

Minutes of the Town Board for October 16, 2018

**TOWN OF PITTSFORD
TOWN BOARD
OCTOBER 16, 2018**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, October 16, 2018 at 6:00 P.M. local time in the Pittsford Town Hall, 11 South Main Street, Lower Level Meeting Room.

PRESENT: Supervisor William A. Smith, Jr.; Councilpersons Kevin Beckford, Katherine Bohne Munzinger, Matthew J. O'Connor and Stephanie M. Townsend.

ABSENT: None.

ALSO PRESENT: Staff Members: Jessie Hollenbeck, Recreation Director; Paul Schenkel, Commissioner of Public Works; Greg Duane, Finance Director; Robert Koegel, Attorney, Linda M. Dillon, Town Clerk, Suzanne Reddick, Assistant to Supervisor and Shelley O'Brien, Communication Director.

ATTENDANCE: There were eleven (11) members of the public in attendance. There were also two (2) additional staff members present and an interpreter, Christine Avila-Smith.

Supervisor Smith called the Town Board meeting to order at 6:00 P.M. Thereafter, the Town Clerk noted all members of Town Board to be present. Supervisor Smith thereafter invited Councilman O'Connor to lead all present in the Pledge to the Flag.

PUBLIC HEARING

SEWER EXTENSION PSD NO. 79 - WEINGARTNER AND MACKOWIAK

Following a brief description of the proposed Sewer Extension PSD No. 79, Supervisor Smith opened the public hearing for comments regarding the proposed Sewer Extension PSD No. 79, to allow private property owners at 2606 Clover Street within the Town to upgrade their wastewater disposal system by connecting to the Town Sanitary Sewers.

Having no other comments offered, the Public Hearing was declared closed by Supervisor Smith.

SEWER EXTENSION PSD NO. 79 APPROVED

A written Resolution to approve proposed Sewer Extension PSD No. 79 was offered by Deputy Supervisor Munzinger, seconded by Councilman O'Connor, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, a Petition having been duly presented to the Town Board of the Town of Pittsford, Monroe County, New York, together with the necessary maps and information which requests an Extension to the Pittsford Sewer District, to be known as "PSD No. 79"; and

WHEREAS, the aforesaid Petition was signed by the sole joint owners of the property within the proposed Extension to the District; and

WHEREAS, an Order was duly adopted by the Town Board on the 17th day of September, 2018, for the hearing of all persons interested in the matter to be held on the 16th day of October, 2018, at 6:00 o'clock P.M., Local Time, at the Pittsford Town Hall, 11 South Main Street, Town of Pittsford, New York; and

WHEREAS, due proof of publication and posting of the said Order has been duly filed with the Clerk of the said Town Board; and

WHEREAS, the hearing required by the said Order has been duly held, and it appears from the said Petition that the proposed Extension to the District does not require any expenditure of money for the construction or acquisition of the improvement therein, and does not require the financing of the cost thereof by the issuance of any bonds, notes, certificates of any indebtedness of said Town; and

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WHEREAS, the within action is a Type II action, pursuant to the SEQRA regulations published at 6 NYCRR § 617.5 (c)(11), requiring no further environmental review by the Town Board; and

WHEREAS, the permission of the Comptroller of the State of New York is not required for the Extension to the District;

NOW, ON MOTION duly made and seconded, it is unanimously

RESOLVED AND ORDERED, that

- (a) The Petition is signed and acknowledged or approved as required by law and is otherwise sufficient;
- (b) All the property and the sole property owners within the Extension to the District are benefited thereby;
- (c) All the property and the sole property owners benefited are included within the limits of the Extension to the District;
- (d) The expenses of Maintenance of the Extension to the District are to be paid by the sole property owners annually on a benefit basis; and
- (e) It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND ORDERED, that Extension "PSD No. 79" to the Pittsford Sewer District be and the same hereby is created, and that the boundaries of the Extension, as hereby created, are as set forth in "Schedule A" annexed hereto, and as further set forth on the map annexed hereto as "Schedule B"; and it is further

RESOLVED AND ORDERED, that all improvements to the sewer system required for the Extension will be constructed or caused to be constructed by the Petitioner, at the expense of the Petitioner; and it is further

RESOLVED AND ORDERED, that the Town Clerk is hereby directed to record in the Monroe County Clerk's Office and file with the New York State Office of Audit and Control certified copies of the within Resolution, as required by law.

