

Minutes of the Town Board for September 15, 2020

TOWN OF PITTSFORD TOWN BOARD SEPTEMBER 15, 2020

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, September 15, 2020 at 6:00 P.M. local time in Pittsford Town Hall.

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

ABSENT: None.

ALSO PRESENT: Staff Members: Spencer Bernard, Chief of Staff; Cheryl Fleming, Personnel Director; Jessie Hollenbeck, Recreation Director; Paul J. Schenkel, Commissioner of Public Works; Brian Luke, Finance Director; Robert B. Koegel, Town Attorney; Linda M. Dillon, Town Clerk, Suzanne Reddick, Assistant to Supervisor, and Shelley O'Brien, Communications Director.

ATTENDANCE: There were three (3) members of the public in attendance, and two (2) additional staff member(s) and an interpreter.

Supervisor Smith called the Town Board meeting to order at 6:00 P.M., inviting Councilmember Beckford to lead in the Pledge to the Flag. The Town Clerk noted all Town Board members present. The Town has an ASL interpreter present and available should anyone at the meeting need this service.

SUPERVISOR'S ANNOUNCEMENTS

Supervisor Smith noted that ASL interpretation is provided and that the Town is now able to provide closed captioning. Meetings will continue to be available for viewing on the Town website within 24-48 hours after the meeting, now with closed captioning.

MINUTES

PUBLIC COMMENTS

No public comments were offered regarding the Minutes.

MINUTES OF THE SEPTEMBER 1, 2020 MEETING APPROVED

A Resolution to approve Minutes of the September 1, 2020 meetings was offered by Councilmember Townsend, 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 Meeting Minutes of the September 1, 2020 are approved as written.

LEGAL MATTERS

PUBLIC COMMENTS

No public comments were offered regarding Legal Matters.

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EMPIRE PIPELINE ENCROACHMENT AGREEMENT (BRIDLERIDGE FARMS) APPROVED

Following a brief explanation by Town Attorney Koegel regarding the proposed Agreement, a Resolution to approve the Encroachment Agreement between the Town and Empire Pipeline to allow the Bridleridge sewer extension to cross under the gas pipeline was offered by Councilmember Beckford, 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 proposed "Encroachment Agreement" between the Town and Empire Pipeline to allow the Bridleridge sewer extension to cross under the gas pipeline be approved, and that the Town Supervisor be authorized to execute the Agreement.

FINANCIAL MATTERS

PUBLIC COMMENT

No public comments were offered regarding Financial Matters.

MUNICIPAL SOLUTIONS AGREEMENT APPROVED

Following a brief discussion relevant to the proposed agreement and the Town's experience with Municipal Solutions, a Resolution to approve an Agreement with Municipal Solutions, Inc. for Continuing Secondary Market Disclosure services per SEC regulation 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 Supervisor be authorized to sign an agreement with Municipal Solutions, Inc. for Continuing Secondary Market Disclosure services per SEC regulation.

BUDGET PLANNING DISCUSSION

Supervisor Smith addressed the Board and the public regarding work and planning for the 2021 Town budget. He stated that in preparing the 2021 budget he proceeds with two overriding priorities. First, minimizing any effects on Town taxpayers. Second, maintaining the level of Town services.

He discussed what he described as the major forces and influences, beyond his two priorities, shaping budget preparation for next year, most notably the effects of the COVID pandemic on Pittsford and other municipalities. He reviewed the decline in sales tax revenue consequent to the pandemic, noting that this is affecting governments in the state at all levels. He believes the State is unlikely to follow through with AIM funding, budgeted for 2020 at \$108,000. The State had threatened to pull it last year and only relented after widespread protests from municipalities, making it likely it won't be paid this year and won't be offered for 2021. Other state funding also at risk includes CHIPS (Consolidated Highway and Local Street Improvement Program) funding for road work. Funding budgeted for this year is \$242,000; the State currently is not processing applications for this funding. CHIPS funding for 2021 is seriously in question.

Major foreseeable increases in expenses affecting 2021 are (1) the State mandate increasing the minimum wage and consequent cascading effects throughout our compensation system including higher costs for benefits; (2) rising costs in health care and (3) rising costs in retirement benefits.

