

VILLAGE OF PITTSFORD

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Village Hall ca 1855 (remodeled 1937)

Village of Pittsford Board of Trustees Meeting October 11, 2018, 7:00 PM

Tentative Agenda

Board Member - Conflict of Interest Disclosure

Meeting Items

1. 75 Monroe Avenue Litigation – Village Board Role
2. Memorandum of Understanding Community Choice Aggregation
3. Setting Public Hearing for the Historic Preservation Code
4. 7:30 PM – Public Hearing – Application for Moratorium Relief
(APPLICATION HAS BEEN WITHDRAWN)
5. 4th Annual New York State Local Government Innovation Conference

Member Items

Department Reports

1. DPW Report
2. Building Inspector Report
3. Village Attorney
4. Treasurer's / Village Clerk Report
5. Minutes
6. Executive Session

Next Scheduled Meeting – October 23, 2018

*Subject To Change Without Notice

Village Board Meeting
August 14, 2018

Meeting Items
Agenda Item 1

1. 75 Monroe Avenue Litigation – Village Board Role

Village Board Meeting
October 11, 2018

Meeting Items
Agenda Item 3

Memorandum of Understanding – Community
Choice Aggregation

**MEMORANDUM OF UNDERSTANDING
COMMUNITY CHOICE AGGREGATION**

THIS MEMORANDUM OF UNDERSTANDING is made as of this ____ day of _____, 2018, by and between the **TOWN OF IRONDEQUOIT**, a municipal corporation with offices at 1280 Titus Avenue, Rochester, New York 14617, the **TOWN OF PITTSFORD**, a municipal corporation with offices at 11 South Main Street, Pittsford, New York 14534, the **TOWN OF BRIGHTON**, a municipal corporation with offices at 2300 Elmwood Avenue, Rochester, New York 14618, and the **VILLAGE OF PITTSFORD**, a municipal corporation with offices at 21 North Main Street, Pittsford, New York 14534 (each a “Party,” and together, the “Parties”).

WITNESSETH:

WHEREAS, New York State municipalities are permitted to participate in a Community Choice Aggregation (“CCA”) program subject to local authorization, pursuant to the New York State Public Service Commission’s Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224 (“PSC CCA Order”); and

WHEREAS, municipalities are authorized to work with a third-party consultant to act as a CCA administrator and complete some or all of the tasks set forth in the PSA CCA Order; and

WHEREAS, the Parties wish to explore a potential partnership to aggregate and advance the benefits of CCA for their residents.

NOW, THEREFORE, BE IT RESOLVED, that the Parties hereby agree as follows:

1. The Parties will have a common goal of procuring a 100% renewable clean energy product as defined by the New York State Energy Research & Development Authority, with guaranteed cost-saving when compared to the current default energy supply option.
2. The Parties will work together on a soliciting, evaluating, and selecting a common CCA administrator, in compliance with each Party’s procurement policy, to assist in securing a 100% renewable clean energy product with guaranteed cost-saving when compared to the current default energy supply option.
3. In the event a Party determines that selecting a common CCA administrator is not in the Party’s best interest, the Parties will continue to work cooperatively, share information, and serve as a resource to each other as they implement CCA programs.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties have signed this Memorandum of Understanding as of the date first above written.

TOWN OF IRONDEQUOIT

TOWN OF PITTSFORD

BY: _____
NAME: David A. Seeley
TITLE: Supervisor

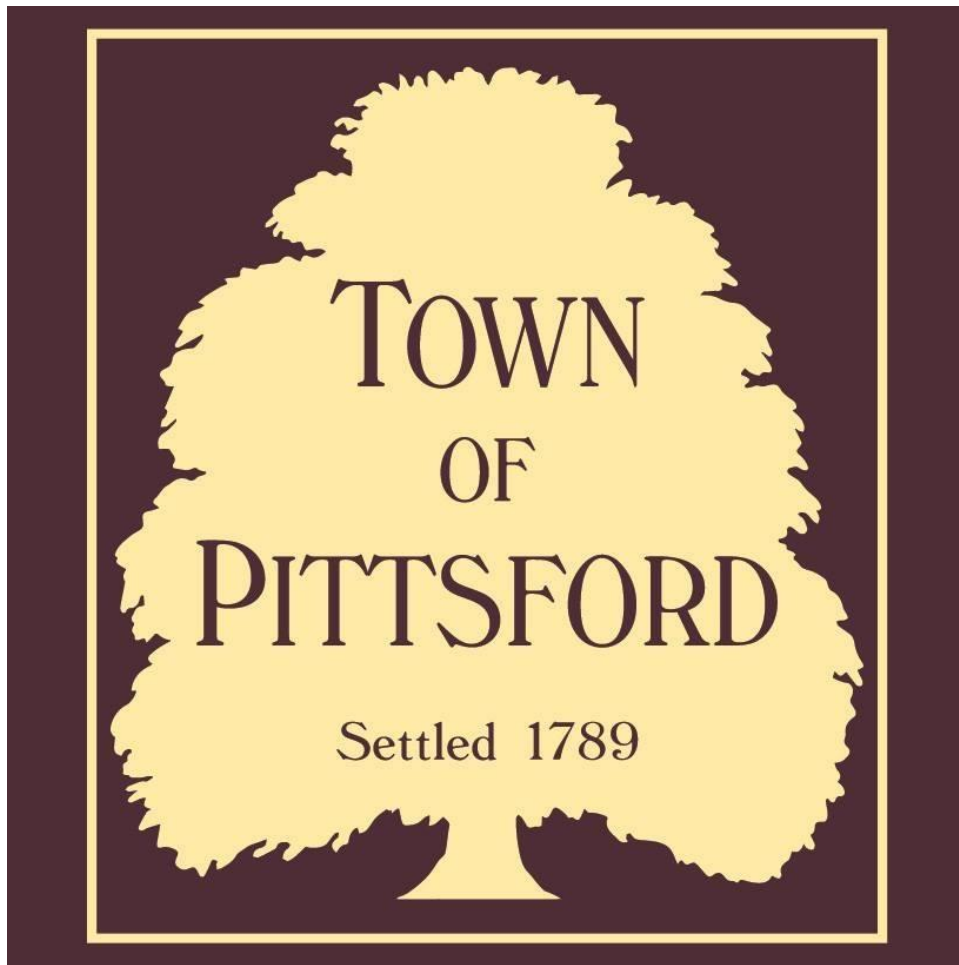
BY: _____
NAME: William A. Smith, Jr.
TITLE: Supervisor

TOWN OF BRIGHTON

VILLAGE OF PITTSFORD

BY: _____
NAME: William W. Moehle
TITLE: Supervisor

BY: _____
NAME: Robert C. Corby
TITLE: Mayor



**REQUEST FOR QUALIFICATIONS & PROPOSALS (“RFQ/P”)
Community Choice Aggregation Administrator**

**PROPOSAL SUBMISSION DEADLINE
(Day of Week), (Month) (Day), 2018
(Time)**

Issuance Date: (Month) (Day), 2018

SECTION I – PURPOSE AND BACKGROUND

A. PURPOSE

In this Request for Qualifications and Proposals (“RFQ/P”), the Town of Pittsford (“Town”) intends to review the relevant experience of qualified firms (“Firm”) to administer a Community Choice Aggregation (“CCA”) program. The Town is seeking a Firm with experience procuring a 100% renewable clean energy product as defined by the New York State Energy Research & Development Authority (“NYSERDA”) with guaranteed cost-saving when compared to the current default energy supply option.

B. SCHEDULE

Issuance of RFQ/P: (Day of Week), (Month) (Day), 2018

Deadline for Submissions: (Day of Week), (Month) (Day), 2018

C. BACKGROUND

New York State municipalities are permitted to participate in a CCA program subject to local authorization, pursuant to the New York State Public Service Commission’s Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224 (“PSC CCA Order”).

The Town held two public information meetings (April 18 and June 21) on the subject of Community Choice Aggregation (“CCA”) as an option for electric power for Pittsford residents. The April meeting featured presentations by two potential brokers/administrators for a CCA program, followed by questions for them from elected officials and the public. The presentations set forth for the public how CCA would work, and will help inform the judgment of the Town and Village Boards about whether to proceed and, if so, what broker/administrator to choose.

