

**PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
JANUARY 10, 2006**

Present:
Mayor Robert C. Corby
Trustees Paula Sherwood
Tim Galli
Steve Maddox
Excused Thomas Farlow
Treasurer Mary Marowski
Attorney John C. Osborn
Recording Secretary Anne Hartsig

Mayor Corby called the meeting to order at 7:00 PM.

ROGER HAWTHORNE – 15 WEST JEFFERSON ROAD – TRAFFIC CONCERNS

Mr. Hawthorne presented a drawing of the Jefferson Road/South Main Street intersection. He cited concerns about the number and placement of utility poles and large trees at that intersection, which block motorists' view of pedestrians. He suggested that moving the poles back, removing the trees and eliminating the "right turn on red" would improve safety. He also asked for street lights along that section of South Main.

Mr. Hawthorne thanked the DPW for their hard work on leaf pick up and plowing the sidewalks on Jefferson Road between South Main and Sutherland. He said that street plows come along and push the snow back onto the sidewalk. He suggested that a second sidewalk "run" be implemented later in the day to keep the walk clear. When the walk isn't clear, he has noticed pedestrians walking in Jefferson Road which is a safety concern.

Mr. Hawthorne noted there are 32 "no parking" signs on Sutherland Street but no speed limit signs on that street. He suggested allowing the students to park on that street and didn't see any harm in it. In addition, he said he didn't see the need for "no parking" signs on Jefferson Road since he rarely sees vehicles parked there. He called the number of signs in that area an example of "sign pollution". Mayor Corby explained that signs are required in order to enforce parking regulations. He said that the Village had a request from the NYSDOT and from the school to eliminate parking on Jefferson Road for safety reasons.

Lastly, Mr. Hawthorne noted that Jefferson Road is too busy for children to ride their bikes on. He said bikers in general should be more considerate of pedestrians on the sidewalks. Mayor Corby and the Board of Trustees thanked Mr. Hawthorne for his comments and suggestions.

TREASURER'S REPORT-MARY MAROWSKI

The Board reviewed the vouchers for approval. Ms. Marowski noted a modification to voucher #383 from \$536.42 to \$161.86. A **motion** made by **Trustee Galli, seconded by Mayor Corby** to approve the following vouchers as modified and to charge them to the appropriate accounts.

General Fund (#287, #352-370, #372-385):	\$ 12,827.26
Sewer Fund (#371):	<u>\$ 161.26</u>
Total Vouchers for Approval:	\$ 12,988.52

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

Ms. Marowski said she discussed the Village's participation in the Monroe County Cooperative Energy Procurement Program with Rick Benway, Monroe County Energy Manager. Mr. Benway recommended that the Village continue with this program due to the savings in energy costs. The Board of Trustees directed Ms. Marowski to continue in the program.

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Ms. Marowski reported that after many computer program problems, she had completed the “year end” financial reports without the assistance of our accountant. In addition, she reported that all of the original films of village records that have been microfilmed are now located in a safe deposit box at Canandaigua National Bank.

PITTSFORD LITTLE LEAGUE – NON-MUNICIPAL USE PERMIT REQUEST

The Village Board received a request for a non-municipal use permit for the annual Pittsford Little League parade scheduled for April 29, 2006. A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to approve the request for a non-municipal use permit for the annual little league parade with the conditions that the Little League notify the Monroe County Sheriff’s Office, the Pittsford Fire Department and Pittsford Ambulance and that they provide a Certificate of Liability insurance naming the Village of Pittsford as additional insured prior to the date of the event.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

RG&E MEETING – MAYOR CORBY

Mayor Corby summarized a recent meeting he had with Carl Webeck from the RG&E. They discussed a phased lighting plan for the village and reviewed options for the next lighting upgrades for the village. He said the RG&E will come up with three options. Members of the Board said that there should be sections of the village, street by street on a phased plan.

Mayor Corby said that personnel at the RG&E has changed frequently which is the reason that the village recently received a bill for a street light that was replaced four years ago. Mr. Webeck said there was a contract at that time but it could not be located in the RG&E’s files due to the change in personnel. The Clerk and Records Clerk Remegia Mtichell both searched the Village archives for the Village copy of this contract but one was not found.

Regarding power outages, Trustee Maddox reported that tree trimming and maintenance has been completed. He suggested that it is time for a follow-up. The Board agreed that Trustee Maddox should remain as the contact person.

CHAPTER 150 – PROPOSED AMENDMENT TO VILLAGE CODE

Building Inspector Bailey suggested an amendment to this chapter of the code because the penalties section was left out due to an editing error. The Board reviewed and discussed the proposal. The language was taken from the NYS penalty code but Board members suggested that “imprisonment” was too strong a penalty. The Board will not take action at this time but will forward the proposed amendment to the Zoning Board for their input.