SEWER DISTRICT EXTENSION SWBC NO. 49 - SPILOTIS

Following a brief description of the proposed Sewer Extension SWBC No. 49, Supervisor Smith opened the public hearing for comments regarding the proposed Sewer Extension SWBC No. 49, to allow private property owners (Tax Account No. 163.03-1-68) to connect their private effluent system to the Town Sanitary Sewers in the Pittsford Sewer District.

Having no other comments offered, the Public Hearing was declared closed by Supervisor Smith.

SEWER EXTENSION SWBC NO. 49 APPROVED

A written Resolution to approve proposed Sewer Extension SWBC No. 49 was offered by Councilwoman Townsend, seconded by Councilman O'Connor, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, a Petition having been duly presented to the Town Board of the Town of Pittsford, Monroe County, New York, together with the necessary maps and information which requests an Extension to the Pittsford Sewer District, to be known as "SWBC No. 49"; and

WHEREAS, the aforesaid Petition was signed by the sole joint owners of the property within the proposed Extension to the District; and

WHEREAS, an Order was duly adopted by the Town Board on the 17th day of September, 2018, for the hearing of all persons interested in the matter to be held on the 16th day of October, 2018, at 6:00 o'clock P.M., Local Time, at the Pittsford Town Hall, 11 South Main Street, Town of Pittsford, New York; and

WHEREAS, due proof of publication and posting of the said Order has been duly filed with the Clerk of the said Town Board; and

WHEREAS, the hearing required by the said Order has been duly held, and it appears from the said Petition that the proposed Extension to the District does not require any expenditure of money for the construction

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or acquisition of the improvement therein, and does not require the financing of the cost thereof by the issuance of any bonds, notes, certificates of any indebtedness of said Town; and

WHEREAS, the within action is a Type II action, pursuant to the SEQRA regulations published at 6 NYCRR § 617.5 (c)(11), requiring no further environmental review by the Town Board; and

WHEREAS, the permission of the Comptroller of the State of New York is not required for the Extension to the District;

NOW, ON MOTION duly made and seconded, it is unanimously

RESOLVED AND ORDERED, that

- (f) The Petition is signed and acknowledged or approved as required by law and is otherwise sufficient;
- (g) All the property and the sole property owners within the Extension to the District are benefited thereby;
- (h) All the property and the sole property owners benefited are included within the limits of the Extension to the District;
- (i) The expenses of Maintenance of the Extension to the District are to be paid by the sole property owners annually on a benefit basis; and
- (j) It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND ORDERED, that Extension "SWBC No. 49" to the Pittsford Sewer District be and the same hereby is created, and that the boundaries of the Extension, as hereby created, are as set forth in "Schedule A" annexed hereto, and as further set forth on the map annexed hereto as "Schedule B"; and it is further

RESOLVED AND ORDERED, that all improvements to the sewer system required for the Extension will be constructed or caused to be constructed by the Petitioner, at the expense of the Petitioner; and it is further

RESOLVED AND ORDERED, that the Town Clerk is hereby directed to record in the Monroe County Clerk's Office and file with the New York state Office of Audit and Control certified copies of the within Resolution, as required by law.

