

Minutes of the Town Board for April 2, 2019

**TOWN OF PITTSFORD
TOWN BOARD
APRIL 2, 2019**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, April 2, 2019 at 6:00 P.M. local time in Town Hall, Lower Level Meeting Room.

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

ABSENT: None.

ALSO PRESENT: Staff Members: Paul J. Schenkel, Commissioner of Public Works; Jessie Hollenbeck, Recreation 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 twelve (12) members of the public in attendance, as well as six (6) additional staff members.

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

Following the pledge, the Supervisor requested that all remain standing to observe a moment of silence on the passing of James Nagle, who served our community as a New York State Assemblyman from 1973 – 1976.

SUPERVISOR'S ANNOUNCEMENTS

Supervisor Smith encouraged residents to participate in the Town's upcoming Community Survey of residents.

PUBLIC HEARING

SEWER DISTRICT EXTENSION JH-156 – GREGORY P. AND COLBY FINN

Following a brief description of the proposed Sewer Extension JH-156, Supervisor Smith opened the public hearing for comments regarding the proposed Sewer Extension JH-156, to allow private property owners at 159 South Main Street within the Town to upgrade their wastewater disposal system by connecting to the Town Sanitary Sewers.

Town Attorney, Robert Koegel, noted a small edit necessary in the citation of the law in paragraph six (6) of the proposed Orders, for both Sewer District Extensions. He noted that the citation should read: 6 NYCRR § 617.5 (c)(13). The draft proposal notes the citation as 6 NYCRR § 617.5 (c)(11).

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

PUBLIC HEARING

SEWER DISTRICT EXTENSION PSD NO. 80 – MARCY WILCOVE

Following a brief description of the proposed Sewer Extension PSD-80, Supervisor Smith opened the public hearing for comments regarding the proposed Sewer Extension PSD-80, to allow private property owner at 17 Country Club Road within the Town to upgrade their wastewater disposal system by connecting to the Town Sanitary Sewers.

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

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SEWER DISTRICT EXTENSION JH-156 APPROVED

A written Resolution to approve proposed Sewer Extension JH-156 was offered by Supervisor Smith, 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:

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 "JH-156"; 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 5th day of March, 2019, for the hearing of all persons interested in the matter to be held on the 2nd day of April, 2019, 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

WHEREAS, the within action is a Type II action, pursuant to the SEQRA regulations published at 6 NYCRR § 617.5 (c)(13), 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 "JH-156" 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 PSD NO. 80 APPROVED

A written Resolution to approve proposed Sewer Extension PSD No. 80 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:

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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-80"; 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 5th day of March, 2019, for the hearing of all persons interested in the matter to be held on the 2nd day of April, 2019, 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

WHEREAS, the within action is a Type II action, pursuant to the SEQRA regulations published at 6 NYCRR § 617.5 (c)(13), 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 "PSD-80" 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.

MEETING MINUTES OF MARCH 19, 2019 APPROVED

A Resolution to approve the Meeting Minutes of the March 19, 2019 meeting was offered by Supervisor Smith, 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 Meeting Minutes of the March 19, 2019 meeting are approved as written.

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LEGAL MATTERS

DISCUSSION: DEMOLITION REVIEW LAW

Supervisor Smith offered an opportunity for anyone in the public to speak regarding the matter of the draft Demolition Review Law. The following comments were made:

- 1) Paula Liebschutz, a member of the Town's Planning Board (hereafter also referred to as PB), spoke on behalf of the Planning Board with the following comments from the board:
 - a. John Limbeck, Planning Board Chairman, indicated concern that there was no mention of commercial buildings within the draft code; he also noted that he would include barns under the purview of the Planning Board review process.
 - b. Jeffery Donlon, Planning Board member, conveyed that under "Procedure", Section C, #2, he does not see this as being in the Design Review and Historic Preservation Board's (hereafter also referred to as DRHPB) purview to take into account the description or use of the replacement structure (if proposed) or landscaping plan (if no replacement structure or use is proposed) in making its decision for demolition. He feels those aspects should fall under the PB's discretion. He indicated that he was fine with #1, #3 and #4 in this section. However, what concerned him about #2 is that future use drive the demolition decision and he did not believe that this falls within the DRHPB's scope. He recommended either taking that piece out entirely, or having it be its own statute under Procedure that suggests the Planning Board would review any proposals for future use/replacement. He did not have a particular opinion as to whether this future use/replacement review by the Planning Board should occur concurrent with the demolition application or after.
 - c. Paula Liebschutz, as a Planning Board member, concurs that the Design Review and Historic Preservation Board be given the reviewing authority for Landmark designated structures as well as those within the Historic Preservation district. She also agrees that the DRHPB should also review those structures on the Historic Inventory list, but agrees with Jeff Donlon's opinion that landscaping plans should continue to remain under the Planning Board application process. She also believes that everyone would like to see some explicit language in the code referencing the Planning Board function(s).
- 2) Bonnie Salem, a member of the Design Review and Historic Preservation Board, spoke on behalf of this board. She noted the following differences from the first draft to this draft, with concern:
 - a. Section 64-43 (B) Notice and Hearing: The new draft states "and **may** be given by posting of a sign". The board would like the posting requirement to be a mandatory requirement.
 - b. Section 64-43 (A) Application: The board recommends that the following additional information be required on the application: The date of the construction and the name of the builder or architect that designed the home.
 - c. 64-42 (C): Board review exemption. The board recommends that the language referencing a structure being dilapidated by neglect over time be removed – for fear that an owner may purposefully neglect a structure in order to obtain the exemption to demolish.
- 3) Deputy Supervisor Munzinger commented that she did not see any mention of the role of the Planning Board within the draft. Also, she did not see any specifics regarding commercial properties or barns. She wonders whether it may be helpful to have a representative from each of the boards – the Planning Board and the Design Review and Historic Preservation Board – meet and decide what edits each would be comfortable with making and come to a reasonable compromise upon the contents and the language within the code and its division of responsibilities among the two boards.
- 4) Supervisor Smith agreed that the proposed Code revision should describe the role of the Planning Board. He also agrees that posting notice at the proposed demolition site should be required, not optional. He supports the concept of the PB and DRHPB Chairmen meeting and defining roles for each board that both can agree on.
- 5) Councilwoman Townsend discussed the following points:
 - a. Decision by the reviewing board should be rendered within 30 days after the close of a Public Hearing, not commencement of the hearing.
 - b. Restore language that appeared in the prior draft providing for cumulation of successive partial demolitions within a stated timeframe as a trigger for demolition review.

