

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

Tuesday, October 26, 2021 @ 6:30 PM

Present:

Mayor: Alys Plummer
Lili Lanphear
Renee Stetzer
Justin Leitgeb
Dan Keating (arrived 6:42 pm)

Village Attorney: Jeff Turner

Recording Secretary: Dorothea M. Ciccarelli

CALL TO ORDER

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

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

CONFLICTS OF INTEREST DISCLOSURE

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

Mayor Plummer asked board members and those in attendance at the meeting, for a moment of silence in memory of Frank Galusha, long time member of the Pittsford Village community and former Board Trustee.

Board Members reported no conflicts of interest in regard to this meeting's agenda.

Village Clerk read Open Meeting Compliance Certification

RG&E TREE TRIMMING -JASON TORNILLO

In response to inquiries from village residents, Mr. Tornillo, from RG&E subcontractor Connolly Electric, reviewed RG&E tree trimming specifications for Make Ready program. He noted that pruning had not occurred for several years, adding to the dramatic effect of this year's operation. Because several trees had been severely compromised, RG&E agreed to remove trees that are no longer viable.

TREASURER'S REPORT

The Deputy Village Treasurer presented vouchers listed on Abstract #13 of 2021/2022 fiscal year for approval. A motion made by Trustee Leitgeb seconded by Trustee Keating to approve payment on the vouchers listed in Abstract #13 in the amounts stated below and to charge them to the appropriate accounts.

Voucher for approval -Abstract #13.

• General Fund (251-270): \$19,421.26

Total vouchers for approval \$19,421.26

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

TREE COMMITTEE AND TREE ORDINANCE

Mayor Plummer described tasks potential volunteer tree committee would perform. A Tree Ordinance would be legal means to protect village trees. Agreement to research composition and charge of Tree

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Committee and to solicit pertinent information from other municipalities with Tree Ordinances already in place.

RG&E GRT SETTLEMENT AGREEMENT

Mayor Plummer described longer-term process to recoup fees from the Gross Utility Tax due the Village. Settlement involves 91 municipalities, all of which must sign off in order for disbursements to proceed, and for regular fee schedule to be to be reinstated.

Motion by Trustee Lanphear, second by Trustee Stetzer to authorize the Mayor to sign the agreement with RG&E.

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

PUBLIC HEARING: SHORT TERM RETAIL PERMIT APPLICATION: RONALD JURINCIE, BUKU FOOD TRUCK

Motion by Trustee Stetzer, seconded by Trustee Leitgeb to open the public hearing on the Short-Term Retail Permit application for Ronald Jurincie owner of Buku Food Truck to be located at 50 State Street.

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

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, October 26, 2021, at 7:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application for a short-term business permit to be located at 50 State Street by Ronald Jurincie, owner of Buku Food Truck. If the meeting is unable to be held due to the Coronavirus pandemic it will be held on Tuesday, October 26, 2021, at 7:15 PM per video conferencing link identified.

Pursuant to the State Legislature Chapter 417 of the Laws of 2021 the Village Hall will be closed to the public during the Board of Trustees Meeting. The Members of the Village Board will be present at Village Hall or participating from their respective homes for this public hearing via video conference. If a Board member is participating from home, that home will be closed to the public as well for the reasons stated above.

The public will be able to participate in the public hearing via comments submitted through the video conferencing link identified on the Village website and Facebook page.

Present: Ronald Jurincie, seeks to rent space at 50 State Street for a food truck. (just north of Music store).

Oral comments from resident Art Pires: State Street – questioned the status of the 50 State Street site plan, the economic viability of the location; inquired if and where a dumpster would be located, and enumerated ongoing traffic concerns of residents of State Street.

John Limbeck: 62 State Street – expressed concern over possibility of disturbances from parking, accumulation of garbage in the area, noise, and odors. Raised question of potential harm to existing restaurants in the area, and possibility of future requests for outdoor seating. Stated that Northfield Commons property operates outside of Village Code. Reiterated prior resident’s concerns over the Site Plan, and traffic conditions on State Street.