The June meeting included brief presentations by the Genesee/Finger Lakes Regional Planning Council and Power Management (energy consultant for the Town of Pittsford). These independent experts reviewed how CCA would work, its pros and cons, how electricity from green sources is delivered to the home, what “green” means in a CCA program, and the anticipated costs in relation to a home’s entire energy bill. Rochester Gas & Electric representatives also discussed RGE’s green energy options.

On August 24 Supervisor Smith participated in a conference call with the Genesee/Finger Lakes Regional Planning Council and representatives from Sustainable Westchester to discuss lessons learned and best practices deriving from the pilot program in Westchester County. Supervisors of the other Towns in Monroe County interested in a CCA program also participated.

In order to be in a position to act together with neighboring municipalities, at the August 21st meeting of the Pittsford Town Board, a local law to enable the Town to further explore CCA was introduced. A public hearing on the local law was at 6:00 pm on Monday, September 17 at Pittsford Fire Station #2, 465 Mendon Road. The local law was subsequently adopted by the Town Board.

D. RESPONSIBLE RESPONDENT QUALIFICATIONS

Respondents may be non-profit or for-profit and should have experience procuring either a) 100% renewable clean energy product as defined by NYSERDA with guaranteed cost-saving when compared to the current default energy supply option; or b) experience in all aspects of implementation, organization and administrations of a CCA program other than procurement of the energy product. Respondents must be in good financial standing with federal agencies and the State of New York.

SECTION 2 – STATEMENT OF QUALIFICATIONS

This section outlines the information that must be included in your Qualifications Statement. Please respond with your information in the same order as the items in the section

1. Please indicate whether your firm purposes to undertake (a) procurement only; (b) implementation, organization and administration only; or (c) both.
2. Please provide a brief history of your Firm including the number of years in business, identification of company ownership, and the number of employees. Describe a minimum of three (3) projects of similar scope that best demonstrate the firm's qualifications to undertake all aspects of this project.
3. Provide a description of the project team's organization and roles. Please include resumes of the project team members. Include their qualifications and experience as related to the scope of series detailed below as well as their anticipated assignments related to this project. Specific information on their background, training, and experience with similar projects should be included.
4. To the extent that you would engage subcontractors or consultants for this project, or would work on this project in conjunction with any project organizer or other third party, please provide the name, location and contact information for each consultant, subcontractor, organizer or other third-party. Each such entity will be required to respond individually to this RFQ/P.
5. Please indicate if any additional staff would need to be hired in order to carry out this project.
6. An hourly rate of pay for the employees proposed for this project.
7. Provide a minimum of three (3) clients from whom your firm has administered a CCA program. Include the following information for each client:

- Name and address of client;
- Name and telephone number of contact person;
- Summary of the services provided.

SECTION 3 – SCOPE OF SERVICES

The Scope of Services should address respondent’s capacity to perform the following expected administrative functions:

1. Draft and submit Implementation Plan and Data Protection Plan, incorporating local goals and priorities. Provide sample Plans if desired, as appendices.
2. Educate and notify public, according to the PSC CCA Order.
3. Lawfully and securely procure, transfer, and store anonymized and customer-specific program data on behalf of the Town, pursuant to an approved Data Protection Plan.
4. Analyze and report regularly to the Town and Public Service Commission on program data, pursuant to the PSC CCA Order.
5. Calculate value proposition of prospective commodity savings and cost certainty.
6. Identify and procure available local and regional renewable generation in accordance with clean energy goals as established by the Town.
7. Identify, develop, and report on opportunities to integrate other distributed energy resources (e.g., battery storage, energy efficiency, smart home/demand management programs).
8. Vet and pre-qualify prospective energy suppliers in accordance with criteria established by Town.
9. Develop commodity supply contracts and other agreements suitable to the Town and Town Attorney.
10. Ensure compliance with legal and regulatory requirements.
11. Process customer enrollment and opt-outs.
12. Provide continued support to Town and customers after program launch including:
 - Customer service;
 - Monitoring and management of contractual obligations;
 - Regular program data and performance metrics reporting;
 - Program development and enhancement;
 - Continued analysis of relevant market and regulatory issues.

SECTION 4 – ELEMENTS OF THE RESPONSE

All proposal submissions must include the following information to be considered complete. The response (not including appendices or cover letter) should not exceed 20 double-spaced pages. The

Town reserves the right to reject any proposal for non-compliance with these requirements and specifications and/or to waive informalities. Please respond to the sections following the same order as in this RFQ/P. For each step, be sure to detail what technical and support services you would have available.

A. COVER LETTER

A transmittal letter on the respondent’s business stationery from the individual(s) or a principal officer of the firm offering the proposal and certifying that the proposal will remain in effect for ninety (90) days after the proposal due date. The letter should contain a general description of the mission or focus of the organization and provide the name and address of the individual or firm, and contact information for the individual or officer (telephone number and email address).

B. STATEMENT OF QUALIFICATIONS

C. SCOPE OF SERVICES

D. RELEVANT EXPERIENCE

The Relevant Experience should address the respondent’s knowledge and involvement in the following subsections. The response should include but is not limited to the example questions listed below each subsection.

1. Energy Markets:

New York State, regional, national and international energy markets.

For Example:

- a. Beyond commodity procurement, how would your experience help you to leverage the aggregation of consumer purchasing power for any additional supply-side market opportunities?
- b. What experience or credentials do you have in managing demand-side initiatives for residential and small business customers?
- c. Are there opportunities for CCA communities to participate in such as demand-side or efficiency markets as well, as a demand response resource, for instance?
- d. If so, how would participating customers share in the value created? How much impact would this program have on rates and how would such a program be managed and staffed? How would participation be encouraged?
- e. How else may CCA communities leverage their collective market power to incentivize efficiency and create value for consumers in the future?
- f. What regulatory, political, and/or economic challenges must be overcome to achieve these outcomes?

2. CCA Administration:

Planning, implementation, and administration of community aggregation programs in New York and/or other states. Please provide 3 client testimonials; respondents may submit as an appendix.

E. PROGRAM DESIGN

The Program Design should address the respondent's vision for the following subsections. The response should include but is not limited to the examples questions listed below each subsection.

1. Procurement Strategies:

Describe strategies and mechanisms to increase financial and environmental benefits for customers and the community.

For Example:

- a. Are there specific contract terms (length, fixed v. variable rates, consumer protections) you would advise the Town to specify? What contractual requirements would you employ to ensure procurement of cleaner energy than the default utility supply?
- b. What sources of renewable energy are available to supply the program and what are the estimated relative prices?
- c. How will you assist the Town in procuring local renewable energy and advancing the development of local projects? Are there renewable generators in the Town that we can buy from?
- d. What is the likelihood that the Town can procure 100% renewable energy *and* save customers on their bills?
- e. Will all customers in the Town pay the same rate? If not, what factors impact each customer's rate?
- f. Are there savings and/or earnings opportunities afforded to some customers (based on location, income/credit profile, consumption) and not others?
- g. What rate advantages or disadvantages are there when other municipalities are added?

2. Program Roles:

Describe proposed roles and responsibilities for management including those for the Town and other stakeholders. Specify staff resource allocations and provide related credentials.

For Example:

- a. How do you propose to work with local stakeholder groups?
- b. What role do you envision the Town playing in program administration? What workload should the Town expect for their staff, legal counsel, and elected officials?
- c. Will the Town sign a separate contract with suppliers or act as a single inter-municipal entity?

3. Program Budget:

Describe the following:

- Proposed costs and fees to complete the Program Scope tasks.
- Ongoing administrative and other costs and fees throughout the term of the supply contract.
- Data acquisition and security fees.
- Payment schedule for proposed fees and costs and any schedule dependencies.
- Impact of costs and fees on the Town and program rates.
- Preliminary projections of program rates and savings estimates. Provide methodology behind projections.
- If proposal includes plans to contract any work externally to meet the requirements described, it must be clearly stated in the proposal with all costs including of any subcontracted work, and names of subcontractors clearly delineated.

For Example:

- a. Who pays the administrative fees? Will they appear on customer bills?
- b. What upfront costs is the Town expected to shoulder?

4. Implementation Timeline:

Outline proposed timeline for completion of each requirement. Respondents may submit as an appendix.

5. Ongoing Services:

What is the vision for the long-term success of this program beyond the initial contract?

For Example:?

- a. How do you support community outreach beyond contract execution? Will you perform customer service throughout the term of the contract? Do you offer any additional outreach, complaint resolution, customer advocacy, or other services?
- b. Will there be a phone number and/or website provided for program customers?
- c. Will you perform any public-facing reporting to consumers regarding rate comparisons and savings estimates, new or updated program information, available services, etc.?
- d. Do you plan to offer additional programs to customers related to energy efficiency, renewable generation, demand management?

