

Minutes of the Town Board for May 26, 2020

**TOWN OF PITTSFORD
TOWN BOARD
MAY 26, 2020**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, May 26, 2020 at 6:00 P.M. local time. The meeting took place with Board members participating remotely using Zoom.

PRESENT: Supervisor William A. Smith, Jr.; Councilmembers Kevin Beckford, Cathy Koshykar, Katherine B. Munzinger and Stephanie M. Townsend.

ABSENT: None.

ALSO PRESENT: Staff Members: Paul J. Schenkel, Commissioner of Public Works; Cheryl Fleming, Personnel Director; Greg Duane, Finance Director; Robert Koegel, Town Attorney; and Linda M. Dillon, Town Clerk.

ATTENDANCE: Also in attendance was a sign language interpreter. There were approximately 13-15 members of staff and public who viewed the meeting via Zoom.

Supervisor Smith called the Town Board meeting to order at 6:00 P.M. and led members in the Pledge of Allegiance. The Town Clerk noted all Town Board members present.

PUBLIC HEARING – LOCAL LAW NO. 3 OF 2020: AMENDING RRAA ZONING DISTRICT AND PERTINENT SUBDIVISION REGULATIONS

Supervisor Smith opened the Public Hearing on Local Law No. 3 of 2020 for public comments. The following public comments were offered:

Stephen Zinone, a Pittsford resident, thanked the Board for the work recently completed on the Comprehensive Plan Update. He then expressed his concern with the proposed zoning amendment in the Code, noting that this would have an effect on his ability to subdivide his property and was asking that consideration be given to him based on the subdivision of his property that was completed in 2007. He requested that his property be grandfathered so that, should this law be passed, it would not apply to him.

Following discussion the Supervisor recommended that Mr. Zinone consult with Town Attorney Robert Koegel and/or Planning Director Doug DeRue regarding future use of his property.

Having no other members of the public wishing to speak, Supervisor Smith adjourned the public hearing until the next Town Board meeting, to be held on June 2, 2020 at 6 p.m.

SUPERVISOR'S ANNOUNCEMENTS

REMEMBRANCE OF BRUCE FYFE – PAST TOWN BOARD MEMBER

Supervisor Smith called on the Town Board and public to take a moment to remember a past Town Board member, Bruce Fyfe, who died on May 12th. Mr. Fyfe served for several years on the Town's Planning Board before being elected in 1983 to serve as a Town Board member, serving in this position through 1993. He will be missed, and remembered for being instrumental in the start of our Summer Concert Series on the canal, which began in 1988.

RETIREMENT RECOGNITION OF ROSE ANN CRISPINO AND RUDY TROSIN

Supervisor Smith announced for recognition two exemplary employees who will be retiring at the end of this month – Rose Ann Crispino and Rudy Trosin. Rose Ann began with the Town in 1990 in the Assessor's Office, and in 1996 was appointed as a Deputy Receiver. Rudy Trosin also began in 1990 with the Sewer Department and was promoted to Sewer Specialist in 2018. Well wishes were extended to both of them.

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ZOOM MEETING AND PUBLIC COMMENT PROCEDURES

The Supervisor reminded viewers of options for submitting comments to the Town Board both before and during this meeting. He reminded the public that he will ask for comments before each subject and also at the end of the meeting. He emphasized that the comment section is to offer comments to the Town Board.

MINUTES

PUBLIC COMMENT

No public comments were offered regarding the Minutes of the May 5, 2020 Town Board meeting minutes.

MINUTES OF THE MAY 5, 2020 MEETING APPROVED

Following notation of typographical corrections needed in the Minutes, which will be made, a Resolution to approve the Minutes of the May 5, 2020 meeting was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

RESOLVED, that the Meeting Minutes of the May 5, 2020 are approved.

LEGAL MATTERS

PUBLIC COMMENT

No public comments were offered regarding the Legal Matters before the board.

