

Minutes of the Town Board for February 2, 2021

**TOWN OF PITTSFORD
TOWN BOARD
FEBRUARY 2, 2021**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, February 2, 2021 at 6:00 P.M. local time via Zoom.

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

ABSENT: None.

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

ATTENDANCE: There were thirty-two (32) members of the public in attendance, as well as three (3) additional staff members and an interpreter.

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

MINUTES OF THE JANUARY 19, 2021 MEETING APPROVED

A Resolution to approve the Minutes of the January 19, 2021 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 January 19, 2021 meeting are approved as written.

LEGAL MATTERS

PUBLIC COMMENTS

No comments were offered regarding Legal Matters.

ALLEN CREEK SCHOOL CROSSING GUARD INTERMUNICIPAL AGREEMENT APPROVED

A Resolution to approve the proposed Intermunicipal Agreement with the Town of Brighton 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 Resolution was declared carried as follows:

RESOLVED, that the Town of Pittsford enter into an intermunicipal agreement with the Town of Brighton to utilize a crossing guard at the Allen Creek Elementary School near the intersection of East Avenue and Allens Creek Road, and that the Supervisor is authorized to enter into and execute such an agreement in substantial conformance with the terms of the proposed written agreement submitted herewith.

PROPOSAL TO SET PUBLIC HEARING FOR LOCAL LAW NO. 1 OF 2021: AMENDING TOWN CODE FOR A DEMOLITION REVIEW

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Town Attorney Robert Koegel briefly reviewed the proposal for Local Law No. 1 of 2021 – Amending Town Code with regard to demolitions of structures. Following brief comments by the board, a motion was offered by Councilmember Townsend to set a Public Hearing for Local Law No. 1 of 2021, 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. 1 of 2021: Amending Article VIII “Demolition Permits” of Chapter 64 “Building Construction and Maintenance” of The Town of Pittsford Municipal Code, were delivered to each member of the Town Board; and

WHEREAS, due consideration has been given to the adoption of said proposed Local Law No. 1 of 2021, 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 2nd day of March 2021, at 6:00 p.m. by electronic conference as permitted by law, to consider the adoption of said proposed Local Law No. 1 of 2021;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing be held on the 2nd day of March, 2021, at 6:00 P.M., Local Time, by electronic conference as permitted by law, on the question of the adoption of said proposed Local Law No. 1 of 2021; and be it further

RESOLVED, that a Notice of Hearing and a copy of said proposed Local Law 1 of 2021, 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. 2 of 2020, or a summary thereof, on the Town 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.

Draft of Local Law No. 1 of 2021 for consideration:

**BE IT ENACTED BY THE
TOWN BOARD OF THE
TOWN OF PITTSFORD
AS FOLLOWS:
LOCAL LAW NO. 1 OF 2021:
THE ADOPTION OF PROPOSED LOCAL LAW NO. 1 OF 2021:
AMENDING “ARTICLE VIII. DEMOLITION PERMITS” OF “CHAPTER
64. BUILDING CONSTRUCTION AND MAINTENANCE” OF THE
TOWN OF PITTSFORD MUNICIPAL CODE**

Sec. 1 Title

This Local Law shall be known as Local Law No. 1 of 2021: Amending “Article VIII. Demolition Permits” of “Chapter 64. Building Construction and Maintenance” of the Town of Pittsford Municipal Code.

Sec. 2 Amendment to Existing Law

The Pittsford Town Code, Article VIII of Chapter 64, shall be amended to read as follows:

Chapter 64 – Building Construction and Maintenance

Article VIII – Demolition of Structures; Board Review and Permit Required

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[§ 64-41. Purpose.](#)

The Town of Pittsford contains structures of historic and/or architectural merit, or which otherwise contribute beneficially to the character of the Town and the neighborhood in which such buildings stand. These structures are or may be threatened by development pressures. The purpose of this Article is to provide for public notice and board review before any such structures are demolished.

[§ 64-42. Demolition permit required; Board review and permit required; Board review exemptions.](#)