SECTION 5 – SUBMISSION GUIDELINES

1. All respondents should carefully review the contents of this document. All of the Requirements and Specifications in this document may become part of an agreement to be signed by the Town and the successful respondent.

2. All proposals must be submitted no later than (time) on (Day of Week), (Month) (Day), 2018.
3. Proposals may be submitted electronically to (email) with “CCA Administrator” in the subject line. Proposals can also be mailed or personally delivered to the (name & title) at the Pittsford Town Hall, 11 South main Street, Pittsford, NY 14534.
4. Inquiries concerning this RFQ/P can be submitted to: (email address) indicating “CCA Administrator RFQ/P” in the subject line. All questions must be submitted in writing. Questions must be submitted by (Month) (Day), 2018.
5. All costs incurred in the preparation of a proposal responding to this RFQ/P will be the responsibility of the Responder and will not be reimbursed by the Town.
6. The Town of Pittsford reserves the right to reject any proposal for non-compliance with these requirements and specifications and/or to waive informalities.
7. The proposal is not a contract offer. The Town’s selection of a proposal is not a contract acceptance. A contract is a separate, written agreement between the Town and a respondent which may be formed after the selection process.

SECTION 6 – EVALUATION CRITERIA

The Town will evaluate proposals based on the weighted criteria described below. Assessment of capabilities will depend in large part on how effectively and knowledgeably the respondent delineates required and desirable subtasks in each of the categories.

The Proposals will be rate based on the following criteria and criteria weights:

Criteria	Weight
Statement of Qualifications	25%
Scope of Services	10%
Energy Market Experience	15%
CCA Administration	15%
Program Procurement Strategies	15%
Program Roles	5%
Program Timeline	5%
Ongoing Services	10%
Total:	100%

SECTION 7 – SELECTION PROCESS

All proposals that are deemed responsive (as described above) will be reviewed by multiple staff. All reviewers will sign a confidentiality statement and keep all content of proposals confidential,

except to the extent disclosure of proposals is required by law or deemed advisable by the Town in any litigation arising from this RFQ/P. The winning proposal may be shared unless it contains details on business models and/or proprietary secrets.

The Town may, at its discretion, request presentations or meetings to clarify or negotiate modifications to the proposal. However, the Town reserves the right to make an award without further discussion of the proposals submitted. Therefore, proposals should be submitted initially as completely as possible. The Town contemplates the award of the contract to the proposal with the highest total points.

Village Board Meeting
October 11, 2018

Meeting Items
Agenda Item 2

Setting Public Hearing for the Historic Preservation
Code

Landmarks Preservation Local Law for Village of Pittsford

July 2018

A LOCAL LAW relating to the establishment of landmarks, historic districts, architectural preservation and landmarks in the Village of Pittsford.

Section 1. Title.

This local law shall be known and may be cited as the Village of Pittsford Landmarks and Architectural Preservation Local Law.

Section 2. Purpose.

The Village Board of Trustees finds that there exist within the Village of Pittsford places, sites, structures, and buildings of historical or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected and preserved to maintain the architectural character of Pittsford Village (as an Historic District in the National Register of Historic Places in 2015), to contribute to the aesthetic value of the Village and to promote the general good, welfare, health and safety of the Village and its residents.

The purpose of this local law is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and utilization of buildings, structures, signs, features, improvements, sites, and areas within the Village that reflect special elements of the Village's historical, architectural, cultural, economic or aesthetic heritage for the following reasons:

- (a) To foster public knowledge, understanding, and appreciation of the historical and architectural character of the Village and in the accomplishments of its past;
- (b) To ensure the harmonious, orderly, and efficient growth and development of the Village;
- (c) To enhance the visual character of the city by encouraging new design and construction that complements the Village's buildings;
- (d) To protect and promote the economic benefits of historic and architectural preservation to the Village, its inhabitants and visitors;
- (e) To protect property values in the Village;
- (f) To promote and encourage continued private ownership and stewardship of historic buildings within the Village;
- (g) To identify as early as possible and resolve conflicts between the preservation of buildings and structures in the Village and alternative land uses; and
- (h) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

Section 3: Enabling Authority.

Pursuant to Article 5, § 96-a; Article 5-G, Article 5-J and Article 5-K and § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historical Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that

the protection, enhancement and perpetuation of buildings and structures in the Village of Pittsford are necessary to promote the cultural, economic and general welfare of the public.

Section 4. Historic Preservation Review Board¹

The Village of Pittsford hereby maintains and continues in existence the Village of Pittsford Historic Preservation Review Board (hereinafter referred to as “the Board”).

- (a) **Membership:** The Board shall consist of five members.
- (b) **Appointments:** Members of the Board shall be appointed by the Mayor subject to approval of the Village of Pittsford Board of Trustees. No person appointed to the Board can also serve as a member of the Village Board of Trustees.
- (c) **Term of Office:** Term of office is five years, equal to the number of members of the Board. The terms for all members of the Board shall be staggered and fixed so that the term of one member shall expire at the end of the calendar year in which all such Board members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the Board.
- (d) **Qualifications:** Board members shall have interest, experience and training in Historic Preservation and Planning.

To the extent possible, commission members shall be required to have the following expertise:

- i. At least one shall be a historian; one a state-licensed real estate professional; and one who has demonstrated significant interest in and commitment to the field of preservation planning as evidenced either by involvement in a local or regional historic preservation group, employment or volunteer activity in the field of preservation planning, or other serious interest in the field;
- ii. All members shall have a known interest in historic preservation and planning within the Village of Pittsford.

In the event that the governing board determines that any of the positions described in subsection (i) cannot be filled by persons so qualified, the governing board may fill any such position by appointing persons qualified under subsection (ii).

- (e) **Vacancies:** Vacancies occurring on the Board other than by expiration of term of office shall be filled by appointment by the Mayor pursuant to the New York State Village Law.

¹ Recommendation: Suggest changing the name of the current APRB to the **Historic Preservation Review Board**

Any such appointment shall be for the unexpired portion of the term of the replaced member, and the appointment must be made in accordance with the criteria established above for original appointments.

- (f) Training and attendance requirements:
- i. Each member of the Board shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet this requirement. Such training shall be approved by the Village Board of Trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or Board, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
 - ii. To be eligible for reappointment to the Board, a member shall have completed the training approved as set forth above.
 - iii. The training may be waived or modified by resolution of the Village Board of Trustees when, in the judgment of the Board of Trustees, it is in the best interest to do so.
 - iv. No decision of the Board shall be voided or declared invalid because of a failure to comply with this subdivision.

Section 5. Organization.

- (a) Chairperson; designation and duties.
- i. The Mayor and the Village of Pittsford Board of Trustees shall, pursuant to New York State Village Law designate the Chairperson of the Board. In the absence of such designation, the Chairperson of the Board shall be designated by vote of an affirmative majority of the members of the Board.
 - ii. The Chairperson shall have the right to vote in all matters before the Board.
 - iii. All meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine by affirmative vote. Such Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.
- (b) Secretary: The Village of Pittsford Board of Trustees shall appoint a secretary to serve as secretary to the Board. At the time of service, the secretary shall not also serve as member of the Board. The secretary shall keep a record of all resolutions proceedings, and actions of the Board, as well as attendance of Board members.

- (c) Quorum: A simple majority of the Board members shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the full Board is required to approve any resolution, motion or other matter before the Board.
- (d) Meetings: The Board shall meet at least monthly, but meetings may be held at any time on the written request of any two (2) Board members or at the call of the Chairperson.

Section 6. Records and Annual Report.

- (a) Records: The Board shall be subject to the provisions of the Public Officers Law, including Article 7 related to the Open Meetings Law. The Board records shall be readily available to the public. The vote or failure to vote of each Board member shall be recorded. If any Board member abstains from voting based on a conflict of interest or otherwise, the member must also state his or her reason(s) or ground(s) for doing so on the record.
- (b) Annual Reports: The Board shall submit an annual report of its activities to the Mayor and each member of the Village Board of Trustees and make such recommendations to the Village Board as the Board deems necessary to carry out the purposes of this local law.

Section 7. Promulgation of Regulations; Meetings.