The Supervisor has directed Department Heads to scrutinize all expenses and find savings beyond what the Town has done already. In general, he said, we must differentiate more aggressively than ever between what we may want and what we actually need. He noted that as a result of the Town's customarily careful fiscal planning and budgeting, Pittsford is situated much better to cope with the fiscal impacts of the pandemic than it would be otherwise.

Councilmember Townsend asked about projected health care expenses for 2021. Finance Director Brian Luke stated we should know the new rates in a few weeks. He expects health care expenses to follow the projected five-year trend. He also explained and discussed the sales tax revenue division and distribution of that funding.

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Deputy Supervisor Munzinger requested clarification regarding the CHIPS funding. Finance Director Luke observed that, as the Supervisor mentioned, we have not yet received CHIPS funding for 2020, and are at risk of not receiving it for next year. Commissioner Schenkel indicated that the town cannot apply for CHIPS funding before it actually does the work and incurs the expenditure for it.

Councilmember Beckford indicated that, in reviewing the history of past amendments to the budget, the Town passed a new base wage of \$13.50 for certain employees and would like to make sure it is maintained and that it be indexed to the pay scale.

Councilmember Townsend suggested budgeting for an update to the Town's website, in all aspects including architecture and design, that this seems especially pertinent now, given the increased reliance upon on-line services. In addition, she asked the Supervisor to inquire of Pittsford Youth Services about effects of the pandemic on demand for their service (family stress issues, needing to expand hours, etc.) and to review their budget request in that light.

Councilmember Koshykar asked about public meetings on the budget and asked about a workshop for the budget. Supervisor Smith noted that there will be a full public hearing on the budget, but that he included this discussion item on tonight's agenda to begin talking about the budget publicly and invited any member of the public to communicate with the Town about the budget at any time, throughout the budget process.

Councilmember Townsend suggested that the budget be included as an item on each meeting agenda through budget adoption, to allow for updates and to offer an opportunity for members of the public to address the 2021 budget, and Supervisor Smith agreed.

Councilmember Beckford asked to include funding for a fixed amount of \$3,000 for Martin Luther King activities again next year.

BUDGET TRANSFERS APPROVED

Finance Director Brian Luke answered Board members' questions about the proposed Budget Transfers. Thereafter, a Resolution to approved the budget transfers as proposed by the Finance Director 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 following budget transfers are approved as follows:

- That \$ 13,200.00 be transferred from 3.7410.1004.24.3 (Library Aides – Salaries) and \$ 2,524.00 be transferred from 3.7410.1002.1.3 (Library Clerical – Salaries) and \$ 3,940.00 be transferred from 3.7410.1001.1.3 (Library Professionals – Salaries) to 3.9050.8000.1.3 (Library – Unemployment) to cover unemployment insurance costs to date.
- That \$ 31,325.00 be transferred from 1.7020.1008.1153.50 (Rec Program Swimming – Salaries) to 1.9050.8000.1.1 (Whole Town General Fund – Unemployment) to cover unemployment expenses to date.
- That \$ 35,000.00 be transferred from 1.7020.1008.3228.55 (Rec Program Summer Fun – Salaries) and transferred to 1.1310.1000.1.1 (Finance – Salaries) to cover projected salaries.
- That \$ 10,000.00 be transferred from 1.1990.4000.1.1 (Whole Town General – Contingency) To 1.1910.4300.1.1 (Insurance – Expense) to cover projected insurance costs through the end of the year.
- That \$6,000.00 be transferred from 2.1990.4000.1.1 (Part Town General – Contingency) to 2.9010.8000.1.1 (Part Town General – Retirement) to cover the projected retirement payment for FY2020.

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- That \$ 2,000.00 be transferred from 3.9030.8000.1.3 (Library – Social security) to 3.9010.8000.1.3 (Library – Retirement) to the cover projected retirement payment for FY2020.
- That \$5,000.00 be transferred from 6.9060.8000.1.6 (Sewer – Hospitalization) to 6.8110.1000.1.6 (Sewer Admin – Salaries) to cover projected salaries.
- That \$ 5,000.00 be transferred from 6.9060.8000.1.6 (Sewer – Hospitalization) to 6.9010.8000.1.6 (Sewer – Retirement) to cover the projected retirement payment of FY2020.