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Robert Corby: 7 Washington Avenue – expressed agreement with prior comments by residents Pires and Limbeck; cited deterioration of special use permit procedure, prioritization of commercial interests over residents’; urged adherence to Village Code.

Gabe Diaz: 81 South Street: voiced support for the Mr. Jurincie’s business, considered several prior comments part of a larger debate not relevant to the application.

Dave Ferris: 27 Monroe Avenue, asked for term dates for the application.

Motion by Trustee Keating, second by Trustee Leitgeb to close the public meeting on the Short-Term Retail Permit for Buku Food Truck to be located at 50 State Street.

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

Mr. Jurincie replied that a dumpster will not be used; refuse and recyclables will be removed every night. Garbage along Schoen place will be collected regularly. The truck will be removed every night.

A generator will not be used. The applicant is open to the two-month trial.

Motion by Trustee Lanphear, second by Trustee Keating to approve the application for short-term retail permit for a two-month trial period for Buku food truck to operate at 50 State Street, at the location indicated on the application, 180 feet from the nearest restaurant, 140 from the nearest residential property line, beginning November 1 to January 1. There is no seating, no other food trucks on the property; any garbage generated to be removed every evening.

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

EASEMENT REVIEW AND APPROVAL – 44 RAND PLACE

Project to remedy embankment erosion at 44-46 Rand Place, which threatens significant Village infrastructure at that location, requires timely action. This is a current budget line item, residents at 44- and 46-Rand Place will contribute to remediation, and ARPA funding will contribute to project expenses.

Motion by Mayor Plummer, second by Trustee Keating to approve the project submitted by Village Engineer Scott Harter, to include engineering and legal fees.

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

UPDATE ON NYSDOT PEDESTRIAN IMPROVEMENTS

Trustee Stetzer reported that two locations from NYSDOT Pedestrian Safety Action Plan are being constructed, one on Church Street, the other in front of the library. More improvements will be undertaken to coincide with other NYSDOT road projects. Materials and workforce shortages may cause delays.

DRAFT OF THE RULES OF PROCEDURE

Trustee Leitgeb prepared a document that has been reviewed by trustees, prior to the meeting. Agreement was reached that agenda items should be given to the Clerk by Friday noon, and the Clerk would provide final version minutes with in two Board meetings.

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Motion by Trustee Leitgeb, second by Trustee Stetzer to approve Rules of Procedure as amended.
Vote: Plummer – yes; Lanphear – yes; Stetzer – yes; Leitgeb – yes, Keating – yes. *Motion Carries.*

DESIGNATED NEWSPAPER

With the closing of Brighton Pittsford Post, the MHFL Sentinel is identified as meeting the requirements for posting legal announcements.

Motion by Mayor Plummer, second by Trustee Keating to amend the organizational meeting minutes to include the MHFL Sentinel as designated newspaper to post public notices.

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

DPW SAFETY COMMITTEE, COMPENSATION AND NEW HIRE

Discussion regarding the need for the formation of a committee to promote best safety practices and equipment maintenance at DPW.

Motion by Mayor Plummer, second by Trustee Keating to form an internal DPW safety committee to evaluate safety procedures and equipment; to periodically report back to the board with recommendations for remedial action.

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

DPW COMPENSATION

Compensation comparisons with similar municipalities indicate that Village will continue to struggle to hire new employees and will lose DPW seasoned employees due to low wages.

Motion by Trustee Keating, second by Trustee Lanphear to approve revised compensation schedule for DPW.

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

NEW HIRE: PROPOSED DANIELLE REHLER

Motion by Trustee Lanphear, seconded by Trustee Keating to approve the hiring of Danielle Rehler as Laborer at the hourly rate of \$17.00 per hour.

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

MEMBER ITEMS

Trustee Lanphear: proposed that the lane leading into DPW be named in former Trustee Frank Galusha's honor. The Village Attorney to review proposal and report back to the board.

Trustee Keating: inquired as to status on cannabis referendum. The Village Clerk reported that special election would need to be conducted, specific timing of which to be determined for December meeting. Trustee Keating also expressed favor of continued conversations with PCP regarding the project at 75 Monroe.

