

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

Thursday, September 9, 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

CALL TO ORDER

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

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

CONFLICTS OF INTEREST DISCLOSURE

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

Motion by Mayor Plummer, and seconded by Trustee Stetzer, to enter into Executive Session to continue discussion of an employee matter under Code section 105.4 of Code Officers Law.

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

Motion by Mayor Plummer, and seconded by Trustee Lanphear, to exit Executive Session.

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

VACCINATION POLICY

The Village Clerk explained that additional information had been received from the labor attorney regarding the policy. Addition of White House Vaccination Policy information.

Trustee Lanphear noted feeling uncomfortable with mandating vaccination and would prefer options in the policy for masking and weekly testing. Trustee Stetzer suggested a possible remote option. The Village Clerk explained that remote was not completely feasible. Board members held discussion regarding the policy. Reviewed exemptions to the policy.

VIRTUAL MEETINGS

Board members discussed holding meetings remotely versus in person or as a hybrid format. General preference for the Board of Trustees was to continue to operate remotely. Each Board must decide for themselves how they will conduct meetings. Board members discussed how hybrid meetings would be conducted. Board of Trustees decided to operate 100% remotely.

Discussed the difference between holding meetings in a webinar format versus a meeting format. Discussed how participants might see a list of other participants and how they might interact. Q&A functions as well as Chat functions to be enabled.

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Motion by Trustee Keating, and seconded by Trustee Stetzer, that effective September 10, 2021, Board of Trustee meetings will be held virtually via ZOOM with accommodations for the public to see each other and/or converse.

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

PUBLIC COMMENT POLICY

Mayor Plummer explained that the public comment policy has been in place since 2014 and was subsequently amended in 2016, 2017 and 2019. The policy is being re-visited now to make further adjustments. Board members discussed the Town's public comment policy. Trustee Lanphear explained her understanding of the policy that guidelines for public comment were put into place in the 2016 budget season but were not officially adopted for use. Mayor Plummer stated that something was adopted "de facto" as it has been amended in later years.

Board members reviewed Town agenda as an example of when public comment is held. Trustee Stetzer proposed holding a public comment period following every agenda item. Believes that a time limit should be imposed. 3–5-minute time limits are standard. Trustee Leitgeb noted that guidelines like what are used today were adopted on April 12, 2016. Further noted that flexibility is needed, and discretion can be used based on numbers of speakers.

Trustee Keating noted that he believes the public should not speak at the beginning of the meeting. Noted that the public may speak regarding items on the agenda and may make general comments at the end and to allow them to speak at the beginning may de-rail the agenda. The public has multiple other avenues to submit information to the Board (emails, Village website, Village Facebook).

David Ferris, 27 Monroe Avenue – Stated that he reviewed the Town's guidelines and recommended that the Village should adopt the same thing. Supported the reading in of letters at the meeting by the Clerk and attaching the letters to the meeting minutes.

Art Pires, 70 State Street – Thanked Trustee Leitgeb for his points. Stated the benefit of public comment and the value in holding an open, transparent public forum. Found it to be critical to allow public comment for applications. Cited a concern that the public may not be allowed to question Trustee statements. Suggested pushing all administrative matters to the end of the meeting.

Mayor Plummer responded that pushing administrative matters to the very end could be discourteous to the staff. Discussion is had about frequency of monthly meetings.

Robert Corby, 7 Washington Avenue – Stated support for Trustee Leitgeb and Trustee Stetzer's comments. Commented that an open meeting policy was observed in his administration. Stated that many NYCOM trainings discuss the importance of allowing residents a voice in Village government. Noted that previously guidelines were invoked for controversial matters. Would like for residents to have the opportunity to comment on every agenda item as it comes up.

John Limbeck, 62 State St. – Supports allowing residents to make comments on each agenda item. Board may go over 3-minute limit depending on how many people wish to speak.

Trustee Leitgeb noted two sets of policy in the packet. The Village Clerk explained that one policy was the original and the other is the proposed. Trustee Leitgeb stated that the provision that the public may only

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comment on agenda items should be removed. Mayor Plummer responded that the public would have a “free” comment period at the end of the meeting.