- (a) Regulations: The Board may recommend to the Board of Trustees of the Village of Pittsford regulations relating to any subject matter over which the Board has jurisdiction under this local law. Any such recommendation may be adopted by local law of the Village of Pittsford Board of Trustees.
- (b) By-Laws; meetings: The Board may approve by-laws that are consistent with the regulations adopted by the Village of Pittsford Board of Trustees. Such by-laws shall provide for the time and place of holding regular meetings; and may provide for the calling of special meetings by the chairperson or by written request of at least two members of the Board. Regular meetings shall be held at least once a month. All regular or special meetings of the Board shall be consistent with the notice provisions of the New York Open Meetings Law and shall be open to the public.

Section 8. Powers and Duties of the Historic Preservation Review Board.

- (a) General and Advisory Powers. The Board may,
 - i. From time to time, recommend to the Board of Trustees of the Village of Pittsford any changes and amendments appropriate and necessary with regard to this Article;
 - ii. Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations in the Village of Pittsford, and recommend to the Village of Pittsford Board of Trustees any changes and amendments thereto;
 - iii. Recommend to the Village of Pittsford Board of Trustees additional regulations to be adopted by local law that may be necessary for the

Board to conduct its business, consistent with the scope and intent of this local law;

- iv. Recommend to the Village of Pittsford Board of Trustees specific criteria for regulations to be adopted by local law that identify and catalogue significant historic landmarks, and from time to time advise it on suggested changes thereto;
- v. Recommend to the Village of Pittsford Board of Trustees additional criteria to be adopted in local law to be used when evaluating applications for a certificate of appropriateness;
- vi. Recommend to the Village of Pittsford Board of Trustees proposals for the acquisition of preservation easements or other interests in real property;
- vii. Conduct investigations, prepare maps, reports and recommendations in connection with its advisory authority relating to the planning, development and administration of the Village of Pittsford landmarks preservation policies, regulations and local law as needed, provided the total expenditures of said Board shall not exceed the appropriation provided by the Village of Pittsford Board of Trustees together with any public or private grant funding received by the Village of Pittsford for the Board to undertake its landmarks preservation powers and duties.
- viii. Report on matters referred to it by any Board of the Village of Pittsford. The Village of Pittsford Board of Trustees may by resolution provide for the referral to the Board for a report on any matter or class of matters that impact the municipality's landmarks preservation local law, policies, regulations or administrative processes before final action is taken thereon by the Village of Pittsford Board of Trustee or other office of said Village of Pittsford having final authority over said matter. The Village of Pittsford Board of Trustees may further stipulate that final action thereon shall not be taken until the Board has submitted its report thereon, or has had a reasonable time, to be fixed by the Village of Pittsford Board of Trustees in said resolution, to submit the report.
- ix. The Board may retain such specialist, consultants or experts to aide in its duties.

(b) Administrative Reviews. In accordance with the regulations adopted by the Village of Pittsford Board of Trustees for historic preservation purposes the Board shall *use the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Village of Pittsford Design Guidelines and/or any other locally developed standards for review to*²:

² This italics section was added to delineate the criteria to be used by the Board to carry out its mission. If this is not the right place in the document to add this section, please recommend where it should go..

- i. Evaluate an application for a certificate of appropriateness; approve, approve with modifications, or deny any proposal for exterior changes to any property within corporate limits of the Village of Pittsford;
- ii. Evaluate an application for a certificate of economic hardship; approve, approve with modifications, or deny any such application³;
- iii. Evaluate an application for a certificate of appropriateness for demolition, removal or relocation; approve, approve with modifications, or deny any such application⁴;
- iv. Perform other functions that the Village of Pittsford Board of Trustees may designate by local law.

Section 9. Cooperation of Village Departments.

All Village departments shall, upon request of the Board, assist and furnish available permits, plans, reports, maps and statistical and other information which the Board may require for its work.

Section 10. Criteria and Designation of Landmarks and Historic Districts.

The Village of Pittsford has existing Landmarks and Historic Districts. For any subsequent designations:

The Board shall designate landmarks or historic districts within the Village of Pittsford under this local preservation law.

☒

~~The Board may delineate additional landmarks or historic districts and recommend them to the Board of Trustees of the Village of Pittsford for designation under this local law.⁵~~

- (a) Individual Landmark: The Board may recommend for designate an individual property as an individual landmark if it:
 - i. Exemplifies or possesses special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Village of Pittsford;
 - ii. Is identified with persons or events significant in local, state, or national history;
 - iii. Embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or builder;

³ Comment: The model code has this as the role of a Historic Preservation Commission. During the Village of Pittsford current code review, there is an issue of where this responsibility should rest: the ZBA? the Trustees? or remain with the APRB? This has yet to be worked out.

⁵ Any further designations within the Village will be carried out by the Board. The rationale is that the Board has the better expertise to make the decision than the more transient and possibly less informed Board of Trustees...

- iv. Represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and familiar visual feature of the community; or
 - v. Has yielded or may be likely to yield information important in prehistory or history.
- (b) Historic District: The Board may recommend for designation a group of properties within the Village of Pittsford as an historic district if a majority of properties therein:
- i. Contains properties which meet one or more of the criteria for designation as a landmark and which may have within its boundaries other properties or structures that, while not of historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and
 - ii. Constitute a unique section of the Village by reason of possessing those qualities that would satisfy such criteria.

(c) Scenic Landmark and Corridors:

The Board may delineate a landscape feature or group of features. Recommendations for designation must be accompanied by such historical and architectural information as is required by the commission to make an informed recommendation concerning the application, together with any fee set by the Village of Pittsford Board of Trustees. The boundaries of each scenic landmark shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the Village of Pittsford clerk's office and there made available for review by the public.

Section 11. Notice and Hearing Requirements for Proposed Designation.

The Board shall designate individual landmarks or historic districts in the following manner:

- (a) Initiation of Proposed Designation. Designation of an individual historic landmark or historic district may be proposed by the Board, by the owner of the property, or by any resident of the Village.
- (b) Public Hearing; general notice.
 - i. Within a reasonable time after receipt of a full application or other matter referred to it, the Board shall schedule a public hearing on all proposed resource, individual, landmark or historic district designations. Public notice of any such hearing shall be given by publication in a newspaper of general circulation within the Village/Town/City at least 15 days prior to the public hearing date.

- ii. The Board shall require submission of written comments on the application prior to designation of any landmark [interior landmark landmarks or], landmarks or [scenic landmark] or historic district.
 - iii. The Board, property owners, and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural, or cultural importance of the proposed resource, individual, landmark or historic district.
- (c) Notice of Public Hearing; multiple properties proposed for designation.
 - i. Ten properties or less: Notice of public hearing for a proposed designation involving no more than ten properties shall be sent by registered mail to the owners of properties located within the area of the proposed historic district at least 15 days prior to the date of the public hearing. Such notice shall include a description of the properties proposed for designation and state the time and place where any public hearing to consider such designation will be held by the Board.
 - ii. More than ten properties: Where the proposed designation of an historic district includes more than ten properties and the Board deems individual notice infeasible, notice may instead be published at least once in newspaper of general circulation In the Village of Pittsford 10 days prior to the date of the public hearing. The notice shall specify the time and place of the public hearing, a brief description of the proposed designation, and the location where the proposal may be reviewed prior the hearing.
 - iii. The notice provisions are in addition to the general notice requirements under (b) of this Section.
- (d) Work Moratorium: Once the Board has issued notice of a proposed designation it may recommend to the municipal governing Board that a moratorium be put in place, prohibiting any work relating to the individual landmark or district proposed for designation as long as the proposed designation is under active consideration by the Board and until the Board has made its decision on designation.
- (e) Board Record: The Board shall compile a public record in support of its designation of a resource, landmark or historic district. In addition to testimony or documentary evidence received at any public hearing, the record may also contain reports, public comments, expert testimony, or other evidence offered outside of the hearing, but submitted for the Board's consideration by the date of the hearing. At a minimum, the record of the designation shall contain the application, Board and/or staff reports, any comments made on the application at the public hearing, and the Board's decision to approve, approve with modifications, or deny the application requesting designation.
- (f) Board Decision: Within 62 days after the close of the public hearing, the Board shall by resolution undertake a designation in whole or in part, or shall disapprove entirely, setting forth in writing the reasons for the decision. Within 7 days, notice of the Board's recommendation shall be sent to the applicants and owners of a designated

- property, or in the case of an approved historic district, notice shall be sent to the applicants and owners of all properties within the approved district, as well as to the governing Board of the municipality.
- (g) The Board may agree with the applicant in writing to extend the time period within which a recommendation will be made.
 - (h) The Board shall forward notice of each property designated as an individual landmark and the boundaries of each designated historic district to the building department and planning department and Village of Pittsford clerk and county clerk for recordation.
 - (i) Failure to Send Notice. Failure to send any notice by mail to any property owners where the address of such owner is not a matter of property tax records shall not invalidate any proceedings in connection with the proposed designation.
 - (j) Amendment or Rescission. The Board may amend or rescind any designation of an individual landmark or historic district in the same manner and procedure as followed for designation.