ERIE CANAL PARK RULES -DRAFT

Mr. Bailey submitted draft rules for use of the Erie Canal Park (north side) by visitors. During discussion, the Board decided that some changes and additions should be made to the first draft. Trustee Maddox will review the changes with Mr. Bailey. When revisions have been made, he will ask Supervisor Carpenter to review the draft so that the Village rules are consistent with those set by the Town for the South side of the canal. Attorney Osborn stated that once the draft has been finalized these rules should become part of the Village Code by local law.

JOINT MEETING SURVEY DISCUSSION

The Board of Trustees determined three areas in which to take action before the next joint board meeting in order to close existing gaps. They agreed on the following:

1. respect for applicants
2. concerns of one board should be shared with other boards
3. more detailed and improved instructions are needed for the application and application process.

Trustee Maddox will remind APRB Chairperson Steve Melnyk, PZBA Chairperson Remegia Mitchell and the office staff to select three action areas as well. Trustee Galli said that the Village website is a way to bring many of the areas together.

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HEALTH INSURANCE UPDATE – TRUSTEE GALLI

Trustee Galli explained that he and the Village Clerk have met with two brokers. One of them looks promising. The broker would provide services to the Village and would research regarding options for health care that are available to the Village. There would be no cost to the Village for these services as the various health care companies pay a percentage to the brokers. Attorney Osborn reviewed a sample contract and made some suggestions. Trustee Galli said he and the Clerk are still checking references but that so far, the recommendations have been good ones. The Board of Trustees instructed Trustee Galli to proceed with this option. Once a final draft of a contract has been written, Attorney Osborn will review it again.

PUBLIC HEARING – SPECIAL PERMIT -ARYA TEA-15 SOUTH MAIN ST.

Camilla Schmitt requested a special permit from the Board of Trustees to operate an accessory restaurant within a retail store to sell cups of tea and cocoa to customers. She told the Board that she plans to have 6-8 chairs and a small number of take-out cups of tea that she would like to offer to her customers as a service. Her hours of operations will be 9 am – 6 pm on Monday, Tuesday & Wednesday; 9 am – 7pm on Thursday; 9 am-5 pm on Friday & Saturday and 10 am-2 pm on Sunday.

Proof of the following legal notice having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to open the public hearing.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

“Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, Tuesday, January 10, 2005 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Camilla Schmitt for a Special Permit from the Village Board of Trustees to allow the operation of an accessory restaurant in a retail store to be known as Arya Tea in the building located at 15 South Main Street, Pittsford, NY, which location is in a B-1 A District pursuant to Chapter 210-74 A (2), Special Permit Uses in B-1, B-1A, B-2, B-4 and M-1 Districts.”

Mayor Corby asked Lili Lanphear for her opinion about what South Main Street merchants think of this concept. Ms. Lanphear said merchants are not opposed to the concept but are concerned about the percentage of restaurant businesses on South Main Street, particularly those that provide take out. She said the Board can't control how much can be taken out and if permission is granted to one business, the Board must be prepared to grant permission to all who request the same thing.

Board members questioned Ms. Schmitt about parking and plans for trash. She stated that she would have one employee in the store full time and a second employee in the store for four hours per day. She was told that employees are expected to park in those parking areas designated as all day parking so that spaces in the Burdett lot and on South Main Street in front of the shops are available for customers. Regarding trash, Ms. Schmitt said that the majority of her business is the retail selling of bulk tea, chocolate, clothes and gifts. The sale of tea in cups is in place to enhance the retail portion of the business. Therefore, she does not envision a great deal of trash.

It was noted that Ms. Schmitt has requested a temporary permission to continue to operate her business until the application process is complete. The Trustees stated that they did not have concerns about the request.

There being no one further to speak for or against this application, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to close the public hearing.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

A **motion** was made **by Trustee Maddox, seconded by Trustee Galli** to grant a temporary permit of sixty days (until March 14, 2006) to allow the applicant to operate her business while the SEQR process is being completed.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

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A **motion** was made **by Mayor Corby, seconded by Trustee Galli** to declare the intent of the Village Board of Trustees to act as Lead Agency in the SEQR process for Arya Tea. This application is an Unlisted Action under 617. 4 (b) (9) and does not meet any thresholds of a Type I or Type II Action.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

The applicant was instructed to provide 17 copies of Part I of the long SEQR form. Once provided, the Village Clerk will mail them to the interested and involved agencies so that the thirty day review period can commence.

PUBLIC HEARING – PROPOSED LOCAL LAW #1 OF 2006 –PARKING ON W. JEFFERSON RD.

