

**APROCEEDINGS OF A REGULAR MEETING
OF THE VILLAGE BOARD OF TRUSTEES
September 8, 2020 6:00 PM**

Present

Mayor: Robert Corby
Trustees: Lili Lanphear
Frank Galusha
Dan Keating (arrived 6:40 PM)
Renee Stetzer
Building Inspector: Steven Lauth
DPW Superintendent: Zack Bleier
Treasurer: Mary Marowski
Recording Secretary: Dorothea M. Ciccarelli

CALL TO ORDER

Motion by Mayor Corby, seconded by Trustee Stetzer, called the meeting to order at 6:00 PM.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Stetzer – yes. Motion carried.

BOARD MEMBER – CONFLICTS OF INTEREST DISCLOSURE

Mayor Corby asked if any of the Board members had a conflict of interest or had accepted gifts associated with any of the meeting agenda items. The Board members indicated that they had no conflicts of interest to report.

DPW REPORT

- Village Grove Project Update
 - Granite curbing has been installed
 - adjusted catch basin to bring the inlet up to meet the new grade
 - will be milling the road tomorrow morning

- Sidewalk extension on State St
During the meeting with the DOT at St Louis Church, the DOT representatives brought up the inclusion of extending the sidewalk on State Street on the south side of the road extending approximately 50' east of Durham Way to a crosswalk connecting to the north side of the road. At this time, he asked for permission to temporarily reestablish the mockup bump-outs with traffic cones to collect data from the speed sentry. Permission was not granted at that time, but they said they would discuss it and get back to us.

- Schoen Place
We milled and patched sections of the road and some of the heaves in the canal path. When we are able, we will go back to finish grinding and patching the heaves. We also attempted to correct the puddling that is happening in front of 11 Schoen Place. When we are able, we will go back to finish grinding and patching the heaves and will try again to displace the pooling runoff in front of the tower.

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- Last week a streetlight and small London Plane tree were hit by a car. I am waiting to receive quotes for their replacement. I believe the driver's insurance should be covering the costs. Just waiting on a police report for the info. Trustee Stetzer is in contact with the Sheriff's office and will be forwarding the police report to the Clerk and the Superintendent.

- Storm sewer replacement 28 Monroe Avenue: Mayor Corby and the Superintendent reviewed history of the installation of the storm sewer and explained that the property owner would be responsible for replacement of the catch basin on their property. Mayor Corby informed everyone that the owner of the property is aware and willing to make the repair and is even comfortable with having the Village make the repair and billing them. The Village Attorney suggested that they obtain a temporary easement and an escrow agreement with the property owner, as well as an agreement with them to complete the repair.
 - Estimate for the replacement of 242' of 12" clay tile pipe with 15" corrugated plastic pipe - Mason Trenching \$8,500.
 - Camera existing 365' 15" corrugated metal sewer pipe through 24 Monroe Ave to be done by Town Sewer Dept or contracted through Skanex at approximately \$2 per linear foot.

- Stop sign at Sutherland and South Street should be installed by the end of the week.
- The Superintendent informed the Board that the DPW has been watering the hanging baskets every-day and he questioned Trustee Lanphear how long they should continue with the watering. Trustee Lanphear suggested that the department stop watering by the end of the week and remove afterwards but maintain the plants at the 4 corners. Continue to water all the other plants including the urns.

ACTIVE TRANSPORTATION PLAN

Town of Pittsford Supervisor Bill Smith spoke to the Board regarding the joint Town and Village Active Transportation Plan. He requested that the Board consider very soon setting a joint hearing with the Town Board so that the plan can be adopted. The plan has been in development over the last 5 years, the steering committee involved last met in 2019 and made their final recommendations that have been posted since last fall. Mayor Corby informed the Supervisor that the Village Planning Board would need to review the plan considering Local Waterfront Consistency requirement. He stated that he became aware that there was a list posted of changes to the plan, and to him, those recommendations all look uniformly excellent. He stated that he would support them all. The Supervisor is aware that there is some additional time the Village Planning Board needs to take to complete their review.

Supervisor Smith stated that there are many reasons why both municipalities should move forward and adopt the plan sooner rather than later. In many respects, the Town and Village Governments have been moving forward using the recommendations, if not the spirit, of the plan for some time. One example would be the Village Pedestrian Safety Plan that the Village was able to get approval to implement. An example for the Town would be the East Avenue sidewalk expansion. He stated that we want to adopt this plan, and state agencies do not have to take it into consideration until the Boards of both municipalities have adopted the plan. The Supervisor does not have a problem with the Village Planning Board carrying on its review of the plan and making other recommendations. His recommendation and request to the Village Board would be to adopt the plan now and this will lock into place the requirement for the state to take the plan under consideration. This does not prevent them from moving forward with additional materials to the plan as an update. He also reminded the Board that an additional change as a requirement of the grant requires review by the NYS Department of Transportation and emergency services. The Supervisor ended with requesting some dates to move forward to set a joint public hearing.