Section 12. Certificate of Appropriateness for Alteration, Demolition, or New Construction of any building or structure in the Village of Pittsford.

- (a) The Board is responsible for the approval or disapproval of proposals for exterior changes to building and structures in the Village. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or move of a building or structure in the Village without first obtaining a Certificate of Appropriateness that authorizes such work.
- (b) All changes to Village or other municipality-owned property affecting an individual landmark or within a historic district shall be subject to the provisions of this local law.
- (c) The building department shall receive and file all applications issued for any building or structure in the Village. The building department shall transmit a copy of any such application to the Board.
- (d) The Board require that the application for certificate of appropriateness be supplemented by such additional information or materials as may be necessary for a complete review by the Board. The Board may impose such reasonable conditions or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purpose of this local law.

Section 13. Criteria for Issuing a Certificate of Appropriateness.

- (a) Certificate of appropriateness; general criteria: The Board shall approve the issuance of a certificate of appropriateness only if it determines that the proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the property itself, the district or neighboring properties in such district.
- (b) In making this determination, the Board's decision to approve, approve with modification(s) or deny an application for a certificate of appropriateness for a

building or structure shall be guided by the Secretary of the Interior's Standards for Rehabilitation and by the following principles:

- i. The Board's decision to approve, approve with modification(s) or deny an application for a certificate of appropriateness for an improvement to building or structure located within the Village shall be based on the following principles:
 1. Properties in the Village shall be retained, with their features altered as little as possible;
 2. Any alteration of existing properties shall be compatible with properties in the Village; and
 3. New construction shall be compatible with properties in the Village;
- (c) In applying the principle of compatibility set forth in paragraph (b) of this Section, the Board shall consider the following factors:
- i. The general design and character of the proposed alteration or new construction relative to existing features of the property or improvement, surrounding properties, the neighborhood or the Village;
 - ii. The scale and visual compatibility of the proposed alteration or new construction in relation to the property itself, surrounding properties, the neighborhood and the Village;
 - iii. Texture and materials, and their relation to similar features of the property, other properties in the neighborhood in the Village;
 - iv. Visual compatibility with surrounding properties and properties in the Village, including proportion of the property's façade, proportion and arrangement of windows and other openings within the façade, roof shape, and the rhythm of spacing of properties on streets and the Village, including setback; and
 - v. The importance of historic physical and visual features to the significance of the property.
- (d) In approving an application for a certificate of appropriateness, the Board shall find that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan or with stated modifications, would be consistent with the spirit and intent of this local law, would not be detrimental to the character of the neighborhood, would not prevent inappropriate development and utilization of the site or of adjacent lands and would not adversely affect the functioning economic stability, prosperity, health, safety and general welfare of the community.
- (e) Where the Board grants a certificate of appropriateness under circumstances where the permitted activity is likely to uncover or affect archaeological resources, the Board shall require reasonable efforts to protect and preserve such resources. Where such protection and preservation is not feasible, the Board shall nonetheless impose appropriate and reasonable conditions to insure that the archaeological resource is made accessible for a reasonable period to qualified persons.

- (f) In approving an application for a certificate of appropriateness, the Board shall not review changes to exterior paint colors, but shall approve color changes involving permanent or long-lasting materials.

Section 14. Certificate of Appropriateness Application Procedure.

- (a) Prior to the commencement of any work requiring a certificate of appropriateness, the property owner shall file an application for a building permit with the Village Building Inspector and an application for such certificate with the Board. These applications shall be in front of all affected boards as early in the review process as possible.
- (b) The application for certificate of appropriateness shall contain:
- i. name, address, and telephone number of applicant;
 - ii. building permit application number as assigned by the building department
 - iii. location and photographs of property;
 - iv. dimensioned elevation drawings of proposed changes;
 - v. perspective drawings, including relationship to adjacent properties
 - vi. samples of building materials to be used, including their proposed color;
 - vii. Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and any other information which the Board may deem necessary in order to visualize the proposed work.
 - viii. Other materials and information as required by the Board.
 - ix. A verification from the Village Clerk's Office that the proposed project has received any and all other approvals from any and all Village Boards and Representatives as required by the Code of the Village of Pittsford.
- (c) Upon receipt of all the information required herein, the Board shall deem the application complete and shall place the application on the agenda of the next meeting of the Board.
- (d) The Board or its designee shall report to the Village Board of Trustees on a monthly basis on all activities for which applications were submitted and decisions were made.

Section 15. Certificate of Appropriateness Public Notice Requirements⁶.

⁶ It will be problematic and quite costly for the Board to hold public hearings on each and every application for a C of A. The Village wishes to devise a threshold whereby these Public Notice Requirements would be applied to larger, significant or more impactful projects such as: new construction, additions over a certain square footage, etc. We seek advice on this and on how, other than with signage and e-published agendas, the Board may hold hearings without publishing them in the local weekly newspaper. Currently the APRB holds no official public hearings.

- (a) Upon application for a certificate of appropriateness, a public notice of the proposal shall be posted by the owner or owner's representative on the property for a minimum of ten days. This notice must remain in place until a decision to approve or deny the certificate of appropriateness has been made. The notice shall specify the proposed work, the time and place of the public hearing, and to whom and by when any public comments are to be communicated. The notice must be placed at or near the property line in the front yard so that it will be plainly visible from the street, and, in cases where a property has frontage on more than one street, an additional sign must be placed at or near the property line on any additional street frontage so that the sign will be plainly visible from the street on which it has such additional frontage.
- (b) The Board shall hold a public hearing prior to rendering a decision on any application for a certificate of appropriateness. Notice of the public hearing shall be published in a newspaper of general circulation in the Village at least 10 calendar days prior to the public hearing date. The notice shall specify the time and place of the public hearing, a brief description of the proposal, and the location where the proposal may be reviewed prior to the hearing. The property owner and any interested party may present testimony or documentary evidence regarding the proposal at the hearing, which will become a part of the record. The record may also contain staff reports, public comments, and other evidence offered outside of the hearing, but presented by the hearing date.
- (c) Within 62 days after the close of the public hearing, the Board shall approve, approve with conditions or modifications, request additional information, or deny the certificate of appropriateness.
- (d) In the event, however, that the Board shall make a finding of fact that the circumstances of a particular application require further time for additional study and information than can be obtained within the aforesaid 62-day period after close of the public hearing, then the Board shall have a period of up to one additional 62- day period from the date of any such finding within which to act upon such an application.
- (e) All decisions of the Board shall be in writing. A copy shall be sent to the applicant by mail, and a copy filed with the (Building Inspector) and Village clerk for public inspection, within ten days of the date of the decision. The Board's decision shall state the reasons for approving, approving with modifications or denying any application.

Section 16. Expiration of Approval; Extension of Approval.

Certificates of appropriateness shall be valid for twelve months, after which time the owner shall apply for a new certificate if he/she still wishes to undertake work on the property.

Section 17. Alteration/New Construction Hardship Process and Criteria⁷.

⁷ The Model Code stipulates the Board conducting the Hardship Process. This is also in the current Village Historic Preservation code. However, we seek advice as to whether this responsibility should more appropriately rest with the ZBA or the Trustees.

