

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

Tuesday, September 12, 2023, at 5:30 PM

PRESENT:

Mayor: Alysa Plummer (absent)
Trustees: Lili Lanphear
Justin Leitgeb
Lisa Cove
David Marshall
Village Clerk: Dorothea M. Ciccarelli

CALL TO ORDER

Motion by Trustee Lanphear, seconded by Trustee Cove, to call the meeting to order.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

CONFLICTS OF INTEREST DISCLOSURE

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

PUBLIC COMMENT

Trustee Lanphear then asked the public if anyone wished to speak or comment. The clerk confirmed that there were no comments.

BUILDING INSPECTOR REPORT

The board had no questions for the Building Inspector.

DPW REPORT

Trustee Cove asked about tree planting and if the Village has it scheduled. Trustee Lanphear asked if Superintendent Bleier had the tree list. He replied yes and that he would begin reaching out to vendors. Trustee Cove stated that no tree calming occurs because of the lack of trees on Locust Street, and many cars are speeding. She asked Superintendent Bleier to look at the area. He would look at it and get back to Trustee Cove. Trustee Cove also stated that some residents have come to her and are very happy with the tree planting.

Superintendent Bleier brought to the board's attention that they have identified Bradford Pears, an invasive species, in the median on Washington. He received a quote for \$1300 to remove the trees and plant six crabapple trees of a 2-inch caliber. Trustee Lanphear wanted to devise a tree removal/planting schedule to use the tree budget appropriately. Trustee Leitgeb thought that if the Bradford Pears were healthy and not bothering anyone or anything, they should be left for now and that the Village's attention should be on Ash trees. Trust Cove asked for clarification from Superintendent Bleier if the Bradford pear trees caused a problem. He confirmed that bees and other pollinators are negatively impacted. Trustee Lanphear would like the DPW to develop a list of priorities for plantings. Superintendent Bleier informed the board that there are 27 Ash trees currently being treated to prolong their life and that it costs approximately \$2,000 per year to be done. He also reminded the board that it is costly to remove such large trees. Trustee Leitgeb wanted the arborist to identify a few closest to dying so the board could investigate the removal cost. Superintendent Bleier informed the board of the dead Dogwood tree next to Village Hall, which is causing flooding in the stairwell and basement during heavy rains and must be removed.

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Motion by Trustee Lanphear, seconded by Trustee Cove, to approve the removal by the DPW of the ailing Dogwood tree that sits in front of Village Hall and that it should be replaced in kind.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

The board wanted the DPW to take down the hanging baskets to remove the flowers from the urns and put aside the flowers and soil for the garden club so that mums could be put in. Trustee Lanphear would be available September 13th for the DPW to pick up the mums.

TREASURER’S REPORT

The Village Clerk presented vouchers listed in Abstract #07 of the 2023/2024 fiscal year for approval.

Vouchers for approval Abstract #07

| | |
|-------------------------------------|--------------|
| • General Fund (124-179): | \$148,973.93 |
| • Sewer Fund (139,142,144,145,163): | \$ 4,962.58 |
| | <hr/> |
| | \$153,936.51 |

Motion by Trustee Marshall, seconded by Trustee Leitgeb, to approve bill pay as presented.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

The Village Clerk then requested the use of ARPA funds to cover the carpet replacement of the downstairs of Village Hall and the Integrated bill for re-cabbling.

Motion by Trustee Leitgeb, seconded by Trustee Cove, to approve using the ARPA fund to purchase carpet replacement and re-cabbling.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

Motion by Trustee Marshall, seconded by Trustee Leitgeb, to approve the June financials and provide for sewer and general.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

Motion by Trustee Marshall, seconded by Trustee Leitgeb, to post quarterly financials under the budget and financial section of the website after adoption on each quarter.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

MULTI-YEAR PLANNING

The Village Clerk presented the Village Reserves.

Trustee Marshall and Trustee Leitgeb would like the information presented in a different format, and Trustee Leitgeb agreed to work one-on-one with Superintendent Bleier on a new layout.

Trustee Lanphear wanted to move the minutes to the end of the meeting.

NON-MUNICIPAL APPLICATION- CHABAD MENORAH LIGHTING

The board wanted the Village Attorney to change the language for the local law so that repeat Non-Municipal Applications with no changes from the previous year do not have to come before the board for annual approval.

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The approval of the application was tabled until more information about the event could be gathered.