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Mayor Corby agreed with the Supervisor's comments and questioned if the Board had any comments. Trustee Lanphear questioned if the emergency services should be present for the meeting or whether they will weigh in afterwards. Mayor Corby commented that they have already provided their comments and have reviewed the draft. Mayor Corby stated that they developed a great working relationship with the emergency services to help develop the plan we have today.

Mayor Corby stated that one of the goals tonight is to set a meeting with the Planning Board to review their suggestions. He also stated he agreed with the Town Supervisor that we should schedule a public hearing on the plan. Given the difficulty of scheduling both Boards for the hearing we should get the meeting scheduled. The Supervisor stated that both Boards would need to adopt, but with the understanding that there will be updates to the plan. Mayor Corby stated that if the Board does approve the plan, it will be with the commitment that additional changes to the Plan will be made by the Village Planning Board. He also indicated that changes to these plans are expected; it is quite sensible that this plan will evolve and be updated so it stays current. The Supervisor thanked the Board for allowing him to address them.

Motion by Mayor Corby, seconded by Trustee Lanphear, to set a special meeting of the Village Board on Wednesday, September 16, 2020 at 6:30 pm to review the Planning Board's comments of the Active Transportation Plan.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Stetzer – yes. Motion carried.

Motion by Mayor Corby, seconded by Trustee Lanphear, to allow the Village Clerk to coordinate a public hearing date with the Town Clerk to adopt the Active Transportation Plan.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes Stetzer – yes. Motion carried.

VILLAGE BOARD MEETING TIMES

Trustee Keating requested that the Village Board consider changing the meeting time for their regular meeting from 6 PM to 6:30 PM due to an unexpected commitment that occurred after the meeting time was adopted in December of 2019.

Motion by Trustee Keating, seconded by Trustee Lanphear, to change the Village Board regular meeting time from 6 PM to 6:30 PM.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes Stetzer – yes. Motion carried.

STATE STREET BRIDGE CLOSING – TENANT CONCERNS

Mayor Corby reviewed the comments submitted from Valerie Coushane from Pittsford Lumber on their concerns with the closure of the State Street Bridge. The Mayor stated that he spoke with Valerie over the phone, and she did seem generally supportive of what we have spoken to NYSDOT about, which is the possibility of installing two stops lights that would allow gaps in the traffic on Schoen Place. This would allow people to exit from driveways on Northfield Common and other businesses on Schoen Place more easily. Although it will not be the official detour, more traffic on the road during the bridge closure is anticipated.

Trustee Lanphear proposed to speak with Valerie and the group. While there were several good suggestions, they are not within the Village's jurisdiction to have happen. She would like to keep those lines of communication open while we have time, so they understand what we are able to control and the issues they will have while the bridge is closed.

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Mayor Corby explained that the Board will be having additional meetings with the NYSDOT, but we are not sure when they will be ready. In addition to the pedestrian safety changes they are planning, they are also refining their interim plan while the bridge is closed. The last time the Mayor and Trustee Stetzer met with NYSDOT, which was in July, they promised another follow-up meeting. Trustee Lanphear questioned if Mayor Corby and Trustee Stetzer would also be meeting with Valerie and the group at Northfield Common to express to them what is possible for the Village to mediate and what is not possible. Mayor Corby informed Valerie they would keep them updated.

INFORMATIONAL MEETING ON THE NORTHFIELD PATIO AND PARKING AREA

Jennifer Collins, property owner of 7, 8 & 9 Schoen Place informed the Board that she has been working with the owners of Lock 32, Aladdins, Coal Tower, and Simply Crepes for 3 months on the shared common area. She thanked the Village Trustees for allowing them to use the patio area and have received wonderful feedback. She requested feedback from the Village Trustees on how they thought the plan worked out.

Mayor Corby indicated that he thought it worked as a fantastic amenity. He stated that even when the current health crises is resolved, he would like to look at how this could be done in the future, since it has helped businesses and has added to the ambience. Trustee Lanphear agreed with the Mayor and stated she would like to see it used even further. She has seen at times when it is not being occupied and wondered why it is not able to be used during the day. Casey, with Lock 32, informed her that Lock 32 is the last to close and they lean the chairs forward in case of rain so that the water does not pool on the chairs. The Adirondack chairs are expensive, so they do lock them up at night. Otherwise, it is open, there are no posted signs saying it is closed. It is accessible at all hours. Trustee Keating indicated that there is not a day that goes by that he does not hear feedback about making the space permanent or extending it past the summer. He has not had any complaints, and he also said he received similar comments at other locations in the Village. He thanked them for the vision to make it happen and stated that it has made the Village better.