SEPTEMBER VOUCHERS APPROVED

Following a brief clarification regarding a voucher item, a Resolution to approve the September 2020 vouchers was moved by Supervisor Smith, seconded by Councilmember Beckford, 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 September 2020 vouchers No. 148060 through 148424 in the amount of \$864,715.85 are approved for payment.

SURPLUS INVENTORY APPROVED

A Resolution to approve the list of Surplus Inventory submitted as recommended was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, 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 Town's inventory:

<u>Asset#</u>	<u>Year</u>	<u>Description</u>	<u>Department</u>	<u>Cost</u>	<u>Disposition</u>
18961	2017	John Deere Loader	DPW	\$148,397.74	Traded In
17317	2012	Whirlpool Refrigerator	DPW	\$ 1,051.00	Junked
14191	2004	Metal Cabinet	Sewer	\$ 421.00	Junked
14192	2004	Metal Cabinet	Sewer	\$ 421.00	Junked
TOTAL				\$150,290.74	

OPERATIONAL MATTERS

PUBLIC COMMENT

A resident comment was read by the Town Clerk from David Ruekberg, in support of community solar, the CCA and Joule Assets.

COMMUNITY SOLAR DISCUSSION

Town Board further discussed the two proposed administrators for a Community Solar program – Joule Assets/Roctricty and Power Management.

Supervisor Smith briefly discussed how the program would work. He discussed his satisfaction with Power Management as the Town's contractor for obtaining the best price for electricity over the past 10 years. For this reason and because of reservations about Joule, he would go with Power Management for Community Solar. Deputy Supervisor Munzinger noted her support for Power Management as well, noting that it is local and noting its long-standing business relationship with the Town. Councilmembers Beckford, Koshykar and Townsend indicated their support for Joule Assets/Roctricty to be the administrator for the program, noting desirability of having the same administrator for both Community Solar and, eventually for CCA. Supervisor Smith stated that the clear weight of opinion on the Board is to proceed with the Joule Assets/Roctricty partnership. He asked the

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Town Attorney to review the current contract between the Town and Joule/Roctricity, to know if further action of the Board is necessary to proceed.

PERSONNEL MATTERS

PUBLIC COMMENTS

No public comments were offered.

HIRING RECOMMENDATIONS APPROVED

Following a review of the new hire recommendation and change of status recommendation submitted to Town Board by the Personnel Director, Supervisor Smith offered a motion to approve, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

RESOLVED, that the Town Board approves the new hire for the following employee:

Name	Department	Position	Rate	Effective Date
Christine Winter	Recreation	Rec Supervisor – FT Civil Service Transfer	\$26.46	09/08/2020

And be it further

RESOLVED, that the Town Board approves the change in status/and or salary change for the following employee:

Name	Position	Reason for Change	Rate	Effective Date
Melissa Desir	Librarian I - PT	Promotion (NYS Public Librarian Prof. Certificate)	\$23.12	09/08/2020

EXECUTIVE SESSION APPROVED

Supervisor Smith noted the Town Attorney's request for an Executive Session to discuss the employment history of several particular persons. He offered a motion to go into Executive Session later in the meeting. Seconded by Councilmember Townsend, it was voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

PUBLIC COMMENTS

Comments were offered by the following residents: Sadie Szrama, George Anstadt, and Mary Mellody.

EXECUTIVE SESSION

Supervisor Smith recessed the meeting and the Board proceeded to Executive Session at 7:05 p.m.

Following discussion in Executive Session, a motion to return to Regular Session 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 Board returned from Executive Session and resumed the regular meeting at 7:52 p.m.

PUBLIC HEARING SET FOR LOCAL LAW NO. 5 OF 2020 – AMENDING CHAPTER 39 – RESIDENCY REQUIREMENTS OF THE TOWN CODE

Following Executive Session, a Resolution to set a Public Hearing for Local Law No. 5 of 2020 was offered by Councilmember Townsend, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 5 of 2020: Amending Chapter 39 Of The Town Of Pittsford Municipal Code Entitled "Residency Requirements", were delivered to each member of the Town Board;

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and

WHEREAS, due consideration has been given to the adoption of said proposed Local Law No. 5 of 2020, by all members of the Town Board who were present; and