RESOLUTION IN SUPPORT OF PITTSFORD RESIDENTS APPROVED

Supervisor Smith departed from the Agenda to introduce a Resolution in Support of the Residents of Pittsford, New York. After Supervisor Smith read the proposed Resolution, he offered a motion to approve the Resolution, which was seconded by all members of the Council, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, the Town of Pittsford, New York has a long and proud history of welcoming all who choose to make the Town their home; and

WHEREAS, the Town Board of Pittsford recognizes that living in a community comprising residents from myriad national, ethnic and religious backgrounds enriches our community culture, our lives, and for each of us broadens our understanding and appreciation of the world and our place in it; and

WHEREAS, in Pittsford we value our friends and neighbors for the content of their character, regardless of their cultural background, regardless of whether they find love in this life with members of the opposite sex or of their own, regardless of how they worship, regardless of any disability they may live with; regardless of any other condition of their lives, we value them for themselves; now, therefore, be it

RESOLVED, that the Town Board of Pittsford re-affirms our tradition and commitment to welcome all and to treat each person equally, with dignity and with respect; and be it further

RESOLVED, that as representatives of our community we will not tolerate prejudice or harassing behaviors and want all people to feel safe, valued and welcome in the community of Pittsford.

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MEETING MINUTES OF OCTOBER 2, 2018 AMENDED

Councilwoman Townsend requested an amendment to the Minutes to include, under “Community Survey Bid Award” that she expressed concern about spending money to build an online survey platform and whether the survey will be a thorough community assessment or a marketing survey.

It was noted at the October 2 meeting that the survey will be a community assessment to help inform future policy choices.

Thereafter, a motion to amend the October 2, 2018 Minutes accordingly was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Munzinger, O’Connor, Townsend and Smith. Nays: none. Abstain: Beckford

The Resolution was declared carried as follows:

RESOLVED, that the Draft Minutes of the October 2, 2018 be amended as follows:

Page 5, Paragraph 2 – Add:

Councilwoman Townsend raised concerns about spending money to build an online survey platform and whether the survey will be a thorough community assessment or a marketing survey.

MEETING MINUTES OF OCTOBER 2, 2018 APPROVED AS AMENDED

A Resolution to approve the Amended Meeting Minutes of October 2, 2018 was offered by Supervisor Smith, seconded by Councilman O’Connor, and voted on by members as follows: Ayes: Munzinger, O’Connor, Townsend and Smith. Nays: none. Abstain: Beckford.

The Resolution was declared carried as follows:

RESOLVED, that the Meeting Minutes of October 2, 2018 are approved as amended.

LEGAL MATTERS

HISTORIC INVENTORY STRUCTURE – CREATION OF HISTORIC INVENTORY STRUCTURE LIST APPROVED

Supervisor Smith presented a brief background regarding the Historic Resource Survey Update completed in January, 2017 by Bero Architecture and the Town Design Review and Historic Preservation Board’s recommendations for the Town Board to create a Historic Inventory Structure List, and to include eight (8) more additional structures to the list.

Councilman O’Connor, an owner of a residence on the Historic Inventory Structure list, inquired if all owners, including those of the additional eight structures, would be notified in writing that the list has been approved by Town Board, allowing the structures to be designated as landmarks using the Design Review and Historic Preservation Board process, if owners so choose.

Deputy Supervisor Munzinger indicated that a letter had been previously drafted and mailed to the owners on the initial list. This letter could be sent again, and include the additional eight, notifying all those on the approved list of the Town Board’s approval and their opportunity to be officially designated as an historic landmark in Pittsford through the Design Review and Historic Preservation Board’s process.

Thereafter, a motion was made by Supervisor Smith, seconded by Councilman O’Connor, that the Town Board create a list of inventoried structures for potential designation as Town landmarks. This was then voted on by members as follows: Ayes: Beckford, Munzinger, O’Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, pursuant to Town Code § 185-195.2.A, the Town Board shall, at its discretion, and by resolution, create and update a list of inventoried structures that the Town Board finds generally meet the criteria set forth in Town Code § 185-195.3 for potential designation as a landmark; and

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WHEREAS, pursuant to Town Code § 185-195.2.B, in creating and updating the list of inventoried structures, the Town Board shall take into consideration the results of any survey conducted by the Design Review and Historic Preservation Board (the "DR&HPB"), pursuant to Town Code § 185-150.A(8); the recommendations of a qualified consultant commissioned by the Town Board to make such recommendations; and/or input from community organizations or citizens; and