Trustee Lanphear also indicated that the Board needed to figure out the Planning Board's role in the approval of the outdoor seating, since we do not want to circumvent their process and exclude them. Mayor Corby indicated that they should extend the approval as long as it helps the business and the good weather lasts. He also stated that for the longer term, we need to have a process, so some of this can become seasonal or permanent. He also indicated that there has not been any downside or a single complaint at locations where it has happened, all it does is improve the businesses that have expanded seating. Also, in many areas, it has provided a better experience for people visiting the Village.

Trustee Stetzer questioned the Village Attorney if they extend this to give businesses flexibility, can we rewrite the resolution through the pandemic? Does there have to be a definitive date when it expires? The Village Attorney indicated that currently the Village has built in a sunset date. He would prefer an ending date, so that it provides a date when the authority of the Building Inspector clearly ends. Then the Village could start a process where it becomes a special process for the Planning Board to handle.

Trustee Stetzer questioned if the Board could extend the period further. The Attorney indicated that it would be a Board decision but he thought the Village could develop a process working with the Planning Board by the proposed end date, but there is no legal reason the Board cannot extend it further.

Seth Clark, Lock 32 – Thanked the Village for allowing their proposal to extend the use. He informed the Board that 90% of their sales are coming from the outdoor space. He discussed that having the space available even longer does allow them the ability to use it for other events. He indicated that they intend to be creative and continue to use the space outdoors.

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Mayor Corby agreed that if the space can be used in February, we should allow the use. He suggested continuing the use for another 6 months, and in that time develop a code for the use in the long term.

The Clerk read comments received from the public:

David Ferris, 27 Monroe Avenue– Stated why not extend to at least Candlelight Night or New Year’s Eve.

Art Pires, 70 State Street - Questioned what about conditions to protect the residential neighbors in the event of noise issues. He also commented we are experiencing disposing of glass bottles into dumpsters behind residential properties from late at night.

Trustee Keating commented that the concerns regarding noise issues are still under the authority of the Building Inspector. So, he has the authority to issue citations and warnings. He could also shut things down if there are problems. Regarding the dumping of glass bottles, please send the Village specifics and we will follow up with the business.

Mayor Corby indicated that Mr. Pires’s comment shows the need for the Village to draft legislation for the long-term, so, these things can be allowed but will take into consideration the environmental effect. We do want to make sure that these types of nuisances are controlled to allow our residential neighborhoods to be livable.

John Limbeck, 62 State Street – Requested a point of clarification as to whether the outdoor seating is expected to extend up to Northfield Common. Mayor Corby indicated that it would depend on the business and whether they would like to continue the use. Mr. Limbeck stated that Olives and Label 7 have extended their seating, but he expressed concern with the owners of the property. He expressed concern for the new brewery that is expected to open, and their knowledge of Village Codes. He expressed concern for the Northfield Common site plan. He expressed concern with allowing the brewery outdoor seating before they have proven themselves. He related concerns regarding noise from the dumpster being emptied at 3 am. He does not feel the property owner for Northfield Common deserves the courtesy the Village wishes to grant them by allowing the outdoor seating to continue.

The Board discussed with the Attorney about the separation of areas for approval, and the Village Attorney responded that the enforcement controls were built into the resolution. The resolution dealt with any tavern or restaurant that is operating in the Village. This authorized the Code Enforcement Officer to allow outside seating controls he thought proper for every restaurant and tavern in the Village.

Mayor Corby indicated that the inspector must use his authority to resolve the late-night nuisances for the residents.

Trustee Lanphear questioned if outstanding enforcement issues in the Northfield Common area reason for the Building Inspector would be to deny outdoor seating. The Village Attorney indicated that in the code there is a general prohibition of issuing permits if there is a violation on the property.

Mayor Corby commented that these are two separate issues. The complaints presented by the residents are code enforcement issues, and the extension resolution of the outdoor seating is another issue.

Dave Ferris, 27 Monroe Avenue – Commented that each business needs to apply, so it would be approved on a case-by-cases basis. The Fox Group Brewery was approved without outdoor seating.

Art Pires – 70 Stated Street - Agreed with John Limbeck.

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Alysa Plummer, 66 N. Main Street, indicated that Mr. Limbeck raises a good point, but stated that his concern relates to compliance issues.

Motion by Mayor Corby, seconded by Trustee Lanphear, to extend the resolution to allow the Building Inspector authority to grant outdoor seating six months from October 31, 2020.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes Stetzer – yes. Motion carried.

Jennifer Collins thanked the Board for the extension of time. This will allow them to plan for other uses in the winter period. She discussed the potential of installing an additional covered structure. Mayor Corby suggested that they meet to review the possibilities at the site.