- (a) An applicant whose certificate of appropriateness for a proposed alteration or new construction of a property has been denied may apply for relief on the ground of economic hardship. In order to prove the existence of economic hardship related to a proposed alteration, the applicant shall establish that : (1) the applicant cannot realize a reasonable return if compliance with the Board's decision is required, provided, however, that the lack of reasonable return is proven by the applicant to be substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested relief, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.
- (b) Public hearing.
- i. Following the submission of a complete application for hardship, the Board may schedule a public hearing or 10-day notice within a reasonable time and determine within 62 days following to the close of any such public hearing held on the application whether the applicant has met his or her burden of proof.
- (c) Board decision.
- i. If the Board finds that the applicant's burden of proof has not been met, the Board shall deny the application for a certificate of economic hardship.
 - ii. If the Board finds that the applicant's burden of proof has been met, the Board shall issue a determination of economic hardship within 62 days of the close of the public hearing held on the application.
 - iii. A decision of the Board on the hardship application shall be in writing and shall state the reasons for granting or denying it. A copy shall be sent to the applicant by registered mail and a copy filed with the Village Clerk's office for public inspection.
- (d) No building permit or other land use approvals shall be issued unless the Board grants the hardship application. If the hardship application is granted, the Board shall approve only such work as is necessary to alleviate the hardship.
- (e) As promptly as is practicable after receiving an application for relief on the ground of economic hardship as provided in this local law, the Board, with the aid of such experts as it deems necessary, shall, in consultation with the applicant, endeavor to develop a plan whereby the properties may be preserved and perpetuated in such manner as to effectuate the purpose of this local law, and also rendered capable of earning a reasonable return.
- (f) Consultation; plan development. The applicant shall consult in good faith with the Board, local preservation groups, and other interested parties in a diligent effort to seek an alternative that will result in preservation of the property. The consulting parties may include interested purchasers, as well as preservation and other interested organizations, public agencies, developers, real estate agents and individuals who may be instrumental in developing an economically feasible solution.

- (g) The Board, in the granting of a certificate of economic hardship, shall grant the minimum terms deemed necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 18. Certificate of Approval, Demolition, Removal, or Relocation of Landmark Buildings, Contributing Buildings to an Historic District, and/or All Other Buildings within the Village of Pittsford⁸.

- (a) Demolition, removal or relocation of a building or structure in the Village shall be allowed only in the case of economic hardship as established pursuant to Section 17 hereinabove, unless the Building Inspector, upon due deliberation has made an express written finding that the structure presents an imminent threat to the public health, safety and welfare.
- (b) Any application for Certificate of Approval for demolition, removal, or relocation the Board shall initially deem it a Type I action under the New York State Environmental Quality Review Act (SEQRA).
- (c) Any person desiring to demolish a building or structure shall first file an application for a demolition permit with the building department and an application for such certificate with the Board. An applicant must submit the following items for the Board's consideration:
- i. Current level of economic return;
 - ii. Amount paid for the property, date of purchase, party from whom purchased, and relationship between the owner of record, the applicant, and person from whom property was purchased;
 - iii. Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - iv. Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years;
 - v. Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations;
 - vi. All appraisals obtained within the last two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - vii. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;

⁸ The role of the Board in determining demolition should continue to rest with the Board. However, as with Hardship Appeal in Section 17, there is a question as to whether the Board, the ZBA or the Trustees should carry this out. We seek advice on the pros and cons of each. The ultimate decision should continue to rest with the Board because it has the right to hold up demolition until a replacement is approved by the Board.

- viii. Any state or federal income tax returns relating to the property for the last two years;
 - ix. Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding: (a) any real estate broker or firm engaged to sell or lease the property, (b) reasonableness of price or rent sought by the applicant, or (c) any advertisements placed for the sale, or rent of the property;
 - x. Feasibility of alternative uses for the property that could earn a reasonable economic return;
 - xi. Report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings on the property and their suitability for rehabilitation;
 - xii. Cost estimates for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a certificate of appropriateness;
 - xiii. Estimated fair market value of the property: (a) in its current condition; and (b) after renovation of the existing property for continued use;
 - xiv. Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation;
 - xv. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property; and
 - xvi. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.
- (d) Demolition of any building or structure may be approved only after the application has obtained a required approval for the replacement structure or structures including the Board's Certificate of Appropriateness to serve.
- (e) The Board shall hold a public hearing on 10-day notice and shall take one of the following actions:
- i. Approve the demolition permit in conformance with the provisions of this section;
 - ii. Approve the demolition hardship permit subject to a waiting period of us to one hundred twenty days to consider rehabilitation and/or relocation;
 - iii. Deny the permit.

Section 19. Affirmative Maintenance and Repair Requirement.

- (a) Ordinary maintenance; repair.
 - i. Nothing in this local law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature that does

- not involve a change in design, building materials, color or outward appearance.
- ii. The Board shall evaluate and decide, without public hearing, whether or not proposed work constitutes ordinary maintenance and repair or requires a certificate of appropriateness.
- (b) No owner or person with an interest in real property shall permit the property to fall into a serious state of disrepair. Maintenance shall be required consistent with the Property Maintenance Code of New York State Uniform Fire Prevention and Building Code and all other applicable local regulations.
- (c) Every owner or person in charge of a structure in the Village shall keep in good repair: (1) all of the exterior portions of such improvement and (2) all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a serious state of disrepair. Examples of types of prohibited disrepair include, but are not limited to:
- i. Deteriorated or crumbling exterior plasters, mortar or facades;
 - ii. Deteriorated or inadequate foundation;
 - iii. Defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
 - iv. Deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;
 - v. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
 - vi. Ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
 - vii. Defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering, which may cause or tend to cause deterioration, decay or damage;
 - viii. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
 - ix. Any fault or defect in the building or structure which renders it not properly watertight or otherwise compromises the life and character of the building or structure.

Section 20. Enforcement and Violations; Penalties.

- (a) All work performed pursuant to a certificate of appropriateness issued under this local law shall conform to the requirements expressly stated in the certificate. It shall be the duty of the building inspector to periodically inspect any such work to assure

- compliance with the certificate and all applicable laws. In the event any requirement included in the certificate of appropriateness has not been met, or upon notification of that fact by the Board, the Building Inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.
- (b) Any owner or person in charge of a property who demolishes, alters, constructs, or permits a designated property to fall into a state of disrepair in violation of this local law in the absence of a certificate of appropriateness, a finding of economic hardship, or other approval by the Board, may be required by the Village Board of Trustees to restore the property and its site to its appearance prior to the violation.
- (c) If, in the judgment of the Board, a violation of this local law exists that will result in a detrimental effect upon the life and character of a building or structure in the Village, the Board shall notify the building inspector. If, upon investigation, the building inspector finds non-compliance with the requirements of the Property Maintenance Code of the New York State Fire Prevention and Building Code, or any other applicable law or regulation, including this Article, the building inspector shall order such remedies as are necessary and consistent with this local law and shall provide written notice thereof to the secretary of the Board.
- (d) Penalties. A violation of this local law is deemed an offense punishable by a fine, imprisonment or both as follows:
- i. First Offense: A first conviction for violation of this local law may result in a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both;
 - ii. Second Offense: A second conviction for violation of this local law, if the occurrence that leads to conviction began within a period of five years from the date of first conviction, may result in a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both;
 - iii. Third Offense: A conviction for a third or subsequent offense all of which were committed within a period of five years from when the occurrence leading to the first conviction began, shall include a fine of not less than
 - iv. \$700 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.
 - v. Each day's continued violation of this local law shall constitute a separate additional offense. In addition to any penalties imposed under this local law, continued violations of this local law shall be punishable in any other manner provided under other local regulations, and state and federal law.
- (e) The Board shall notify the Village Board of Trustees of an enforcement matter arising under this local law and shall refer it to the Code Enforcement Officer. Action to enforce this local law shall be brought by the Code Enforcement Officer civil

remedies authorized under this section shall be in addition to and not in lieu of any criminal prosecution and penalty.

Section 21. Definitions.

As used in this local law, the following words and phrases have the following meaning:

Building or Structure: Any construction created to shelter any form of human, such as a house, garage or barn, and which is permanently affixed to the land. Building or structure may also refer to a related complex, such as a house and a barn.

Certificate of Appropriateness: An official form issued by the (Village/Town/City) Board stating that the proposed work on an designated historic landmark is compatible with the historic character of the property and thus in accordance with the provisions of this local law and therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the (Village/Town/City)'s departments may issue any permits needed to do the work specified in the certificate.

Certificate of Economic Hardship: An official form issued by the Board when the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of all reasonable use of, or economic return on, the property

Change: Any alteration, demolition, removal or construction involving any property subject to the provisions of this local law.

Character: Defined by form, proportion, structure, plan, style or material. General character refers to ideas of design and construction such as basic plan or form. Specific character refers to precise ways of combining particular kinds of materials.

Compatible: In harmony with location, context, setting, and historic character.

Demolish: Any act or process that removes or destroys in whole or in part a building, structure, or resource.