WHEREAS, pursuant to Town Code § 185-150.A(8), the results of any survey conducted by the DR&HPB and commissioned by the Town Board shall be submitted to the Town Board for potential amendment to the Town's list of inventoried structures and shall include, at a minimum, representative photographs of structures the Board finds to be appropriate for inclusion in the Town's inventoried structures list, together with statements as to the relevant background and the distinguishing character-defining features of each such structure; and

WHEREAS, the DR&HPB has retained, and the Town Board has commissioned, the services of a qualified consultant, Bero Architecture PLLC, which has prepared and submitted to the Town Board an "Historic Resource Survey Update," dated January 2017, ("Update") which, among other things, identifies and rates some 82 structures with a high potential for landmark designation within the Town by photograph, address, approximate year built, and comments, as appears from pages 24 through 43 of the Update, a copy of which is submitted herewith; and

WHEREAS, the DR&HPB has recommended that an additional 8 structures identified and described in a 2015 spreadsheet made available with the Update be included in the Town's list of inventoried structures, as appears from a copy of an Addendum submitted herewith; and

WHEREAS, the Town Board has carefully considered the Update and the Addendum (together hereinafter, the "Inventoried Structures List"), the recommendations of Bero Architecture PLLC, and input from the DR&HPB and the community; and

WHEREAS, the Town Board's creation of a list of inventoried structures that the Town Board finds generally meet the criteria for potential designation as a landmark is a Type II action under the New York State Environmental Quality Review Act ("SEQRA"), requiring no further environmental review pursuant to 6 NYCRR § 617.5(c)(32);

NOW, on Motion duly made and seconded, it was

RESOLVED, that the Town Board of the Town of Pittsford does hereby create a list of inventoried structures that the Town Board finds generally meet the criteria for potential designation as a landmark, which list is the Inventoried Structures List submitted herewith.

A summary of the list is as follows – The complete list and file of same can be found in our General Files under Historic Inventoried Structures:

*777 Allens Creek Road
7 Bragdon Drive (aka 3940 East Ave)
2759 Clover Street
3114 Clover Street
3690 East Avenue
4040 East Avenue
4095 East Avenue (Nazareth College)
4383 East Avenue
91 Golf Avenue
18 Harwood Lane
25 Harwood Lane
36 Knollwood Drive
85 Knollwood Drive
16 Mitchell Road
14 San Rafael Drive
15 San Rafael Drive
22 San Rafael Drive
24 San Rafael Drive
25 San Rafael Drive*

*18 Stoney Clover Lane
495 Thornell Road
474 Allens Creek Road
501 Allens Creek Road
835 Allens Creek Road
239 Alpine Drive
25 Briar Patch Road
2 Brightford Heights
1906 Calkins Road
2568 Clover Street
2963 Clover Street
3405 Clover Street
81 Country Club Drive
40 Country Club Drive N
20 Country Club Road
55 Crestline Road
3764 East Avenue
3838 East Avenue
3901 East Avenue*

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4035 East Avenue
4347 East Avenue
4401 East Avenue
East Street, 1832 (East St Burial Ground)
210 Fairport Road
75 French Road
174 Golf Avenue
7 Harwood Lane
29 Harwood Lane
39 Harwood Lane
43 Harwood Lane
143 Kilbourn Road
101 Knollwood Drive
7 Landsdowne Lane
40 Long Meadow Circle
191 Long Meadow Circle
201 Long Meadow Circle
355 Mendon Road
44 Parker Drive
6 San Rafael Drive
8 San Rafael Drive
26 San Rafael Drive
143 South Main Street
17 Stoney Clover Lane
23 Sunset Boulevard
25 Sunset Boulevard
58 Washington Road

70 Washington Road
77 West Bloomfield Road
90 West Brook Road
215 West Brook Road
225 Woodland Road
251 Alpine Drive
1733 Calkins Road
2969 Clover Street
3125 Clover Street
280 Kilbourn Road
72 Knollwood Drive
3536 Monroe Avenue
15 School Lane
2 Stoney Clover Lane
164 West Jefferson Road
165 West Jefferson Road
253 Tobey Road

Eight (8) Additional Structures:

3524 East Avenue
3848 East Avenue
85 East Jefferson Road
200 French Road
365 French Road
36 Harwood Lane
175 Kilbourn Road (Oak Hill CC)
621 Mendon Center Road

FINANCIAL MATTERS

SUPERVISOR'S 2019 PROPOSED BUDGET PRESENTATION

Supervisor Smith presented the 2019 Proposed Town Budget with a slide presentation. He noted the Town recently had its triple-A credit rating reaffirmed by Moody's, the highest credit rating possible, and Pittsford the only town in upstate New York to have earned it, a reaffirmation of Pittsford's fiscally sound practices, operations and management. He noted that, among the 17 Towns in Monroe County, Pittsford has the 7th lowest tax rate. Town tax under the proposed budget continues to comprise less than \$0.09 of every dollar in property taxes paid by Pittsford residents.

In his presentation the Supervisor noted that the proposed 2019 budget:

- Cuts the Town tax rate by 6.6% and reduces the Town tax levy by 1.3%
- Maintains and improves Town services
- Town tax continues to comprise less than \$0.09 of every dollar in property taxes paid by Pittsford residents
- Fully complies with the tax cap
- Funds two new positions in the Highway Department, specifically dedicated to response to requests by residents
- Provides an additional \$337,000 in road maintenance funds, to hasten the schedule of road resurfacing and maintenance.
- Provides an additional \$75,000 for the community services budget line, to keep up with the pace of the significant increase in requests for specific services over the past year and more.

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- Funds Pittsford Youth Services (PYS) at \$53,540 – a 48% increase over the last two years, and fully funds PYS's budget request for next year
- Increases funding for senior programs by 8.48% over last year.
- Accommodates the increase in personnel costs imposed by the State increase in the Minimum Wage Rate
- Provides \$87,500 for necessary maintenance for the Library, now 13 years old, including painting, carpeting and a new HVAC unit.

PUBLIC HEARING FOR PROPOSED 2019 BUDGET SET FOR NOV. 7, 2018 AT 6PM

Following the Supervisor's 2019 Budget presentation, Supervisor Smith made a motion to set the Public Hearing on the 2019 Proposed Budget, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The following Resolution was declared carried as follows:

RESOLVED, that a public hearing on the proposed Town Budget for 2019, the 2019 Special District Budgets, the Sewer Rent Rolls and Debt Service Budgets be set for Wednesday, November 7, 2018 at 6:00 P.M. in the Pittsford Town Hall.

SURPLUS APPROVED

A Resolution to approve the Surplus Inventory as submitted by the Finance Director, Greg Duane, was offered by Deputy Supervisor Munzinger, seconded by Councilman O'Connor, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the following list of equipment be declared surplus/junk and be removed from the Town's Inventory:

<u>Asset</u>					
<u>#</u>	<u>Year</u>	<u>Description</u>	<u>Department</u>	<u>Cost</u>	<u>Disposition</u>
12441	1990	Bookcase	Senior	208.00	Junk
14342	2004	Floral Tapestry	Senior	165.85	Junk
14431	2004	Display Shelf Wall Projection	Senior	240.08	Junk
15375	2003	Screen	Senior	191.95	Junk
16209	2005	Metal Desk	Senior	267.00	Junk
16730	2005	Frigidaire Freezer	Senior	2456.00	Junk
16732	2005	GE Stove	Senior	3365.00	Junk
16733	2005	GE Stove	Senior	3365.00	Junk
16834	2011	Office Chair	Senior	159.77	Junk

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OCTOBER VOUCHERS APPROVED

A Resolution to approve the October 2018 vouchers was moved by Deputy Supervisor Munzinger, seconded by Councilman O'Connor, and voted on by the members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the October 2018 vouchers No. 138,621 through No. 138,820 in the amount of \$ 1,284,050.81 are approved for payment.

BONDING FOR TUB GRINDER APPROVED

The Board discussed the need to replace the Town's Tub Grinder, the piece of equipment the Town needs in order to continue its program of yard debris collection, recycling and providing free mulch to Town residents. Commissioner of Public Works Paul Schenkel and Finance Director Greg Duane referred to their full presentation made at the October 2nd Town Board meeting, describing the need to replace the tub grinder due to its age and condition, a highly cost-effective opportunity to acquire a replacement, options for funding the replacement, and their recommendation to bond for the purchase of this equipment, as opposed to either leasing a new machine or repairing the current one, thereby realizing an overall savings to the Town.