NON-MUNICIPAL APPLICATION- FRIENDS OF THE PITTSFORD LIBRARY SALE

Motion by Trustee Cove, seconded by Trustee Marshall, to approve the banner for the Pittsford Library Book Sale and waive the 45-day notice.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

PUBLIC HEARING

Motion by Trustee Lanphear, seconded by Trustee Cove, to open the public hearing for the purpose of hearing the amended section 105-16 of the Code of the Village of Pittsford, amending section 112-4 of the Code of the Village of Pittsford, adding section 112-11 to the Code of the Village of Pittsford, amending section 210-14 of the Code of the Village of Pittsford, and amending section 210-19 of the Code of the Village of Pittsford.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

Trustee Lanphear asked if there was anyone wishing to speak online.

Peggy Caraberis, 81 South Main Street, asked for clarification on how the fee schedule and the law related to membership of the two boards. She also wondered if one piece of the code change didn't move forward, does that mean none of the changes are enacted? Secondly, she is opposed to putting town members on village boards unless there is some defined reason for doing so.

Trustee Marshall asked the Village Attorney if the Board of Trustees could restrict the board chairs to being village residents; he confirmed yes. Trustee Leitgeb wanted a less restricted form of the codes to include provisions about the fees and to postpone the language about the appointments to the boards for subsequent consideration. Trustee Lanphear and Trustee Cove stated that residents have voiced concerns about the possible appointments.

Motion by Trustee Lanphear, seconded by Trustee Cove, to close the public hearing.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

Motion by Trustee Marshall, seconded by Trustee Cove, to adopt the local law and strike out Section 112-4.A.(1), accepting all other provisions as drafted.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

Trustee Leitgeb directed Jeff Turner, Village Attorney, to draft language regarding village-only board appointments.

FRIENDS OF THE ARBORETUM

Jim Wick, 11 East Jefferson Circle, represented the Friends of the Arboretum and discussed getting permission to add wood chips to the trails over cardboard. Superintendent Bleier corrected that leaf mulch, not wood chips, is available through the DPW and that their volunteers will do the work.

Motion by Trustee Marshall, seconded by Trustee Cove, to permit the use of leaf mulch on the cardboard trails.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

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Trustee Marshall confirmed that the Friends of the Arboretum could continue working on removing trees. The Village Attorney confirmed yes if the village hall and the DPW are informed. Trustee Leitgeb wanted to discuss the ban on the south trail. Trustee Lanphear would like to add it to the September 26, 2023, agenda.

PETITION FOR ZONING CHANGE FOR 5 STATE STREET

Trustee Marshall believed that any zoning changes should not be done considering a single property and should not be done from a single property request.

Trustee Leitgeb reviewed Section 210-37.4 in the code with the board.

Criteria A- *whether the proposed zoning amendment corrects an error or inconsistency in the zoning law or meets the challenge of a changing condition.* The board agreed that this does not apply to the current situation.

Criteria B- *whether the proposed amendment is in substantial conformance with the adopted plans and policies of the village, including the history of the village's comprehensive plan.* The board felt there needed to be more discussions about how this applies.

Criteria C- *whether the proposed zoning amendment is in the best interest of the municipality as a whole.* Trustee Marshall felt that a restaurant could accomplish the same goal for the community as a tavern would. Trustee Lanphear also pointed out that if the business becomes considered a tavern, the village can no longer control operating hours as that would fall to the state.

Criteria D- *whether the public facilities infrastructure and services will be adequate to serve development allowed by the requested rezoning if applicable.* The board's concerns are how a tavern would affect cross traffic and the lack of a crosswalk in the area.

Criteria E- *whether the rezoning will substantially harm the public health, safety, or general welfare of the value of nearby property if applicable.* Trustee Leitgeb wanted to hear the opinion of the neighbor sharing the same address in this regard.

Criteria F- *whether the rezoning is compatible with the zoning and use of nearby property if applicable.* Trustee Marshall wanted to see future taverns stay on the same street side to create density. He believed there is plenty of space in the current overlay district and is not sure there is a need for adding more.

Criteria G- *whether the subject property for the uses and development to which it had been restricted under the existing zoning regulations if applicable.* The board does not see a necessity.

Criteria H- *the gain, if any, to the public health, safety, wealth, and general welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of the denial of the application.* The board said that hardship is speculative.

Motion by Trustee Leitgeb, seconded by Trustee Marshall, to deny the application for a change in zoning.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

APPOINTMENT OF ALTERNATE TO THE PLANNING & ZONING BOARD OF APPEALS

Motion by Trustee Cove, seconded by Trustee Marshall, to approve David Wilkes as an alternate for the PZBA.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

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Motion by Trustee Marshall, seconded by Trustee Cove, to designate a first alternate to be Mike Reynolds and the second alternate to be David Wilkes to serve on the PZBA in that order.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

The board congratulated Mr. Wilkes and thanked him for joining the board.

AUTHORIZATION OF THE MAYOR TO SIGN THE AMENDED CANAL PERMIT

Trustee Marshall felt that the permit was incomplete and wanted the western portions of the property to allow an arboretum path and a real estate permit. He would also like to deliver a map Trustee Leitgeb created to Canal Corporation and find the minimum necessary language to allow a natural path to access the arboretum. The board decided to table the action.