Proof of the following legal notice having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to open the public hearing.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

“Please take notice that a public hearing will be held before the Village of Pittsford Board of Trustees, Tuesday, January 10, 2006 at 8:00 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY, to consider the adoption of Proposed Local Law #1 of 2006, which local law would amend the Code of the Village of Pittsford as follows:”

AMEND:

§ 195-31. Schedule VI: Parking Prohibited at all Times

Name of Street	Side	Location
Jefferson Road West	North	From South Main Street West to the Village Line

AMEND:

§ 195-32. Schedule VII: Parking Prohibited Certain Hours

Name of Street	Side	Hours/Days	Location
Jefferson Road West	South	7:00a.m. to 7:00p.m./ weekdays	From South Main Street west to the Village Line

The Village Board received written communication from Jeff and Sarah Hanson, 65 West Jefferson Road. They did not want parking to be allowed on the south side of Jefferson Road for safety reasons. A letter received from Dr. and Mrs. A. Marchini, 9 West Jefferson Road asked the Board not to adopt Proposed Local Law #1 of 2006. They said the law would increase traffic speed and congestion, it would be a danger for children disembarking from school buses, and the addition of no parking signs is unsightly and expensive. The following people spoke. John Ritz, 26 West Jefferson Road suggested that there be no parking on either side of that section of Jefferson Road any time. Roger Hawthorne, 15 West Jefferson Road said he rarely sees cars parked on the south side of the road. David Orth, 17 West Jefferson Road said that he measured and found the average width of the shoulder is about 69” on the south side. He said it doesn’t seem like a safe place to park cars.

There being no one further to speak for or against this Proposed Local Law #1 of 2006, a motion was made by Mayor Corby, seconded by Trustee Sherwood to close the public hearing.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

After considering input from the public, and because the DOT and the school requested no parking on West Jefferson Road for safety reasons, **Mayor Corby made a motion, seconded by Trustee Galli** to amend proposed Local Law #1 of 2006 to prohibit parking on both sides of West Jefferson Road from South Main Street, west to the Village line at all times.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

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SPECIAL USE PERMIT – BEN AND JERRY’S ICE CREAM – SEQR

It was determined following the December meeting that a Full Environmental Assessment SEQR Form should have been prepared for this application. As a result, Part I of this form was mailed out to interested and involved agencies. The required comment period is ongoing. Part II of the Full Environmental Assessment Form will be completed at the January 24th Board of Trustees meeting after the comment period has concluded. Since there is only one possible lead agency, a **motion** was **made by Mayor Corby, seconded by Trustee Sherwood** to declare the Board of Trustees as lead agency for this application.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

TRAFFIC CALMING – 2006 INITIATIVES

Trustee Maddox presented a draft list of initiatives to work on in 2006 towards meeting the objectives of the Pedestrian Safety and Traffic Calming Plan. The Board agreed that working towards solutions should begin right away. Due to the number of discussion items, a special meeting will be scheduled to discuss the list and to prioritize the items.

Lili Lanphear, a Jackson Park resident, suggested that bollards be installed to keep vehicles from parking on the sidewalk in front of Starbucks, 5 State Street. Mayor Corby said that bollards tend to get hit and that perhaps the installation of islands would work better. The Board will discuss this particular area at the special meeting.

The Board received a letter from John Degenhardt, President of the Schoen Place Property Owners Association stating concerns about proposed sidewalks along Schoen Place. Mayor Corby will contact Mr. Degenhardt about his concerns.

DOT MEETING – SET AGENDA

There will be meeting with DOT representatives within the next few months in which various traffic issues will be discussed. The Board decided to wait to compile an agenda of discussion items until Trustee Farlow and the DPW Superintendent are consulted.

SPECIAL USE PERMIT REQUIREMENTS

The Board decided to ask the PZBA for input on this issue.

APRB MEMBERSHIP DISCUSSION

Because knowledge of historic architecture is a necessary component for the APRB and because it is sometimes difficult to find residents who have this knowledge and who also are willing to serve on the Board, the Trustees discussed the possibility of changing the Code to allow one APRB member to live outside the village limits. Concerns expressed were that someone who lived outside the village limits might not have the same level of dedication as a village resident would have and that a precedent would be set.

Mayor Corby said he would work on language for consideration by the Board whereby a non-village resident could be a member as a last resort.

INFRASTRUCTURE DISCUSSION

Mayor Corby said he had talked with Scott Harter about providing estimates for future village projects such as the completion of improvements that would include sidewalks and catch basins along the east end of Schoen Place and lighting from the Coal Tower Restaurant to the North Main Street bridge. Pertinent drawings, maps and plans from Village records will be given to Mr. Harter to use in developing estimates for the area.