Demolition Permit: A permit issued by the building official allowing the applicant to demolish a building or structure, after having received a certificate of demolition approval from the Board.

Evaluation: The process by which the significance and integrity of a building, structure, object, or site is judged by an individual who meets the professional qualification standards published by the National Park Service in the Federal Register (Code of Federal Regulation, 36 CFR Part 61), as determined by the State Historic Preservation Office, using the designation criteria outlined in Article 11 of this Local law.

Exterior Architectural Features: The architectural style, design, general arrangement and components of all of the outer surfaces of any building or structure.

Feature: Elements embodying the historical significance or architectural style, design, general arrangement and components of all of the exterior surfaces of any landmark or

historic resource, including, but not limited to, the type of building materials, and type and style of windows, doors, or other elements related to such landmark or historic resource.

Governing Board or Municipal Governing Board: The law making or legislative body of a city, town, village or county. In towns, the governing Board is the town Board; in villages, the village Board of trustees; in cities, the common council or the city council; and, in counties, the county legislature or the Board of supervisors.

Historic Context: A unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period and geographical area.

Historic District - Local: The area within the corporate limits of the Village of Pittsford, New York.

Historic Fabric: Original or old building materials (masonry, wood, metals, marble) or construction.

Historic Integrity: The retention of sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance.

Historic Resources SuNey: a) the process of systematically identifying, researching, photographing, and documenting historic resources within a defined geographic area, and b) the resulting list of evaluated properties that may be consulted for future designation. For the purpose of this Local law, all surveys shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation, as may be amended.

Historic Significance: The quality of a place, site, building, district or structure based upon its identification with historic persons or events in the Village of Pittsford.

Integrity: The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Maintain: to keep in an existing state of preservation or repair.

Move: Any relocation of a building or structure on its site or to another site.

National Register of Historic Places: The official inventory of the nation's historic properties, districts, sites, districts, structures, objects and landmarks which are significant in American history, architecture, archaeology, and culture, maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63, as may be amended).

Non-contributing: A feature, addition or building, structure, object or site which does not add to the sense of historical authenticity or evolution of an historic resource or landmark or where the location, design, setting, materials, workmanship, history, and/or

association of the feature, addition or building, structure, object or site has been so altered or deteriorated that the overall integrity of that historic resource or landmark has been irretrievably lost.

Owner: Those individuals, partnerships, corporations, or public agencies holding fee simple title to property, as shown on the records of the (Property Records Section) of the (Village/Town/City).

Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Preventative Maintenance: Any work to prevent deterioration or damage to the structural integrity or any exterior feature of a landmark or historic resource that does not involve a change in design, material or exterior appearance. Such work includes, but is not limited to, painting, roof repair, foundation or chimney work, or landscape maintenance.

Rehabilitation: The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features of the property which convey its historical, architectural and cultural values.

Repair: Acts of ordinary maintenance that do not include a change in the design, material, form, or outer appearance of a resource, such as repainting. This includes methods of stabilizing and preventing further decay, and may incorporate replacement-in-kind or refurbishment of materials on a building or structure.

Restoration: The act or process of accurately depicting the form features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Retain: The act of keeping an element, detail or structure and continuing the same level of repair to aid in the preservation of elements, sites, and structures.

Secretary of the Interior's Standards for the Treatment of Historic Properties: Principles developed by the National Park Service (36 C.F.R. 68.3, as may be amended) to help protect historic properties by promoting consistent preservation practices and providing guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the

treatment of historic properties. The Secretary of the Interior Standards for the Treatment of Historic

Properties may also be referred to in this local law as "Secretary of the Interior's Standards. 11

Significant: Having particularly important associations with the contexts of architecture, history and culture.

Site: The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, structures or other objects. Examples of a site are a battlefield, designed landscape, trail, or camp site.

Stabilization: The act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

Structure: Any assemblage of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

Style: A type of architecture distinguished by special characteristics of structure or ornament and often related in time; also a general quality of distinctive character.

Undertaking: Any project or other action involving the expansion, modification, development or disposition of the physical plant or any site or building.

Section 22. Severability.

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. The (Village Board/Town Board/City Council) hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Append to final document:

- Secretary of the Interior's Standards for the Treatment of Historic Properties
- Village of Pittsford Design Guidelines

**NOTICE OF PUBLIC HEARING
VILLAGE OF PITTSFORD**

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, on Tuesday, November 11, 2018 at 7:30 p.m. at 21 North Main Street, Pittsford, New York. The Board will consider the adoption of an update to the Historic Preservation Code.

A copy of the proposed local law is on file in the Office of the Village Clerk, where interested parties may inspect between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday or on the Village website www.villageofpittsford.org.

Village of Pittsford
Board of Trustees
Dorothea M. Ciccarelli, Secretary

Village Board Meeting
October 11, 2018

Meeting Items
Agenda Item 4

7:30 PM Public Hearing – Application for
Moratorium Relief

Village Board Meeting
October 11, 2018

Meeting Items
Agenda Item 5

4th Annual New York State Local Government
Innovation Conference

Summary of Sessions

Keynote - Stephen Keith "Steve" Benjamin, Mayor of Columbia, South Carolina

Steve Benjamin is serving in his third term as Mayor of Columbia, South Carolina. He is the current President of the US Conference of Mayors. Mayor Benjamin has made it his mission to create in Columbia the most talented, educated and entrepreneurial city in America.

Mayor Benjamin is the first African American mayor in the city's history. He is a native of Queens, New York, and returned to his parent's home state to attend the University of South Carolina to study Political Science. His service in Columbia started back in 1990 when he served as student body president at the University of South Carolina, later becoming the Student Bar Association President at the USC School of Law.

At 29 years old in 1999, Benjamin was appointed to Governor Jim Hodges' cabinet as director of the state's second largest law enforcement agency, the Department of Probation, Parole and Pardon Services.

Mayor Benjamin has continued his service to the community in serving on numerous boards for nonprofit organizations such as the Columbia Urban League, Benedict College, the Greater Columbia Chamber of Commerce and as a founding board member of the Eau Claire Promise Zone. He also served as a founding member of Choose Children First and chief legal counsel for Midlands Crimestoppers.

Reelected by a 30 percent margin in November 2013, Mayor Benjamin's administration has been characterized by his firm belief in Columbia's potential and intense focus on job creation. In his first term alone, his leadership helped cut unemployment in the metro by roughly half and secured billions of dollars in new regional capital investment in the midst of a national recession.

Combined with the rebirth of Main Street, these accomplishments have drawn national attention and accolades including his being awarded an Aspen Rodel Fellowship and receiving an Honorary Doctor of Humanities from Francis Marion University. He has twice been named to The Washington Post's "The Root 100 List" (2011 and 2013) as well as the 2014 GRIO 100 and was honored to receive a 2014 Triumph Award from the National Action Network as their 2014 Public Servant of the Year.





As part of his commitment to fostering a world class police department in the City, Mayor Benjamin introduced the “Justice for All” initiative in 2014, which implemented new training, competitive pay, diverse representation and community engagement to strengthen the foundation of trust and accountability that exists between our communities and law enforcement agencies.

Mayor Benjamin received a presidential commendation for his work on behalf of My Brother’s Keeper (MBK). The city’s MBK efforts, in addition to Mayor Benjamin’s leadership, have led to Columbia being seen as a nationwide leader in implementing and upholding the missions of the program.

In addition to serving as Mayor of Columbia, Mayor Benjamin also serves as President of the U.S. Conference of Mayors and as Chairman for Municipal Bonds for America. He teaches a class at the University of South Carolina Honors College and Columbia College titled “Columbia, South Carolina: Building a Great City” and is a member of Kappa Alpha Psi and Sigma Pi Phi fraternities.

Mayor Benjamin is married to the Honorable DeAndrea Gist Benjamin, Chief Administrative Judge (Common Pleas) for South Carolina's Fifth Judicial Circuit. The two are the proud parents of daughters Bethany (13) and Jordan Grace (10).

He is a firm believer in common sense bipartisan leadership and endeavors to implement policies and programming that provide the best course of action for city residents.

Plenary Session - Sam Edelstein, Chief Data Officer, City of Syracuse; Kirk McLean, Director of Open Data, City of Buffalo; Kate May, Chief Performance Officer, City of Rochester

This panel brings together data management and performance executives from three upstate cities that have made transformational commitments to incorporate data into their management and decision-making processes. They are part of an emerging statewide community of practice around local government data management. Panelists will discuss their experiences incorporating new technologies, leveraging existing information streams, and building partnerships across traditional organizational boundaries to fulfill public their mayors’ promises and control costs. They will answer questions from the audience about what works and where they can turn for help taking the next steps to seize control of their data and extract meaningful insights.