- A. Demolition permit required. No person may partially or substantially demolish any structure within the Town of Pittsford which requires a building permit to construct without the issuance of a demolition permit by a Code Enforcement Officer. For purposes of this article, the term "substantially demolish" means the demolition of 50% or more of the exterior of an affected structure's existing footprint, including porches and garages, as determined by a Code Enforcement Officer.
- B. Board review and permit required. No person may substantially demolish any non-exempt structure within the Town of Pittsford without the review and approval of a demolition permit application by the Design Review and Historic Preservation Board, and the issuance of a demolition permit by a Code Enforcement Officer authorizing such demolition work.
- C. Board review exemptions.
1. Dilapidated structures. Structures which, in the sole discretion of a Code Enforcement Officer, are seriously damaged by fire, storm, or other calamity, or are in such poor condition so as to constitute a threat to health, safety, or general welfare, or both, are exempt from board review for a demolition permit.
 2. Minor structures. The following structures are exempt from Board review for a demolition permit: temporary structures; appurtenant structures, including but not limited to, buildings which are less than 180 square feet in size, tree houses, decks, and patios; recreational equipment or pools of any size; and fences; provided, however, that where applicable, all such minor structures remain subject to review for a certificate of appropriateness under Article XXX of Chapter 185 herein.
 3. Non-historic Structures included in a Planning Board application. Structures that are not inventoried or designated as historic under Article XXX of Chapter 185 herein, but which are included as part of a Planning Board application that requires a public hearing, are exempt from board review for a demolition permit.
 4. Discretionary Exemption by the Design Review and Historic Preservation Board. Upon review of available information pertaining to the structure proposed for demolition, including its address, age, architect if available, photographs, square footage, height, and the proposed size and lot location of any proposed replacement structure, the Design Review and Historic Preservation Board shall promptly determine, at a public meeting, whether to exempt from hearing any application for demolition of a structure which, in its sole discretion, does not contribute to the existing character of the neighborhood, Historic District, potential Historic District, or the Town, by virtue of the structure's architecture or historic resources. Any application so exempted will be promptly referred to a Code Enforcement Officer for the processing of a demolition permit.

[§ 64-43. Procedure.](#)

A. Hearing application.

1. Form. Any person seeking Town permission to substantially demolish any non-exempt structure within the Town of Pittsford shall complete and furnish to the Code Enforcement Official an application on a form created by the Town Building Department and providing such information so as to allow the Design Review and Historic Preservation Board to evaluate the negative impacts of the proposed demolition to the neighborhood, Historic District, potential Historic District, or the Town.
2. Minimum requirements. At a minimum, all applications must include the existing structure's age, square footage, height, style, and other available information, such as the structure's architect or historical interest, parcel map or aerial photographs, and color photographs of the existing structure's exterior elevations. If any replacement structure or addition is proposed, drawings or plans must be presented showing both the existing and proposed structure's elevations and clearly identifying all new construction and

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labeling all materials as new or existing. The application must also identify zoning variances required for any proposed replacement structure or addition. If no replacement structure or addition is proposed, site restoration plans must be presented.

3. Additional information and inspection. Additional information may be required by the Town Building Department or the Design Review and Historic Preservation Board as deemed necessary to determine conformity with Town regulations and with the spirit and intent of this Article prior to a decision on the application. Such information may include, but is not limited to, interior photographs that represent the current condition of the structure. An inspection of the site, including the inside of the structure, by at least one member of the Design Review and Historic Preservation Board and a Code Enforcement Officer, may also be required. If a new addition or structure is proposed, further requirements may include floor plans, site plans, grading plans, landscaping plans, and demolition/development procedures.

B. Notice and Hearing. Within thirty (30) days from receipt of a complete application, the Design Review and Historic Preservation Board shall hold a public hearing on the application. Notice of the hearing shall be given by Town Hall bulletin board posting and newspaper publication no less than five (5) days prior to the hearing in accordance with law. Additional notice by Town website posting, site sign posting, and mail to neighboring properties will conform to informal Town policy.

C. Standards and Decision. Within forty five (45) days of the commencement of a public hearing on the application, the Design Review and Historic Preservation Board shall decide in writing to approve, with or without conditions, or to disapprove the demolition application, upon express consideration of the following standards and information:

- 1) The need or reasons for the proposed demolition;
- 2) The description of the replacement structure or restoration plan for the site;
- 3) The historic and architectural significance of the structure, and the effect of demolishing the structure and rebuilding any replacement structure is expected to have on the character of the neighborhood and community, including a Historic District if the building stands within such a District and including any potential Historic District as identified in the Town's most recent Historic Resource Survey Update; and
- 4) Information derived from the public hearing that supports the preceding subdivision above.

D. Application approval; failure to act upon. Any approval of an application, with or without express conditions, shall be conditioned on compliance with Town and State code provisions regulating demolition activities. Upon approval of an application and compliance with Town and State code provisions regulating demolition activities, a Code Enforcement Officer shall promptly issue the demolition permit. If a decision on an application is not reached within 45 days of the commencement of the public hearing, the application will be deemed denied, unless a time extension is granted at the request of the applicant.

E. Appeals. Consistent with the provisions of Article IX of this chapter, an appeal of any decision of the Design Review and Historic Preservation Board regarding a demolition application may be made to the Town Zoning Board of Appeals.

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 enactment and filing with the Secretary of State.

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FINANCIAL MATTERS

PUBLIC COMMENTS

No comments were offered regarding Financial Matters.