URBAN FORESTRY GRANT – RESOLUTION #1 OF 2006

A **motion** was made **by Mayor Corby, seconded by Trustee Maddox** to approve the following resolution so that the Village will be able to file the correct documents for reimbursement for grant funds that were awarded to the Village.

Resolution #1 of 2006
2005 Urban and Community Forestry Grant Contract No. T302827

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NOW, THEREFORE, BE IT RESOLVED BY the Village of Pittsford Board of Trustees

1. That Robert C. Corby, Mayor or such person's successor in office is the representative authorized to act in behalf of the Village of Pittsford's governing body in all matters related to the 2005 Urban and Community Forestry Grant Contract No. T302827. The representative is also authorized to enter into and execute the Contract, submit Project documentation, and otherwise act for the Village of Pittsford's governing body in all matters related to the Project;
2. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
3. That this Resolution takes effect immediately.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

EXECUTIVE SESSION

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to enter executive session to discuss a matter of litigation.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

Having taken no action, a **motion** was made **by Mayor Corby, seconded by Trustee Maddox** to leave executive session and reenter the regular session of the meeting.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

PITTSFORD FLOUR MILL

After discussion, the Board of Trustees agreed to the following proposal. A **motion** was made **by Trustee Galli, seconded by Trustee Maddox** that because escrow was not collected at the initiation of the application process in accordance with Chapter 210-110 of the Village Code, the Board of Trustees agrees to share the engineering fees with the applicant in an amount not to exceed \$6000 as recommended by Counsel, contingent upon the submission by the applicant of a letter of credit in the amount of \$200,000.00 as required by the Planning Board and with the condition that the issue raised in the Notice of Claim will be discontinued.

Vote: Corby – abstain, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

EXECUTIVE SESSION

A **motion** was made **by Trustee Sherwood, seconded by Trustee Maddox** to enter executive session to discuss employment history of a specific employee.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

Having taken no action, a **motion** was made **by Mayor Corby, seconded by Trustee Maddox** to leave executive session and reenter the regular session of the meeting.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

RESOLUTION #2 OF 2006 – MONROE COUNTY YOUTH BUREAU

The Village Board passed the following resolution in regards to

WHEREAS, the Board of Trustees of the Village of Pittsford approves of participation in the Integrated County Plan 2001-2003 approved September 13, 2001 by the New York State Office of Children and Family Services for Monroe County; and

WHEREAS, the Village authorizes an agreement with the County pertaining to the financial relationship between the Village and County regarding this plan; and

WHEREAS, only the County can apply for State Aid under the Plan for participating municipalities; and

WHEREAS, the amount available to the Village is the sum of six hundred twenty-seven (\$627.00);

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NOW THEREFORE, on a **motion** made **by Trustee Maddox seconded by Trustee Sherwood**, the Village of Pittsford agrees to paragraphs 1 through 39 as written in the Agreement between Monroe County, acting on behalf of the Rochester-Monroe County Youth Bureau, and the Village of Pittsford and authorizes Mayor Robert C. Corby to sign said Agreement and further, to sign the Certification Regarding Debarment, Suspension, and Responsibility, also required by the County of Monroe.

Vote: Corby – yes, Maddox – yes, Galli – yes, Sherwood – yes. Motion carried.

ACTION ITEM LIST REVIEW

Trustees reported on individual responsibilities listed on the Action Item List. The Clerk will update the list and distribute it to the Trustees.

HISTORIC PITTSFORD LETTER OF INQUIRY

The Board received an inquiry from Historic Pittsford regarding a vacant house at 10 Lincoln Avenue. The Clerk will give the Building Inspector a copy of the letter for discussion at the next meeting.

UPDATES

Board members gave updates on the parking monitor position and on the vacant APRB position. The Clerk will send a copy of the Village want ad for the parking monitor position to Julie House at the Town. Mayor Corby will meet with a prospective APRB member tomorrow.

MINUTES

December 13, 2005: A **motion** was made **by Trustee Galli, seconded by Trustee Sherwood** to approve these minutes as amended.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

EXECUTIVE SESSION

A **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to enter executive session to discuss employment history of a specific employee.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

Having taken no action, a **motion** was made **by Trustee Sherwood, seconded by Mayor Corby**, to leave executive session and reenter the regular session of the meeting.

Vote: Corby – yes, Sherwood – yes, Maddox – yes, Galli – yes. **Motion carried.**

ADJOURNMENT

There being no further business, Mayor Corby adjourned the meeting at 12:05 AM, January 11, 2006.

Anne Z. Hartsig, Recording Secretary