context is missing here about the Arboretum and the misinformation that has been online. I want to be pretty explicit about it since the Arboretum's inception that it's been weaponized online and the actions that were taken by the previous administration's last day. There has been an indication that people have broken laws and have been acting disingenuously, and I think that's a horrible thing. The truth is that the Arboretum was rushed in its inception; specific steps were not taken, stormwater drainage was not considered the environmental review was not completed as it should have been done before all these plans were put in place. This was all done before the current administration. He thought it was horrible that people online were using it as a weapon. He loved that many villagers were volunteering to make this an excellent thing for the Village. He hoped people would think twice before believing what had been posted online regarding the Arboretum.

The Mayor indicated the Board had their next steps to move forward.

SOUTH STREET

Scott Harter informed the Board that he had prepared the RFP for engineering for South and Wood Street. The Superintendent indicated that it will probably be a 2023 project, the RFP is currently being reviewed, and he hoped to return in October. He suggested that giving the design consultant several months over the winter was a good idea for the project.

CANAL PATH

Mr. Harter informed the Board that he had received a phone call from the Superintendent concerning the repairs being completed on the Canal path. He indicated that the Canal Authority removed 8 inches off the path and placed a chunky stone. He was still determining if the repair was complete or if they would be doing additional work when the canal was drained. When the canal is drained, it will be an excellent time to see what is happening in the area.

25 MPH VILLAGE SPEED LIMIT

The Village Attorney informed the Board that the under the old rules and regulations, the Village could do linear feet designation for the 25 mph. The Village has done that. Now the NY Legislature has allowed us to do it by Street. There is no advantage to the Village because it's already been done. Trustee Stetzer commented that we still don't have control over State owned roads. The Village is still trying to change that, and we're not giving that up. A discussion was had on the need to change signage to reflect the change and the possibility of posting a sign upon entering the Village that Village roads are 25 mph.

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LWRP CODE UPDATE

Trustee Leitgeb expressed concern with the LWRP Code in Chapter 121. He indicated the importance of the LWRP process for ensuring that new projects and modifications to existing projects around the waterfront area are done in line with the Village Standards. He informed the Board that there were some possible changes to chapter 121, which address a particular area where the review of the decision of the Planning Board may be delegated to a different agency. Trustee Leitgeb did not think that was the Village's attention. He provided the Board with modifications that the Chairman of the Planning and Zoning Board of Appeals thought were necessary. He requested that the Board move it forward.

The Mayor commented that the code itself needed to be updated, and she had spoken with the Town Supervisor, who indicated that the Town needed to review the Code. She suggested that the Board do a joint update with the Town. Updating the code will assist the Village in obtaining grants.

A discussion was had on adding this to the code workshop for review.

Justin Vlietstra, Boughton Avenue – Indicated that he was okay with the draft of the code on the Village website. He was highly concerned about upcoming projects, particularly the clear-cut project along the canal. He discussed his concerns with possible breaches on the Canal associated with removing trees.

Mayor Plummer commented that the Canal authority is not planning any removal of trees in our area.

A discussion was had on setting a public hearing to make a change to the code; it was decided to review setting a public hearing at the next meeting on the LWRP code.

4-CORNERS SIGNAL CABINET ARTWORK

The Mayor discussed on putting artwork on the Signal cabinet. She indicated that there is a program thru NYSDOT, and we could hold an art contest with the kids in the schools to decorate it and make fun for the community. The Mayor would provide additional information.

BACKLESS BENCHES FOR STATE STREET

Trustee Lanphear suggested that the Village use backless benches, given the limited funds for purchasing. She would be sending the link to the Clerk to be distributed. The benches would require permits from NYSDOT. She wanted to get the benches ordered to be put out in the spring.

REAR ENTRANCE BID

The Clerk informed the Board that she anticipated bringing the Board the bid specifications in October for approval for the project to move forward. The work would be completed in the spring.

VILLAGE HALL WINDOW RESTORATION

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The Board discussed the Village Hall windows and the quote we received to restore the current windows. The clerk informed the Board that some windows would need to be repaired immediately.

VILLAGE COVID POLICY

The board discussed the current COVID policy in relation to employees that test positive. It was agreed to keep to the current policy at this time.

ARCHIVIST / ADMINISTRATIVE ASSISTANT

Mayor Plummer and the Clerk discussed the need for the Archivist and additional administrative assistance in the Village office. The Board agreed to put out the ad for the job and requested a copy of the job description.

EXECUTIVE SESSION

Motion by Mayor Plummer, and seconded by Trustee Stetzer, to go into executive session pursuant to section 105.1.f

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

Motion by Mayor Plummer, and seconded by Trustee Stetzer, leave executive session pursuant to section 105.1.f

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

ADJOURNMENT

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

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

Dorothea M. Ciccarelli, Recording Secretary