Trustee Leitgeb: Informed the Board that at the November 10th composting workshop, Dr. Ebner will be able to attend.

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Trustee Stetzer: Informed the Board that discussions were ongoing with the Fire department and NYSDOT regarding pedestrian refuge and crossing on North Main.

Building Inspector: Stated that he volunteered to be point person for proposed code update committee.

Mayor Plummer: Discussed with Supervisor Smith, the narrow, mountable, median to calm traffic at town line on State Street; the Town agreed that they will incur roughly \$20K expense.

Mayor Plummer reported that Susan Lhota has joined staff on a temporary basis to assist with Village office administrative duties.

Mayor Plummer reported discussions with the Deputy Treasurer and the need for an extended timeframe to work with the Village Treasurer, in order to experience Village Treasurer duties required during a full budget cycle.

Motion by Mayor Plummer, second by Trustee Stetzer, to extend parttime employment, 10-15 hours per week, of the current Village Treasurer through April 30, 2022. Purpose of the extension is to transition the Deputy Treasurer to full Treasurer responsibilities.

Vote: Plummer – yes; Lanphear – yes; Stetzer – yes; Leitgeb – yes, Keating – no. *Motion Carries.*

MINUTES

Motion by Trustee Stetzer, second by Trustee Leitgeb to approve September 9th minutes as amended.

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

Motion by Trustee Stetzer, second by Trustee Lanphear, to approve September 14 minutes as amended by Trustee Leitgeb.

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

ADJOURNMENT

Motion by Trustee Stetzer, second by Trustee Keating to adjourn the meeting.

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

I was appalled at the last Trustee meeting when the Board's single concern about this application was the form that it was submitted with. There are multitudinous issues associated with this application and I see them falling into two (2) distinct categories, one of which the collective Board continues to ignore and has ignored for many years.

1. Ronald Jurincie Buku Food Truck Application:

Has anyone associated with Village government or administration looked at the following items:

- Additional parking, which based on the current use of the entire property, will mostly be located directly behind my home.
- Additional garbage. The nature of this business is paper and Styrofoam plates, containers and cutlery. Not all of it gets into trash containers and I did not see where anyone would be dedicated to keeping things cleaned.
- There is the potential for an increase in noise.
- There is the potential for odors from grease and cooking.
- How does this fit with the site plan for the overall property?
- What affect will this have on your two (2) existing restaurants (Olive's and Label 7) who have gone through and complied with the site plan process for their businesses?
- What happens when this business decides that they need some outdoor seating in order to remain viable?

2. Northfield Commons:

- This property has been allowed to operate outside of the Village Code for too many years. I realize that the Village Board does not want to address this issue and the last time I tried to introduce it as an underlying reason for not allowing an application to proceed, I was cut-off from speaking, by the Mayor, and told that the issues were not relative. (Copper Leaf and the Tavern Overlay District)
- There is not a complete site plan for Northfield Commons. The Owner initiated this need when he re-striped the parking lot (potentially 6-7 years ago). Key elements that the Village required included drainage, lighting and the required number of parking spaces.
- The Owner of a property should not be allowed to add businesses that contribute to features of a site plan until such plan is approved and in-place. Conditions of such a plan would then apply to new businesses, along with their own individual plans.
- The Owner has once again re-striped this area and it is probably coincidental that the fire lane, outside of Copper Leaf, was enlarged. If I remember correctly, the fire lane might become the outdoor seating area for Copper Leaf.
- Immediate neighbors have complained for years about the emptying of trash containers in the collective dumpster corral, located behind out homes. (another feature of a site plan)
- I am truly curious as to why the Owner of this property is not held to account and forced to complete a site plan application.

In closing, I am tired. I am tired of defending my property in the front and in the rear of my residence. We are constantly monitoring the shenanigans that continue in Northfield Commons, specifically, the emergence of an agricultural manufacturing business that now needs an

overlying Tavern District in order to survive; a food truck operation and Town employees and elected officials who are now bandying about the concept of “proximity” in terms of effects on neighboring residents.