SPECIAL PERMIT APPLICATION – 5 SOUTH MAIN STREET

Tim Parrinello, owner of 5 South Main Street, reviewed his plans to open an authentic Mexican restaurant at the property, previously operated as the Kitchen. The owner indicated that they would like to put in a shared walkway between Tequilaria at 9 South Main Street, and they are still reviewing to see if that is a possibility. Trustee Lanphear would like to receive more information on the walkway, as she is concerned that the properties are currently owned by two different parties and there is a firewall in between and all the legalities involved. Mr. Parrinello informed her that they had been in contact with the Board of Health and had inspectors in last week, who commented that it would be fine. If there is a firewall between the properties, they would need to install a fire door to replace the wall.

Motion by Mayor Corby, seconded by Trustee Galusha, to set a public hearing on a special permit to consider the application from Tim Parrinello to open a Mexican Restaurant at 5 S. Main Street on October 13 at 7:00 PM.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes Stetzer – yes. Motion carried.

INFORMATIONAL MEETING ON SPEEDING

The Board discussed the suggestion from Trustee Keating on having an informational meeting on speeding concerns in the Village. The Board set the meeting for September 22, 2020 at 6:30 PM. The Board agreed to review the agenda and format at the next meeting on September 16, 2020.

Motion by Trustee Keating, seconded by Trustee Stetzer, to have a forum on speeding in the Village on September 22, 2020.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes Stetzer – yes. Motion carried.

TREASURER’S REPORT

The Village Treasurer presented vouchers listed on Abstract #7 of 2020 / 2021 fiscal year for approval. A motion was made by Mayor Corby, seconded by Trustee Keating, to approve payment of the vouchers listed on Abstract #7, in the amounts stated below and to charge them to the appropriate accounts.

Vouchers for approval – Abstract #7

• General Fund (#136-#137, #139-#144, #146-#170):	\$ 38,223.53
• Sewer Fund (#138, #145, #162):	<u>\$ 862.82</u>
Total Vouchers for Approval:	\$ 39,086.35

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. Motion carried.

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JULY FINANCIALS

The Treasurer informed the Board that everything so far is coming in as budgeted and she has no concerns. The difference in Revenues and Expenditures as of the July 2020 books is \$690,679.51. The negative numbers in the accounts will be cleared out in the August books, as they are due to outstanding accounts payable. The current fund balance is at \$872,022.55 as of July 31, 2020 with a projection of \$180,611.19 on May 31, 2021. There are currently no concerns with the Sewer Fund, the current fund balance is \$696,098.58, with a projection of \$704,839.05 on May 31, 2021. She reviewed the remaining Capital Improvement Fund of \$63,468, which will be used to pay off the Bond.

DRAINAGE ISSUES

The Treasurer reviewed with the Board current drainage issues that will be expenses currently and, in the future, which include the following:

1. Village Hall
2. 28 Monroe Avenue – Emergency Repair
3. Locust Street
4. Rand Creek
5. North Main Street – Additional work
6. Washington Road
7. Schoen Place

Village Clerk Report

The Village Clerk reviewed with the Board that there is a possibility that the Village Office will be required to collect absentee ballots for the November general election. She will keep the Board apprised since there are very few details at this time.

VILLAGE ATTORNEY

He reported to the Board everything was quiet at this time.

MEMBER ITEMS

Mayor Corby reported to the Board that no action was taken on the CCA bids due to the rate not being higher than anticipated, and they are unable to guarantee a lower rate than provided by RGE. No action needed by the Village Board, as new projections come out, there may new information from Roctricity.

Trustee Stetzer stated that concerns have been expressed regarding right-hand turns at that 4 corners. She wanted to bring it up so that the Board is aware of the situation. There are measures in the Active Transportation Plan to address the situation. Mayor Corby suggested that they follow up with NYSDOT. It is a dangerous situation.

Trustee Keating stated that at the May 26, 2020 meeting, Mayor Corby stated he would do an update on 75 Monroe Avenue for the Village Facebook page. Mayor Corby informed Trustee Keating that after speaking with the Village Attorneys, they advised waiting to update until after a pending decision is

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received in the next month. He is awaiting information from Susan Lhota, PZBA, and he will contact her tomorrow and see about getting a draft started.

Trustee Keating also stated that he is still in favor of negotiating with Mark IV, pointing out that the last time this was discussed was in the Winter. Otherwise, we are awaiting the legal system to resolve this problem, which we have seen no sign of and is very expensive. The negotiations would be non-binding since the other Village Boards have discretion on the current lawsuits.

ADJOURNMENT

Motion Mayor Corby, and seconded by Trustee Keating, to adjourn the meeting at 7:45 PM.

Vote: Corby – yes, Lanphear – yes, Galusha – yes, Keating – yes, Stetzer – yes. Motion carried.

Dorothea M. Ciccarelli, Recording Secretary