Trustee Lanphear asked if any members of the public online wished to speak. The Village Clerk said there was not.

REVIEW AND UPDATE OF THE INTERMUNICIPAL AGREEMENT- TOWN OF PITTSFORD

Motion by Trustee Marshall, seconded by Trustee Cove, to request the mayor forward the inter-municipal agreement to the town supervisor, Mr. Smith.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

VILLAGE SLOGAN

The board decided to table the agenda item until Mayor Plummer was present.

SHORT-TERM RENTAL PERMIT- 2024

The board would like an update from the short-term rental committee within the next two board meetings. Trustee Marshall stated that he would like all owner and non-owner-occupied rentals to have a permit on file that has an attached fee and requires an inspection. Building Inspector Lauth agreed and added that all rentals, not just short-term, should require a permit with inspection. Jeff Turner, Village Attorney, recommended focusing on short-term rentals first and stated that it would fall under the building inspector's right to know the length of any rental. Trustee Lanphear wanted to hear from the committee before reaching a conclusion. The Village Attorney and the Building Inspector would work on language to present to the board later.

PERMIT USES BY RIGHT (ZONING CODE DISCUSSION)

Trustee Marshall brought up the large number of salons doing business in the village, and concerns brought to him by multiple residents because of the chemicals used. He wondered if they should consider eliminating new permits for salons to avoid oversaturation within the retail businesses of the village.

DISCUSSION OF VILLAGE BENCH COST AND MATERIALS

Trustee Lanphear wanted the board to understand that there would be no cost to the village other than installation. She also stated that there is \$2500 to be put toward another dedication bench. The past bench vendor was no longer in business, and there has been difficulty in finding benches with the correct materials. Trustee Lanphear wanted to get three more Oak benches to finish the project. The board would like the benches to be Ipe wood as their upkeep is more cost-effective. Trustee Marshall asked the Village Attorney if they could put a limit on the donation per bench,

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and he said yes. The board decided to move forward with the one bench in whatever material could be procured immediately, and the bench for the Four Corners project would wait until an affordable material could be sourced.

BATHROOM AND SUPERINTENDENT OFFICE ADDITION DPW

Tabled

LEADERSHIP MEETING REPORT

Trustee Lanphear gave a brief recap of what was discussed at the leadership meeting.

-The Pittsford School District is in the top 1 percent of schools nationwide.

-Due to budget concerns, the town will not be moving forward in 2023 with the park across the street where Harliday Hots is located. They may revisit it in 2024.

-The median on State Street will be revisited. The town is trying to secure state funding to begin work in the spring of 2024.

-Inquiry about the Sutherland water main. The town wanted to know if the engineer had reported back regarding the tie-ins because the original configuration did not work for the school district. Concern was expressed over the potential loss of trees. The information needed to be given to Mr. Pero regarding the plan for the 75 Monroe infrastructure tie-in on Sutherland Street.

MINUTES

Motion by Trustee Marshall, seconded by Trustee Leitgeb, to approve the April 19th, 2023, minutes with corrections.

Vote: Lanphear – yes, Leitgeb – yes, Cove – abstained, Marshall – yes. *Motion passed.*

Motion by Trustee Cove, seconded by Trustee Leitgeb, to approve the April 27th, 2023, minutes with correction.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

Motion by Trustee Leitgeb, seconded by Trustee Cove, to approve the May 11th, 2023, minutes with corrections.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

Motion by Trustee Lanphear, seconded by Trustee Cove, to approve the June 21st, 2023, minutes with corrections.

Vote: Lanphear – yes, Leitgeb – yes, Cove – yes, Marshall – yes. *Motion passed.*

MEMBER ITEMS

Trustee Marshall asked if the fire department had responded about parking in the Bank of America parking lot. The village clerk had not heard anything.

ADJOURNMENT

Motion by Trustee Lanphear, seconded by Trustee Marshall, to adjourn the meeting at 9:04 PM.

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Laura Donk, Recording Secretary

Question Report

Report Generated:

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|---------------|---------------|-------------------|------------|
| Topic | Webinar ID | Actual Start Time | # Question |
| Village Board | 810 5873 9809 | 9/12/2023 17:17 | 1 |

Question Details

| # | Question | Asker Name | Answer | Question Time | Answered Time | Answer Name |
|---|------------------|---|------------------------------------|-----------------|-----------------|---------------------|
| 1 | Who is speaking? | Margaret Caraberis 81 South Main Street | Jim Wick, Friends of the arboretum | 9/12/2023 19:14 | 9/12/2023 19:15 | Dorothea Ciccarelli |