Councilman O'Connor, noting the term would be five (5) years or less based on the useful life of the tub grinder, asked the Finance Director to clarify the interest rate. Councilman O'Connor also confirmed with the Commissioner of Public Works that the single remaining tub grinder, an item typically not inventoried by the supplier, was still available to the Town, and most definitely would not be in three weeks, when the Board meets again.

Councilwoman Townsend stated that she did not receive a copy of the actual Resolution until the meeting tonight and did not have enough time to review it. Finance Director Greg Duane explained that the Town had just received the final version of the bonding resolution that afternoon and that the resolution recites what was discussed at the October 2nd Town Board meeting, save for the precise dollar amount.

The Supervisor asked Commissioner Schenkel if there was time-sensitivity involved in acquiring the tub grinder identified by the Town at a favorable price. Mr. Schenkel replied that tub grinders are in scarce supply, particularly at the price negotiated by the Town for the machine in question that was being held for the Town pending confirmation of purchase. He noted that delay risked losing the machine and the very favorable price.

Councilman Beckford, who could not be at the October 2nd meeting, asked Commissioner Schenkel and Finance Director Duane to summarize their discussion at that meeting regarding the tub grinder, options with respect to it and options for paying for it. Following their review of the points discussed on October 2nd, Councilman Beckford thanked them and stated that he agreed with the reasons to proceed now with the proposed purchase of the machine.

Deputy Supervisor Munzinger moved to approve the Bonding for the Tub Grinder. This motion was seconded by Councilman O'Connor and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor and Smith. Nays: Townsend.

The Resolution was declared carried as follows:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PITTSFORD, MONROE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$465,000 IN SERIAL BONDS OF THE TOWN AND BOND ANTICIPATION NOTES IN ANTICIPATION THEREOF TO FINANCE THE ACQUISITION OF ONE TUB GRINDER; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$550,000; APPROPRIATING SAID AMOUNT THEREFOR; AND MAKING CERTAIN DETERMINATIONS IN CONNECTION THEREWITH

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WHEREAS, the Town Board of the Town of Pittsford (the "Town Board") is considering the acquisition of one tub grinder and related equipment (the "Project"); and

WHEREAS, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes issued in anticipation thereof, to finance a portion of said appropriation.

THE TOWN BOARD OF THE TOWN OF PITTSFORD, MONROE COUNTY, NEW YORK (the "Town") HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue serial bonds of the Town in the principal amount of \$465,000 and bond anticipation notes in anticipation thereof, pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance a portion of the cost of the Project. It is hereby determined that the maximum estimated cost of the Project is \$550,000, said amount, to the extent not previously appropriated, is hereby appropriated therefor, and the plan for the financing thereof shall consist of (i) the issuance of up to \$465,000 in serial bonds of the Town authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of up to \$85,000 in current funds of the Town; and (iii) unless paid from other sources, the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 2. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is five (5) years, pursuant to subdivisions 28. and 89. of paragraph a. of Section 11.00 of the Law.

SECTION 3. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor of the Town, the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more

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objects or purposes authorized by other resolutions of the Town, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 7. The Town Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 9. The Town Board hereby determines that the undertaking of the Project, and the actions authorized by this resolution and the adoption hereof collectively constitute a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (including, in particular, 6 N.Y.C.R.R. 617.5(c)(25) (collectively, "SEQRA") and that no further action under SEQRA need be taken by the Town Board as a condition precedent to the adoption of this resolution.

SECTION 10. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 11. The Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

SECTION 12. This resolution shall take effect immediately.