Trustee Leitgeb noted that the provision requiring speakers to step to the front of the room may not be needed. Board members discussed the provision. Intention was so that the Board can better hear the speaker. Village Clerk noted that it is easier to identify who is speaking when they approach the front.

Trustee Leitgeb stated that he would like to see that public comments are added to the meeting minutes. The Village Clerk explained that the minutes are the charge of the clerk, and that comment will not be written verbatim in the minutes but can be attached at the end of the minutes.

Trustee Stetzer asked what happens with comments received via ZOOM. The Village Clerk explained that she downloads the Q&A and saves it in the meeting folder. The same can be done for the chat transcript. Board members and Village Clerk discuss administrative aspects to adding public comment, Q&A, and chat transcripts to minutes.

Board members agree to downsize policy and re-visit adoption.

Peggy Caraberis, 81 South Main Street – Unsure why there is so much controversy regarding the guidelines. Recalled the purpose of the guidelines was to help organize public hearings.

Gabe Diaz, 81 South Street – Noted that the change to hybrid meeting format and the increase in participation because of it creates a need for an updated public comment policy.

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

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

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

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

MARIJUANA LEGALIZATION

Trustee Keating presented research regarding the possible tax revenue that could be received from opting in. Incoming revenue would not come from State, but from part of a 4% local municipality tax. If the Village were to opt in and a dispensary/lounge was never built, the Village would not receive any extra revenue. If the Village opts in and a lounge is never built in the Village, the Village will not receive direct extra revenue, it will come through the County or State. If the Village opts out and an establishment is built in Pittsford Plaza, the Village will not receive any extra revenue. If the Village opts in and an establishment is built in the Town, there is a revenue sharing agreement that might allow the Village to receive a portion of the 4% local municipality tax. If the Village opts in and an establishment is opened in the Village, tax revenue would be earned and shared with the Town.

Trustee Leitgeb explained that his understanding of the revenue breakdown based on NYCOM information is that there is a 4% local tax, 1% would go to the County and 3% would go to the City, Town, or Village in which the sale occurred. There is a special contingency involved if your Village is located with a Town, absent a revenue sharing agreement the 3% is split evenly between the Town and the Village. Which Trustee Leitgeb felt that this was biased against Villages in this revenue sharing scenario.

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Mayor Plummer explained that NYCOM will be coming up with an algorithm for Villages to determine what their potential for extra revenue might be.

Trustee Lanphear cited concerns that the Village's residential district is so close to the business district and stated that she would like to see more information prior to holding a vote.

Trustee Stetzer stated that she would like to see a Referendum held to get public input. Explained that her understanding is to hold a referendum the Village must opt out of one or both of the choices and then a Referendum may be called pursuant to Village Law.

Trustee Keating noted that the Village may only hold a referendum on whatever is opted out of. The Village Attorney is currently researching how to properly hold a referendum. Board members discussed the conditions for a permissive referendum as well.

The Village Clerk reminded the Board that if the Village opts in, they may not opt out in the future. If the Village opts out, they may opt in at any time. The Village Clerk explained the tentative timeline for a referendum before the final decision deadline which is December 30.

David Marshall, 67 South Main – Commended the Board for their thoughtful approach to the matter. Believes that the public input component is the most important aspect to consider in moving forward. Found it unfortunate that a referendum cannot be held unless the Village opts out. Stated that the Board must be as thoughtful when it comes to the zoning aspect of where these establishments might exist.

Board members discussed the next steps. The Village will pass a local law opting out so that a referendum may be held.

Peggy Caraberis, 81 South Main– Believes that opting out will give the Village more flexibility in deciding which aspects residents would like to retain or remove and that the Board is taking the proper steps.

Trustee Leitgeb stated that while the referendum is an important step, asking the opinion of the public does not tie into the Comprehensive planning process that leads to successful zoning. Suggested opting out without a referendum as the referendum may not yield the kind of information that the Board needs at this time. Suggested sorting out the zoning component before bringing in public input.