Track 1 – Utilizing Local Government Efficiency Funding for Shared Services and Consolidation

Local government officials have historically looked to their neighbors to support the delivery of services and reduce expenses, with great success. This track will provide examples of sharing in three functional areas and discuss new opportunities to leverage state resources to meet local needs.

Session 1 – County-wide Code Enforcement

New York counties and constituent local governments partner to deliver many forms of local government services, including building code enforcement. A potentially demanding job that requires technical knowledge and training, it can be difficult for many local governments to enforce the Uniform Fire Prevention and Building Code with part time code officials sometimes shared among several municipalities. A county code enforcement office can provide coordinated code enforcement where and when it's needed while allowing for the development of expertise among code officials, utilization of new technology and saving taxpayers money. This session will review what two counties are doing to support code enforcement of partner towns and villages, and explore new opportunities to expand these partnerships.

Moderator – Brian Tollisen – NYS Department of State - Division of Building Standards and Codes

Session 2 – Sharing Information Technology Services

Much like the county managed enforcement of the Uniform Fire Prevention and Building Code, the sharing and consolidation of information technology services is an opportunity for local governments to build enhanced services by leveraging the capacity of the full-time IT services supported by larger local governments. Important to this service is data security, as it is estimated that over 15 percent of all cyber attacks impact the public sector. These attacks can require the replacement of software and hardware, impact revenues and cause missing data. In addition, larger IT programs can provide new resources that smaller local governments do not have. This session will review the comprehensive sharing of IT services amongst local governments in Tioga County, as well as smaller efforts beginning with schools and local governments.

Moderator – Kyle Wilber – NYS Department of State – Division of Local Government Services

Session 3 – Shared Emergency Communications

The size of emergency dispatch and communications systems across New York State vary between regions, with many counties hosting consolidated Public Service Answering Points (PSAPs) and dispatch services, while in other places the services are more decentralized. Many of the consolidated systems have received financial assistance through the Local Government Efficiency Program at the Department to implement new management and organizational structures. This session will review current activity in shared emergency communications and dispatch, as well as discuss opportunities to meet emerging needs through the development of regional solutions.

Moderator - DOS Staff

Track 2 – Data and Information Management

Session 1 – Access to data for little or NO cost

In Spring 2018, the Office of Local Government at the Department of State conducted a study of local government data practices. A common theme in responses was a concern that local governments simply do not have the data they need to achieve top goals like controlling costs or eliminating ineffective practices. In this workshop DOS staff will present some strategies and tactics local leaders can employ to obtain and analyze data. We will focus on tools that are free or low-cost and suitable even for small local governments that may not have any dedicated technology support staff.

Session 2 – What Works Cities (double-session)

This workshop explores the topic of data management capability and steps local leaders in New York can and should be taking to assure they have the tools and skills to make data-informed decisions. A variety of certification programs and communities of practice are available to help your local government take the next step no matter what level you are at. We will specifically examine the What Works Cities standard and certification program, which many cities and towns are eligible to pursue, as an example.

Track 3 – Current Topics and Project Development

Session 1 - Land Use Planning for Financial Sustainability

Sustainable land use planning refers not only to protecting the environment, character, and orderly development of a region but also to the financial viability of the local governments in it. Some local officials are rethinking how the land within their borders is zoned based on its potential value, factoring in the value of nearby existing development and infrastructure, and it turns out maximizing development potential for a local government's financial bottom line often looks similar to encouraging development consistent with other elements of smart growth. Two local officials will explain what their local governments are doing to align land use planning with their communities' long-term financial viability. A third panelist will share with us the logic behind land-value taxation, which is used in several Pennsylvania municipalities but not currently anywhere in New York. When the value of land rather than buildings figures more prominently in property tax assessments, incentive is created to develop the most valuable land, which can result in a reduction of sprawl on greenfield sites.

Moderator: Christopher Eastman, New York Department of State, Division of Local Government

Session 2 – Department of State Led Statewide Initiatives

Currently the Department of State is leading the charge on several Statewide Local Government Initiatives. The Governor's Deputy Director of State Operations Rich Tobe will lead discussion about the important work the Department is overseeing. Topics will include the 2020 Census efforts and the County-Wide Shared Service Initiative, as well as efficiency programs offered by DLGS. Michael Bopp and a representative from Jamestown, NY are tentatively set to participate. There will be a question and answer period following the initial discussion.

Session 3 - Regional Project Strategy Labs

The Department of State, Division of Local Government Services regional staff will be available individual discussions with local government officials about project development and other assistance. The discussions will be regionally based, enabling officials and DOS staff to focus on issues of local importance and opportunities to implement regionally significant projects. Topics for discussion include: how the Department of State may be able to assist them with technical expertise or as a liaison to other State agencies or potential funding and utilization of grant programs including the Local Government Efficiency, the Municipal Restructuring, the Northern Border Regional Development program and the Appalachian Regional Development Program.



TIME	SPEAKER	TOPIC	LENGTH	
8:00-9:00		Registration/Breakfast	1 hour	
9:00-9:05	Ann Thane Director of Local Government Services	Welcome/Intro Secretary	5 min	
9:05-9:10	Rossana Rosado Secretary of State	Local Government Efficiency & Innovation Initiatives	5 min	
9:10-10:10	Keynote: Steve Benjamin, Mayor of Columbia, South Carolina		1 hour	
10:10-10:25	BREAK			
10:25 – 11:40	Joint Plenary: A Conversation with Leading Lights in Data-Driven Government with Sam Edelstein (Syracuse), Kirk McLean (Buffalo), Kate May (Rochester)		75 min	
11:40-12:40	LUNCH Local Government Trivia /Mix with State Agencies			
WORKSHOPS				
	TRACK 1	TRACK 2	TRACK 3	
	<i>Utilizing Local Government Efficiency Funding</i>	<i>Utilizing Data Strategically</i>	<i>Current Initiatives and Project Development</i>	
12:45-2:00	Countywide Code Enforcement	Access to data for little or NO cost	Innovative Land Use Planning for Financial Sustainability	75 min
2:05-3:20	Sharing Information Technology Services	What Works Cities	DOS led Statewide Initiatives (Census and CWSSI)	75 min
3:20-3:35	BREAK			
3:35-4:50	Shared Emergency Communications	What Works Cities	Regional Project Strategy Labs	75 min
4:50	Adjourn			

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October 11, 2018

Meeting Items
Agenda Item 6

Member Items

Village Board Meeting
October 11, 2018

Agenda Item 2

Building Inspector Report

Village Board Meeting
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Agenda Item 1

DPW Report

DPW REPORT OCTOBER 2018

Truck 12:

- The roof on the cab is rotted
- Water is leaking into the cab
- We sealed it up with silicon and rubber tape which seems to be holding up for now
- Cost for repairs \$3,403.02

Catch Basin on Schoen Place:

- Installed a new catch basin in front of Towpath Bike Shop due problematic puddling
- There are many drainage concerns along Schoen Place
- The age of the road is showing signs of failure
- Curbing is pulling away from the sidewalk in some areas
- Other drainage structures are starting to fail

Sidewalk in front of 8 Monroe Ave:

- We took out large sections of concrete
- Filled in the voids with hot patch asphalt
- Given that winter is just about here I do not want to pour concrete and risk having it spall do to not having enough time to cure before it is exposed to freezing and salt
- We will remove the 100' section of sidewalk and replace with concrete as soon as the weather breaks in the spring

Path from the RG&E ROW through Auburn Line Park

Sidewalk Machines for clearing snow

Ford Field Runoff

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Agenda Item 3

Village Attorney

Village Board Meeting
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Agenda Item 4

Treasurers / Village Clerk Report

- Bill Pay
- IT Upgrade
- Hotel Tax

TREASURER'S REPORT

*Submitted by
Mary Marowski*

10/11/18

- **Vouchers for approval – Abstract #6**

- General Fund (#240-#246, #248-#267, #269-#280, #282-#292): \$ 63,609.37
- Sewer Fund (#223, #259, #281): \$ 39,238.04
- Bathroom Reno (#247, #268): \$ 30,920.36

Total Vouchers for Approval: \$133,767.77

October 11, 2018

Agenda Item 5

Minutes