BOARD DISCUSSION OF PROPOSED LOCAL LAW NO. 3

The Town Board discussed proposed Local Law No. 3 as follows:

Councilmember Townsend asked for clarification under cluster zoning provisions – does this allow for duplexes or bungalow courts or does this need to be specified (such as Greenpoint Trail). Planning Director Doug DeRue responded to Councilmember Townsend's inquiry specifying that this zoning relates to single-family homes. Greenpoint Trail is an example of where a structure is connected, but the property line is distinct for each unit (each unit has its own individual property line). In a duplex, or even a mansion apartment, there are families living in one structure, with only one property line for the entire unit.

Councilmember Beckford: Councilmember Beckford inquired about the ability for this zoning to allow for something similar to Wood Creek. Planning Director DeRue explained that each unit has to fall on his own property. The homes can be attached, like townhouses – or like a cluster of four units joined together, but each would have their own property lines. This zoning would not allow for an apartment complex within the development.

Councilmember Beckford reiterated that this new zoning would create limitations on some types of housing and wanted to make sure that the residents were aware of this.

FINANCIAL MATTERS

PUBLIC COMMENT

No public comments were offered regarding the Financial Matters.

VOUCHERS APPROVED AS AMENDED

An additional voucher was added to the list of Vouchers submitted for approval. Therefore, Supervisor Smith moved to amend the voucher listing for approval, adding the additional payment, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

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The amendment was carried as follows:

RESOLVED, that Voucher No. 146081 be added to the Vouchers submitted for approval, to pay for Seyrek Sealers for the Refuse Districts collection in the amount of \$8,017.35, thereby amending the proposed approval of vouchers.

Thereafter, a Resolution to approve the May vouchers for payment, as amended, was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by the members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

RESOLVED, that the May 2020 vouchers No. 146790 through No. 146081, in the amount of \$449,422.49 are approved for payment.

SURPLUS INVENTORY APPROVED

A Resolution to approve the list of Surplus Inventory submitted as recommended was offered by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the following list of Surplus Inventory was approved to be removed from the Town's inventory:

<u>Asset #</u>	<u>Year</u>	<u>Description</u>	<u>Department</u>	<u>Cost</u>	<u>Disposition</u>
11351	1985	Lateral File	PSD	244.20	Junk
11404	1985	Lateral File	PSD	146.40	Junk
11415	1985	Office Chair	PSD	130.20	Junk
11421	1985	Drafting Stool	PSD	124.20	Junk
13806	2000	Zip Drive	IT	133.00	Junk
				\$778.00	

OPERATIONAL MATTERS

PUBLIC COMMENTS

No public comments were offered regarding Operational Matters:

DISCONTINUANCE OF ONSITE NYS DECALS SERVICE APPROVED

Supervisor Smith introduced the Town Clerk's recommendation to discontinue onsite service of the NYS DECALS Service and requested that the Town Clerk speak regarding this proposal. Town Clerk, Linda Dillon, explained the request to approve the discontinuance of the NYS DECALS Service, noting that it was in the best interest of the Town, both practically and financially, to discontinue this service for the reasons as set forth in the Memorandum and attachment.

Thereafter, a Resolution was offered by Councilmember Koshykar, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Town suspend issuance of sporting (hunting, fishing and trapping) licenses through the NYS DECALS program and notify the appropriate State agency accordingly.

BID AWARDED FOR DIGESTED TANK REMOVAL

Following an explanation from the Commissioner of Public Works, Paul Schenkel, regarding the receipt of just one bid received for this project, Councilwoman Townsend offered a motion to award the bid to Sessler Environmental Services and to approve the transfer of funding from the Capital account to the Sewer Capital

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Account. Supervisor Smith seconded the motion, and members voted as follows: Ayes: Beckford, Kosykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that Town Board awards the Digester Tank Removal Project to Sessler Environmental Services as the lowest responsible bidder for \$79,165; and be it further

RESOLVED, that the Town Board authorizes the Finance Director to transfer \$110,000 from account 6.9950.9000.1.6 (PSD – Transfer to Capital) to 6.8120.2206.2.6 (PSD – Capital Improvement) to fund this project.

BOARD DISCUSSION – CCA PROGRAM

Supervisor Smith reported that our representations and promises to our residents was to bring in 100% clean energy package at a cost lower than what residents are paying for brown energy through RG&E currently. Changes in the petroleum market over the last year has generated Joule to come back to us, asking us to alter our contract, to use a 24-month look-back, as opposed to a 12-month look-back, which is in the contract. Joule does not believe they can achieve our requirement of a lower bid for clean energy utilizing the current 12-month look-back criteria. Therefore, they are requesting the Town to consider a new contract allowing for a 24-month look-back, with the hopes of being able to obtain better results.