WHEREAS, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 6th day of October, 2020, at 6:00 p.m. at the Pittsford Community Library, 24 State Street, Pittsford, New York, to consider the adoption of said proposed Local Law No. 5 of 2020;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing be held on the 6th day of October, 2020, at 6:00 P.M., Local Time, at the Pittsford Community Library, 24 State Street, Pittsford, New York, on the question of the adoption of said proposed Local Law No. 5 of 2020; and be it further

RESOLVED, that a Notice of Hearing and a copy of said proposed Local Law 5 of 2020, or a summary thereof, be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said hearing; and be it further

RESOLVED, that the Town Clerk shall post certified copies of both this Resolution and said proposed Local Law No. 5 of 2020, or a summary thereof, on the Town's website www.townofpittsford.org and on the bulletin board, maintained by the Town Clerk pursuant to § 40(6) of the Town Law, for a period of not less than five (5) days prior to said public hearing.

Proposed Local Law No. 5 of 2020:

**BE IT ENACTED BY THE
TOWN BOARD OF THE
TOWN OF PITTSFORD
NEW YORK
AS FOLLOWS:**

**LOCAL LAW NO. 5 OF 2020:
THE ADOPTION OF PROPOSED LOCAL LAW
NO. 5 of 2020: AMENDING CHAPTER 39
OF THE TOWN OF PITTSFORD MUNICIPAL CODE
ENTITLED "RESIDENCY REQUIREMENTS."**

Sec. 1 TITLE

This Local Law shall be known as "Local Law No. 5 of 2020: Amending Chapter 39 of the Town of Pittsford Municipal Code Entitled "Residency Requirements."

Sec. 2 AMENDMENT TO EXISTING LAW

The Pittsford Town Code, Chapter 39, shall be amended to read as follows:

§ 39-1. Purpose.

The purpose of this local law is to supersede some of the provisions of New York State Town Law § 23, entitled "Eligibility of town officers," and Public Officers Law § 3, entitled "Qualifications for holding office." Said provisions require, with certain exceptions not here relevant, that every appointed town officer at the time of his or her appointment and throughout his or her term be a resident of said town. The Town Board finds that such residence requirement is, in most instances, unnecessary and hinders the Town goals of hiring the most competent people from diverse backgrounds.

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§ 39-2. Appointed officers.

Each of the following appointed Town officers must be residents of the Town at the time of his or her appointment, or as soon thereafter as may be practical, and must remain residents of the Town throughout his or her term of office:

- A. Town Clerk.
- B. Commissioner of Public Works.
- C. Highway Superintendent.

§ 39-3. Other appointed officers and employees.

All other appointed Town officers and employees need not be residents of the Town at the time of their appointment nor throughout their term of office, but they shall be required to maintain their primary residence within the State of New York.

§ 39-4. Failure to comply.

The failure of an appointed officer or employee to comply with the residency requirements of this chapter may, in the Town Board's discretion, result in disqualification from office and employment and a vacancy in the office and position so affected.

Sec. 3 SEVERABILITY

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

Sec. 4 EFFECTIVE DATE

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Councilmember Townsend indicated that she will be proposing an amendment to require the Recreation Director to live within the Town as well, given that our Recreation Center is utilized as an emergency shelter should a need arise, and, therefore, the Recreation Director should live close to the center for that reason.

Councilmember Beckford indicated that he believes this requirement to live within the Town should also include the Town Assessor and is willing to discuss further at the hearing.

OTHER BUSINESS

Councilmember Townsend thanked all the staff and volunteers that helped with the 19th Amendment Centennial Celebration. Also, she expressed a desire that the Town discuss at the next meeting to proceed with a review of the entire Town Code, of the non-land use portion of the code, and that it be done together with the review of the land-use portion of the code for consideration of future code revisions.

Councilmember Beckford indicated that he wanted all staff to feel comfortable and not to be worried about their positions due to the discussions that this Board has been having about residency requirements.

Councilmember Koshykar thanked the staff for making the live streaming happen and thanked them for working on the audio problems that were experienced at the last meeting. In addition, she inquired about Plant Concepts, and their use of pesticides. In response, Supervisor Smith indicated that, after speaking with Paul Schenkel, that

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in one neighborhood, at the request of some of the neighbors, round-up was used for some weeds. Follow-up on this response will be forthcoming directly from the Parks Director, Jessica Neal.

As there was no further business, the Supervisor adjourned the meeting at 8:04 P.M.

Respectfully submitted,

Linda M. Dillon
Town Clerk