PERSONNEL MATTERS

CONFIRMATION OF THE NEW YORK STATE MODEL SEXUAL HARASSMENT PREVENTION POLICY AS POLICY OF THE TOWN OF PITTSFORD

Supervisor Smith reported that, in accordance with State law, the Town of Pittsford has distributed to all employees a revised Sexual Harassment Policy. The revised policy consists, verbatim, of the language of the Model Sexual Harassment Policy set forth by the State of New York for the purpose of complying with the State's new law on that subject, save only for its references to "Town of Pittsford."

Councilwoman Townsend suggested amending the State's Model Policy to cite specific local laws regarding sex harassment under the heading "Local Protections," and asked whether the State's Model Policy's advice to contact the local police department in certain circumstances is adequate, given that policing in Pittsford is done by the Sheriff's Department. The Town Attorney, Mr. Koegel, noted that deviation from the form prescribed by the State could put at risk the validity of the Town's compliance with the State Law; that this is his advice as well as the advice of counsel for the New York State Association of Towns. Councilman Beckford discussed training under the policy and it was noted that information about local laws, if any, would be included in training, for discussion in any counselling sessions or meetings with employees making a complaint about sexual harassment.

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Thereafter, Deputy Supervisor Munzinger made a motion to confirm the New York State Sexual Harassment Prevention Model Policy, as written, as the policy of the Town of Pittsford, seconded by Councilman O'Connor, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor and Smith. Nays: Townsend.

The Resolution was declared carried as follows:

RESOLVED, that the adoption by the Town of the Sexual Harassment Policy in the form annexed hereto be and hereby is confirmed, ratified and approved; and

RESOLVED, that the Town Personnel Rules be and hereby are amended so as to incorporate the Sexual Harassment Policy therein.

HIRING RECOMMENDATIONS APPROVED

Councilman O'Connor confirmed that he has audited the records for the proposed full-time and part-time hires, noting that all the documents are in order. Thereafter, a Resolution to approve the proposed hiring was offered by Councilman O'Connor, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

RESOLVED, that the Town Board approve the following persons for employment as full and part time and confirmed as the date of hire as indicated hereto:

Name	Department	Position	Rate	Date of Hire
Jacob Peterson	Parks	Seasonal Laborer	\$11.00	10/03/2018
Theresa Kane-Cececi	Crossing Guard	SUB Crossing Guard - PT	\$19.91/shift	10/09/2018
William Beeley	Sewer	Sewer Spec III – FT	\$20.29 w/ CDL-A	10/11/2018
Timothy Carder	Maintenance	Cleaner – PT	\$11.50	10/12/2018
Michael Murphy	Parks	Seasonal Laborer – PT	\$11.00	10/15/2018

TRAINING SEMINARS APPROVED

A Resolution to approve Park's Department staff Jessica Neal and Brandon Meier to attend the 2019 Turf and Grounds Exposition was offered by Deputy Supervisor Munzinger, seconded by Councilman O'Connor, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was carried as follows:

RESOLVED, that Jessica Neal and Brandon Meier be approved to attend the 2019 Turf and Grounds Exposition on January 15-16, 2019 at the Turning Stone Casino at a cost of \$160 per person, plus expenses.

Thereafter, a Resolution to approve Recreation Department staff Jessie Hollenbeck, Kate Disbrow and Sydney Mooney to attend the Genesee Valley Recreation and Parks Society's annual conference was offered by Councilwoman Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Recreation Department staff members Jessie Hollenbeck, Kate Disbrow and Sydney Mooney be approved to attend the Genesee Valley Recreation and Parks Society's annual conference on November 9, 2018 at the Rochester Museum and Science Center at a cost of \$135.

OTHER BUSINESS

The Supervisor commented as follows:

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- 1) Supervisor Smith reported that he has received a letter Regional Transit Authority's CEO, Bill Carpenter, who has indicated that RTS is now in the 2nd phase of their planning process – how to configure Community Mobility Zones. Supervisor Smith will be reaching out to local businesses, colleges and the Chamber of Commerce to encourage them to help provide relevant information to RTS for their planning of this phase, which is extremely important to the vitality of Pittsford.
- 2) Community Choice Aggregation (CCA) Update – Forms of an inter-municipal Memorandum of Understanding are being reviewed by Pittsford, Irondequoit and Brighton, each of which also has a form of Request for Qualifications (RFQ) to find an appropriate CCA Administrator.
- 3) Demolition Review Legislation – A draft of legislation for a Demolition Review law, although it may be ready for the Town Board's review at the next meeting, may be deferred to a subsequent meeting due to the Public Hearing on the Budget.
- 4) East Avenue Improvements. The New York State Department of Transportation (NYSDOT) advises that improvements to East Avenue (milling and resurfacing from Brighton to St. John Fisher) that had been planned to begin this year will be deferred to next year. The work will be timed so as not to conflict with the Senior PGA Tournament at Oak Hill Country Club next spring
- 5) Traffic Light proposal – 3750 Monroe Avenue. The owner of 3750 Monroe Avenue was planning on giving a presentation to Town Board this evening, but chose to re-schedule to a date as yet not determined.
- 6) 80 Mitchell Road – Upon inquiry by the Supervisor and Councilman O'Connor to the Fire Marshall, Kelly Cline, it was confirmed that the Town has made every effort to contact the owner of the property, which is now subject to a demolition order.

Upon inquiry, the Supervisor noted that the Annual Appreciation Dinner for Volunteer Board members will be held on November 29, 2018 at Locust Hill. The Supervisor's Assistant, Suzy Reddick, confirmed that "Save the Date" notices will be sent soon.

Councilwoman Townsend stated that residents have contacted her to ask whether the Town has a plan or policy for tree preservation whereby it would replace trees that were removed for the East Avenue sidewalk. Commissioner Schenkel responded that the Town replaces and plants trees annually to mitigate such losses. Sometimes they are not replaced in the same property, but the Town typically plants more trees each year than it actually loses and this year provides a good example of that practice.

Upon inquiry, Supervisor Smith confirmed that the Town currently uses its building at 5611 Pittsford-Palmyra Road (site of the Recreation Center during the Spiegel renovation) for storage and the Maintenance Department Office. Working with the Town Justices, the Court clerks and the State Office of Court Administration, the Town has determined that moving the Town Court to 5611 Pittsford-Palmyra Road building would not be practical. The Town has an acute need for additional office space, which this building can provide.

Councilman Beckford noted that he has recently gone through the sexual harassment training at his place of employment and that he could offer useful advice when the Town prepares for training its employees in the new policy.

STAFF COMMENTS

Attorney Robert Koegel reported that the Canal Corporation and the Power Authority will not appeal the previous ruling regarding the need to follow SEQRA with respect to the clearing of trees along the canal. Supervisor Smith added that earlier this year the Town of Pittsford banded with Brighton and Perinton to halt the clear-cutting of trees along the canal by the Canal Corporation and the Power Authority. He indicated that our Town Attorney, Robert Koegel, was the lead attorney in filing a successful injunction to stop the Canal Corporation and Power Authority from clear-cutting along the canal in Brighton, Pittsford and Perinton. Attorney Koegel confirmed that any future broad vegetation action will now be required to follow proper SEQRA review.

PUBLIC COMMENTS

Sue Emil commented that she felt progress was being made to build closer relationships with the Town through the talks and scheduled meetings with Town Board. She requested that the Town consider replacing or renaming Columbus Day.

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Heidi Boardman expressed her concern and frustration that she continues to experience drainage issues on her property that she feels are the direct result of stormwater runoff from the Church of the Transfiguration, and, again asks the Town to revisit and correct this problem that began with the church years ago when they built an addition.

John Swan expressed his concern with the East Avenue re-construction project, which directly impacts Allens Creek Elementary School, especially during dismissal. Supervisor Smith indicated that after he spoke with Mr. Swan earlier today, the Town contacted the Brighton Police Department, as this school is actually located in Brighton, and they indicated that they would be assisting during the school opening and closing until the construction is completed in that area.

John Walsh inquired whether surplus equipment inventory reflected in the previous minutes fall into the Town's appropriate replacement schedule. It was confirmed that it does.

As there was no further business to discuss, the Supervisor adjourned the meeting at 7:31 P.M.

Respectfully submitted,

Linda M. Dillon
Town Clerk