BUDGET TRANSFERS APPROVED

Finance Director Brian Luke confirmed and explained the proposed Budget Transfers, as confirmed in the planning of the 2021 Budget. Thereafter a Resolution to approve the Budget Transfers 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 Resolution was declared carried as follows:

RESOLVED, that the following budget transfers are approved:

- That \$6,300.00 be transferred from 1.1990.4000.1.1 (WT – Contingency) to 1.7110.4003.10.7 (WT – Parks Maintenance, Parks Garage) to cover costs associated with an emergency water main break.
- That line item 4.1989.2003.2.4 (Fleet Schedule – WT Highway Equipment) be increased by \$306,838.00, and item 1.1989.2029.1.1 (Fleet Schedule – WT Admin) be increased by \$76,545.00 and that item 1.1989.2025.2.7 (Fleet Schedule – Parks) be increased by \$60,517.00 and that the source of these funds will be an appropriation from the Whole Town Equipment Capital Reserve. Be it further resolved that this resolution is subject to permissive referendum.
- That line item 2.1989.2003.602.4 (Fleet Schedule – PT Yard Debris) be increased by \$76,004.00 and that the source of these funds will be an appropriation from the Part Town Equipment Capital Reserve. Be it further resolved that this resolution is subject to permissive referendum.
- That line item 6.1989.2029.2.6 (Fleet Schedule – Sewer) be increased by \$116,665.00 and that the source of these funds will be an appropriation from the Sewer Equipment Capital Reserve. Be it further resolved that this resolution is subject to permissive referendum.

SURPLUS INVENTORY APPROVED

A Resolution to approve the proposed inventory for the Town Board to declare surplus and to be removed from the Town's inventory 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 equipment items be declared surplus/junk and 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>
10869	1984	Drain Cleaning Machine	Parks	\$319.00	Junked
12563	1994	Folding Table	Parks	\$112.00	Junked

OPERATIONAL MATTERS

PUBLIC COMMENTS

No comments were offered regarding Operational Matters.

PITTSFORD CEMETERY ASSOCIATION – RENEWAL OF LEASE AGREEMENT APPROVED

Following a brief background and explanation for the need to renew the Lease Agreement for the Pittsford Cemetery Association by Commissioner Schenkel, a Resolution to authorize the Supervisor to enter into and sign

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the Agreement 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 Town Board of the Town of Pittsford authorizes the Town Supervisor to enter into and sign the Lease Agreement with the Pittsford Cemetery Association for use of a portion of the cemetery for leaf and yard debris storage for a 5-year term to expire on January 31, 2026.

RECREATIONAL MATTERS

PUBLIC COMMENTS

Tharaha Thavakumar offered a comment to the Board.

2021 SPRING RECREATION PROGRAMS APPROVED

Recreation Director Jessie Hollenbeck presented the proposed 2021 Spring Recreation Programs to the Town Board for their consideration for approval. Following some brief discussion, a Resolution to approve the 2021 Spring Recreation Programs was offered for approval 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 Town Board approves the Recreation Department's 2021 Spring Programs, as proposed, and authorizes the Town Supervisor to sign instructor contracts as required.

PERSONNEL MATTERS

PUBLIC COMMENTS

No public comments were offered regarding Personnel Matters.

HIRING RESOLUTION APPROVED

A Resolution to approve the proposed recommendations for a new hire, based on the recommendation of the Functional Coordinator for the Planning Department, 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 personnel be and hereby is approved for the date of hire as recommended.

Name	Dept	Position	Salary	Effective Date
John Chiappone	DPW	Assistant Engineer – FT	\$25.27/hr.	02/08/2021

OTHER BUSINESS

Councilmember Townsend suggested that the Town consider asking Joule to include us as they go out to bid for the City of Rochester's CCA program, in hopes that Joule can possibly obtain a better bid, if Pittsford is combined with the City of Rochester. Supervisor Smith agreed and indicated that he will contact Joule.

Councilmember Townsend also recommended that the Town continue to move forward with the Climate Smart Communities Program initiative, as funding opportunities may be available. She also encouraged moving forward with the hiring of the budgeted part-time grant writer, so that we may be able to appropriately and timely apply for these grant opportunities. Councilmember Townsend offered to develop a cliff-note version of a strategic plan for the Town to becoming a Climate Smart Community.

Councilmember Beckford inquired, and Commissioner Schenkel responded, regarding the information that is on the Town of Pittsford website regarding MWBE reporting for the Town of Pittsford. Commissioner Schenkel

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indicated that this information has been on our website since requested by Councilmember Beckford in 2019. After some discussion, it was agreed that it will be updated quarterly moving forward.

Councilmember Koshykar inquired about the Town going out to bid for Zero Waste Disposal services for Town Events, asking if the Town can structure a bid request to be Zero Waste – as a factor in the substance of the bid. Recreation Director Hollenbeck indicated, and Deputy Supervisor Munzinger agreed, that the cost has been minimal in the past and there was not a need to go out to bid – that the organization we have used, Impact Earth, has done a great job and charges very minimally.

Councilmember Koshykar confirmed that her request for a review of the Town Board Rules of Procedure would be on the agenda in the near future.

PUBLIC COMMENTS

Annalise Johnson Smith offered a general public comment out of order, during the Legal Matters portion of the meeting.

Having no further business to discuss, the Supervisor adjourned the meeting at 6:50 p.m.

Respectfully submitted,

Linda M. Dillon
Town Clerk