The Supervisor has discussed this with the other Supervisors that are involved. If we do not alter the contract, Joule has the option of attempting to proceed with the bid according to our specifications or Joule can decline to go forward, as they do not believe it is achievable. Supervisor Smith does not believe that we should differ from what we promised our residents and should not alter the contract.

Supervisor Smith does believe, however, that should they decline or cannot come in with a bid that meets our specifications, he would be very willing to move forward immediately then with our community solar component. Supervisor Smith explained this option briefly, but indicated that he would not go into detail at this time, but that this would be an option to pursue should they not be able to meet our requirements in bidding for renewable energy.

After some discussion and deliberation, the consensus of the Board was not to alter the contract's "look-back" time and to not do the CCA unless it can be done with 100% renewable energy, as was promised to the residents of Pittsford.

PERSONNEL MATTERS

PUBLIC COMMENT

No public comments were offered regarding Personnel Matters:

AMENDMENTS TO DEFERRED COMPENSATION PLAN APPROVED

Following an explanation of the proposed Resolution by Personnel Director Cheryl Fleming, which is being brought forth as a result of the coronavirus and being offered by the 457 plan, a motion to approve the Amendments to the Deferred Compensation Plan was offered by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, the Town of Pittsford, based on recent changes in Federal and State regulations regarding the "Cares Act", has the option to add provisions and adopt certain plan amendments for their 457 Deferred Compensation Plan, and

WHEREAS, the Town of Pittsford would like to enable some of the provisions afforded to Town 457 Plan participants in the CARES act, to include:

In-service Coronavirus Related Distributions (CRDS) for participants who meet the IRS criteria.

Participants may self-certify a CRD and initiate these distributions over the phone with our plan administrator (Mass Mutual). Required Minimum Distributions (RMDs) may be suspended for Calendar year 2020, and

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WHEREAS, Plan Sponsors are allowed to adopt and start administering these provisions immediately, with amendments to the Plan's model plan document to be formally adopted no later than December 31st, 2024.

NOW, THEREFORE, BE IT

RESOLVED, effectively immediately, the Town of Pittsford adopts the optional Plan provisions above.

HIRING RECOMMENDATIONS APPROVED

A Resolution to approve the hiring recommendations was offered by Deputy Supervisor Munzinger, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following Resolutions were declared carried as follows:

RESOLVED, that the Town Board approves the recommended new hires for the following employees:

Name	Dept	Position	Rate	Date of Hire
Brandon Haims	Hwy	Seasonal Laborer (Rehire)	\$13.00	06/01/2020
Nicholas Polizzi	Hwy	Seasonal Laborer (Rehire)	\$13.00	06/01/2020
Cameron Storrar	Hwy	Seasonal Laborer	\$13.00	06/01/2020

OTHER MATTERS

Supervisor Smith announced to the Board that the Finance Director plans to retire following the completion of budget preparations for Budget 2021. After discussion with the Finance Director, the position will be posted immediately and the plan would be to have the new person take on the title of Deputy Finance Director and allow for some training to take place before that person takes over as the Finance Director. Board members all offered well-wishes and thanks for his exemplary service and leadership with the Town finances. Clarification followed regarding qualifications and Finance Director Duane confirmed that this is a civil service position, but it is not achieved by a test, but rather a direct appointment by the Town Supervisor.

He noted that all Summer Camp programs are still being planned, but there remains uncertainty at the state level, as to whether this will be permitted this year or not. The Supervisors have been in consultation with Dr. Mendoza, as well as working to follow the CDC recommendations for this type of program, but, these programs are on hold until further notice from the state.

Supervisor Smith indicated that over the years, the Town has received inquiries regarding chickens in Pittsford. Currently, the Town allows for chickens, as long as the chicken coop is 150 feet from each property line. Supervisor Smith inquired as to whether there would be an interest in considering amending our Code to allow for more people to have chickens. Councilmember Townsend supports amending our Code and indicated that some other municipalities have common sense permitting rules in their code for permitting chickens in suburban neighborhoods that could be considered and appropriate. There was some discussion regarding this, but it was agreed that further consideration and discussion would be needed.