Mayor Plummer responded that she sees the zoning aspect as something that can happen concurrently to the public input. Trustee Keating responded that the Board does not need to go through an entire Comp plan process but can use the Comp Plan as a guide for decision making.

Board members explained and discussed holding a permissive referendum versus a mandatory referendum.

Gabe Diaz, 81 South Street – Does not support holding a referendum.

Board members discussed regulatory bodies that are being established at the State level.

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RETAINER AGREEMENT, MINDY ZOGHLIN

Mayor Plummer explained that this discussion was a request from the Planning and Zoning Board of Appeals (PZBA) as they prepare to respond to the clear-cutting project proposed by the Canal Corporation. Explained that the PZBA is seeking to solicit comments from the public under SEQR provisions and that they are requesting to expand their legal counsel's role to help.

Trustee Keating explained that there is a cap of \$2,000 for this.

Trustee Lanphear asked if there is a portion of the Village that is in danger of being clear cut. Mayor Plummer explained that the clear-cutting proposal encompasses a 125 mile stretch of land by the canal extending from Lockport to Lyons. Further explained that originally only Towns had been considered but the most recent proposal is to clear cut the entire stretch.

Mayor Plummer explained that the Village is enjoining with the Town against the proposal, but also that the Village has legal standing on its own. The extended legal help will be used to craft comments specific to the Village in reply to the Canal Corporation in regards to SEQR.

Peggy Caraberis, 81 South Main St. – Believes that the expense is unnecessary and believes that the Village Board should address Canal Corporation activities rather than the PZBA.

Mayor Plummer responded that because the matter involves SEQR that it is appropriate to include the PZBA. Further stated that the PZBA is and should be identified as an interested and involved party.

David Marshall, 67 South Main St. – Believes that the expertise of attorney Zoghlin is crucial in formulating the PZBA response. Stated it would be inappropriate to leave the PZBA “reasonably blind” in this situation given the importance of the canal to the Village.

Trustee Leitgeb agreed with the comment and stated that in a previous meeting of the PZBA where the clear cutting was discussed attorney Zoghlin was very informed and provided great guidance to the board.

Motion by Trustee Keating, and seconded by Trustee Stetzer, to approve the request of the Planning and Zoning Board of Appeals to extend the role of their legal counsel, Mindy Zoghlin up to \$2,000.

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

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

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

Dorothea Ciccarelli, Recording Secretary

Question Report

Topic
Village of Pittsford
Workshop Meeting
Question Details

Webinar ID	Actual Start Time	Actual Duration (minutes)	# Question		
883 9856 9320	9/9/2021 18:08	226	16		
#	Question	Asker Name	Asker Email	Answer(s)	
1	audio is good! please ask to mute any device alerts.	Brooklyn Thomas	bkthomas427@gmail.com	live answered	
2	sound is good	Brooklyn Thomas	bkthomas427@gmail.com	live answered	
3	Kids under 12 cannot be vaccinated, and they are residents	Cathy K	Ckoshykar@gmail.com	live answered	This policy is directed only to employees
4	Is this the purpose of this "special" meeting? Doesn't this discussion belong on the agenda of a regularly scheduled board meeting?	Marti Eggers	mceggers@gmail.com		This meeting is a workshop for the Board to discuss things prior to having it a regular meeting
5	Do employees interact with residents?	Cathy K	Ckoshykar@gmail.com	Yes, they do	
6	With the greatest respect, if employees interact with residents and many residents are too young to be vaccinated, then it's relevant.	Cathy K	Ckoshykar@gmail.com	live answered	
7	Thank you	Cathy K	Ckoshykar@gmail.com	your welcome	
8	If this is a pre-board meeting, isn't it, in fact, a board meeting?	Marti Eggers	mceggers@gmail.com	live answered	Yes it still is considered a Board meeting
9	Is it listed as such?	Marti Eggers	mceggers@gmail.com	live answered	Yes it was
10	If hybrid is a strong possibility going forward, then I recommend that the board debug the hybrid approach proactively. It was problematic when the board transitioned to remote meetings without proper preparation.	Emily & Gabe Diaz	ecsmallwood@gmail.com	live answered	
11	I don't think trustee Leitgeb's concern about virtual meetings is addressed. The public cannot "see" who is here unless they ask a question/speak.	Christina Mulé	christina_mule@urmc.rochest er.edu	live answered	

If you are going to enforce the timing of comments, then I suggest a podium timer. It cycles through a green, yellow (warning), and red (cutoff) indication. The timing of the transitions is programmable.