We have endured excessive speeds in the front of our home with absolutely no real, tangible results from the Village, the New York State Department of Transportation, the Monroe County Sheriff’s Office, or the New York State Senate for over seven (7) years. My Village taxes have increased over 48% and what do we receive for that? Sidewalk plowing and lawn debris pickup.

I’ll ask again, why am I having to fight so hard for basic considerations? We have almost reached the point where enough is enough and it becomes time to look for a better place to live. I’m sure that that will be a relief to many, but I think it is very sad. This is coming from a former Trustee, a former member of the Planning Board and Zoning Board of Appeals, a former member of the Architectural Preservation and Review Board and a former Building Inspector and Code Enforcement Officer for the Village. I know that you can do better. I just wish you would.

Question Report

Report

Generated: 12/21/2021 17:01

Topic Webinar ID

Village of

Pittsford

Regular

Board

Meeting

Question

Details

#

Question

Actual Start Time

Actual Duration (minutes)

Question

837 3504 3245

10/26/2021 18:21

197

14

Asker Name

Asker Email

Answer(s)

Question Time

Answered Time

1

Will RGE also be replacing the trees that they have agreed to remove?

Gabriel Diaz

gjdpci@rit.edu

live answered

10/26/2021 18:44

10/26/2021 18:49

After filing a complaint with RG&E after Arnold came through my property (Stonegate Lane), Birchcrest came out to do an assessment. They agreed that the cutting was excessive and felt the work could have been completed more carefully. Birchcrest "wrote it up" their findings. What can I expect from this point forward? I don't expect that two of my trees will survive this cutting and I would like resolution.

2

Christina Mulé

christina_mule@urmc.rochester.edu

live answered
Great you can give us a call in the morning or email me at villageclerk@villageofpittsford.com

10/26/2021 18:47

10/26/2021 18:50

3

Happy to contact the village If this is for a short term retail business. what are the exact term dates for which

Christina Mulé

christina_mule@urmc.rochester.edu

11/29/2021 - 7/29/2022

10/26/2021 18:51

10/26/2021 18:52

4

applicant is seeking approval Really, sorry Jon Limbeck. I tried to say that as politely as possible. I know you're frustrated.

DAVID FERRIS

davidferris27@gmail.com

11/29/2021 - 7/29/2022

10/26/2021 19:42

10/26/2021 19:45

5

Still not answer the question of any signage and location of dumpster.

Gabriel Diaz (RIT)

gabriel.diaz@rit.edu

live answered

10/26/2021 19:46

10/26/2021 19:48

6

art pires

art.pires@wegmans.com

live answered

10/26/2021 19:49

10/26/2021 19:57

7	Can all look at the pictures with the application and confirm what the lighting is.	art pires	art.pires@wegmans.com	live answered	10/26/2021 19:50	10/26/2021 19:57
8	Can all look at the photos in the application ?	art pires	art.pires@wegmans.com	they are in the packet online I will ask the Board, but I do not believe they are asking for a	10/26/2021 19:50	10/26/2021 19:50
9	Dumpster and location ?	art pires	art.pires@wegmans.com	dumpster	10/26/2021 19:50	10/26/2021 19:51
10	Understand. Would like the Board to see that there is not lighting there.	art pires	art.pires@wegmans.com	live answered	10/26/2021 19:51	10/26/2021 19:57
11	See item 3 in application where it states there will be a dumpster.	art pires	art.pires@wegmans.com	I will ask your questions, when I get a chance	10/26/2021 19:52	10/26/2021 19:53
12	1 recycle and 1 waste container.	art pires	art.pires@wegmans.com	understand, I will ask	10/26/2021 19:53	10/26/2021 19:53
13	Thank you.	art pires	art.pires@wegmans.com	live answered	10/26/2021 19:53	10/26/2021 19:53
14	He also asked for seating. Please make certain that the Board is aware, and that this is a concern as stated by both John L. and me. Thank you.	art pires	art.pires@wegmans.com	live answered	10/26/2021 19:55	10/26/2021 19:57