Councilmember Beckford inquired about gardens that are in the front yards of some properties, wondering if there is a need to regulate or make this more consistent throughout the Town. Councilmember Townsend is not in support of regulating front yard gardens.

Councilman Beckford expressed his concern about a sticker for a white supremacist group found on a bridge in the Village. He recommended that the Town do a town-wide mailing with the image of this sticker and the name of the group in order to warn people against it. Councilmember Koshykar added that she believes this group is listed as a potential domestic terrorist group and in order to counterbalance the message she agrees about publicizing the image. Councilmember Beckford reiterated his concern for himself, his family and members of minority groups who live here and that we need to show them the image of the group as a warning. Supervisor Smith noted that the Town is not in the business of publicizing white supremacist groups, their logos, advertising or their names, that doing so only spreads their message and the publicity emboldens them to continue, which is the opposite of what we want.

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Councilmember Townsend inquired on the status of local businesses and the status of outside seating for restaurants. Supervisor Smith noted that the Town administration is working on an orderly plan to make it as quick and easy as possible for restaurants and other businesses to get up and running. Code Enforcement Kelly Cline spoke about this, noting that the Town has asked for seating plans for restaurants and allowing to extend that plan into parking areas. We are also permitting the additional signage, as requested, for businesses along Monroe Avenue, on a temporary basis. We are doing what we can to facilitate and assist them in making it easier for businesses to re-open. In response to Councilmember Townsend's inquiry the Supervisor noted that he brought up at the recent meeting of the Board of Directors of the Pittsford Chamber of Commerce the survey of businesses that Councilmember Townsend mentioned at the last Town Board meeting. The Chamber appreciated the information and indicated that, using the information from the survey, its Directors would be reaching out to their member businesses to ask how the Chamber and the Town and Village can best help them under the current circumstances and with reopening.

Finance Director Greg Duane indicated that the Town has refunded \$58,000 in fees for cancelled recreation programs. He noted that we will forego \$216,000 in Recreation Department revenue through the next month, but the shutdown also means the town is saving \$200,000 on program fees and salaries. Mortgage tax interest revenue and sales tax is where the Town will feel the major impact of the COVID shutdown. He indicated that despite these revenue losses the Town remains in good financial standing because of our careful budgeting practices. He noted in addition that the Town has saved \$37,000 through the cancellation of Paddle-and-Pour and the Memorial Day parade.

PUBLIC COMMENT

Django Paine, a Sutherland High School student, commented on the white supremacist sticker found in the village, suggesting that publicizing the group would increase public awareness, especially among the youth of our community.

Django's mother, Karen, agreed with her son's comment. She wants people to know that if they find stickers or items of this nature, they should not remove them, but rather contact the authorities so that they can obtain evidence from them to help identify the perpetrators.

Additional Comments by the Board:

Councilmember Beckford reiterated his position that the Town should publicize the image in its Newsletter or other town-wide mailing in order to educate to the public. Supervisor Smith stated that he considers it not only a poor idea, but unreasonable, for the Town to publish symbols of racist groups, which would further publicize their cause. He continued that the Town will follow the direction of the Sheriff's department and will notify the Sheriff's Department if similar material is found in the Town. He believes that the strongest form of response is to take this to law enforcement. Councilmember Townsend indicated that she shares concerns of sharing the image but that a statement denouncing the appearance of such material would be consistent with what the Supervisor and the Town have done previously. No member of the Board expressed disagreement with this. Deputy Supervisor Munzinger concurred that we have laid out what should be done if people find such material. Councilmember Townsend also suggested, and Supervisor Smith agreed, that the Supervisor could communicate with Superintendent Pero and ask him to relay this information to teachers who may be better situated than the Town Board to reach students who may be influenced by messages from hate groups.

Upon inquiry, the Town Clerk indicated that there were no public comments received via email.

As there was no further business, the Supervisor adjourned the meeting at 8:03 P.M.

Respectfully submitted,

Linda M. Dillon
Town Clerk