12 Emily & Gabe Diaz ecsmallwood@gmail.com live answered

Gabe Diaz: Some have suggested that previous adjustments to policy were brought about by specific events. Well, I think we need to acknowledge that the current need for adjustment motivated, in part, by the transition to hybrid/online meetings, which has boosted participation significantly.

13 Emily & Gabe Diaz ecsmallwood@gmail.com live answered

(dorothea - no need to read my comment about podium timers out loud, but I would appreciate if you read my last comment out. Thanks.)

14 Emily & Gabe Diaz ecsmallwood@gmail.com gotcha

Related to meeting minutes. Is there a standard timeframe in which minutes need to be finalized?

15 Christina Mulé christina_mule@urmc.rochester.edu 14 days

Gabe Diaz @
81 South: Stopping the referendum so that you can listen to the public is a contradiction. I understand the desire to first form a cohesive plan to present to public, by the referendum is a means to get input from the public while forming that plan. I'm not sure why the board would want to prohibit that.

16 Emily & Gabe Diaz ecsmallwood@gmail.com live answered

From: [Margaret Caraberis \(mcaraberis@gmail.com\)](mailto:mcaraberis@gmail.com)
To: [Dorothea Ciccarelli](#)
Cc: mayorplummer@villageofpittsford.com; [Lili Lanphear](#); trusteerstetzer@villageofpittsford.com; trusteeleitgeb@villageofpittsford.com; [Dan Keating](#)
Subject: September 9 Workshop Topics
Date: Thursday, September 9, 2021 5:38:24 PM

Dorothea,

Having just been able to read the packet for tonight's workshop, and not being able to attend, please accept a few remarks for the record. I hope this meeting is well-attended, this being the first day of school for village families.

1. Regarding the Marijuana Law, I wish to reiterate that opting out gives the village a lot more flexibility in carefully preparing and assessing the wisdom of allowing retail sales and consumption. I sincerely hope that you decide to go this route as I believe this is in the best interest of village residents. Please take what ever steps are necessary for crafting a resolution to allow opting out.

2. Regarding the vaccination policy, it seems that the policy compels employees to comply or risk dismissal. I believe for such a small and close workforce, this mandate is heavy. Masks should be required, vaccinations highly recommended, especially for those who work indoors. I am also assuming that the village will probably go back to virtual or hybrid meetings, which will be beneficial for those board members and the public who are especially vulnerable.

3. Regarding the retainer for the Zoglin Group, this expense is unnecessary regarding the Erie Canal Clearcut program. This is reaching too far outside the role of the Planning Board when the Village Board can and should address the Canal Corporation activities. With the legal budget so tightly constrained and monitored, it would be unwise to make this kind of expenditure by the Planning Board. "Who knows what's coming down the pike", as they say.

4. Regarding the Public Comment issues, I simply don't understand why there is such a controversy over letting the Public speak. At an earlier meeting, Mayor Plummer referenced some rules 'adopted' when she was a trustee. I recall that those rules were for the purposes of public speaking at Public Hearings at a time when it was felt that meetings could get out of hand fairly quickly. Frankly, having read the Clerk / Attorney letter to the Board, it seems that the major goal is to efficiently hold meetings and that somehow public comments get in the way.

Please come up with procedures that encourage the public. At the beginning and end of board meetings at the very least!

Peggu
Margaret Caraberis, MPH
81 South Main Street
Pittsford, New yORK 14534



Virus-free. www.avast.com