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- c. Restore language from the prior draft at Section 64-42 (A), providing that the demolition code would apply to any structure within the Town that requires a building permit to construct.
 - d. Prior Board discussion had reached a consensus that review of demolitions proposed for existing residences would be done by the DRHPB; that such review of demolitions proposed in conjunction with new residential developments and for commercial buildings would be undertaken by the PB.
- 6) Town Attorney Robert Koegel responded that the draft circulated for tonight's meeting accommodates concerns expressed to him by Town staff members. His goal was to create the simplest statute which will achieve the purposes of demolition review with minimal burden to Town residents and Town staff. These changes include the narrowing of the definition of covered structures to residences, detached garages and barns in order to avoid over-regulation of minor structures, streamlining application materials with the ability to require more information when appropriate, and making notice of hearings by sign posting and neighborhood letters, in addition to mandatory newspaper publication and website posting, voluntary, so as to avoid possible legal challenges over the sufficiency of these additional notice provisions. He added that, of course, any of these provisions are ultimately the decision of the town Board.
- 7) Supervisor Smith summarized as follows:
- a. Town Board agrees that posting notice of a review of proposed demolition be required;
 - b. Language referring to cumulation of successive partial demolitions as a trigger for review as provided in an earlier draft be restored;
 - c. That the Chairmen of the Planning Board and Design Review Board should meet to determine the board responsibility for demolition review of:
 - commercial buildings
 - barns
 - future use issues
 - landscapingAnd also determine whether decision should be rendered within 30 days of commencement of public hearing or within 30 days of the close of the public hearing.
- 8) Councilman Beckford inquired about the process and whether it is felt that the additional information of date of structure and architect is absolutely necessary for the DRHPB to know in the review process. Bonnie Salem expressed the view that indicated that it is, given that DRHPB's basic criteria in determining historic significance is age, architect and builder. Councilman Beckford also strongly expressed that the process of revising the draft code revision review should not start from scratch, but that the focus should be on revising the provisions discussed.

OPERATIONAL MATTERS

BUDGET TRANSFER FOR PARKS EQUIPMENT APPROVED

During the recent presentation by Parks Foreman Jessica Neal of the Town's Integrated Pest Management Plan (IPM), several recommendations were suggested to improve the Town's ability to decrease the need for the use of pesticides. These recommendations included additional funding for grass seed and equipment. In order to fund these purchases, it is necessary to transfer funds to the appropriate budget lines.

Thereafter, a Resolution for the Budget Transfer, as outlined by Finance Director, Greg Duane, 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 Town Board authorizes the Finance Director to transfer \$29,528 to the appropriate Parks Budget lines for the purchase of additional equipment and grass seed as recommended by the Integrated Pest Management Plan as follows:

Tri-Wave Overseeder	\$13,471
Ventrac Aera-Vator with Seedbox	\$ 7,904
Ventrac Ballfield Groomer	\$ 2,153
Additional Grass Seed	<u>\$ 6,000</u>
Total	\$29,528

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And, therefore, be it

RESOLVED, that \$23,528.00 be transferred from 1.9950.9000.1.1 (WT-Transfer to Capital) to 1.7110.2025.2.7111 (Parks – Parks Equipment) to purchase an Overseeder, Aera-Vator with Seedbox and Ballfield Groomer; and be it further

RESOLVED, that \$6,000.00 be transferred from 1.9950.9000.1.1 (WT – Transfer to Capital) to 1.7110.4003.10.20 (Parks – Park Maintenance) to purchase additional grass seed to over seed the fields.

SENIOR PGA CHAMPIONSHIP PARKING RESTRICTIONS APPROVED

Oak Hill Country Club will host the 2019 Senior PGA Championship May 21 – May 26, 2019. For safety and emergency reasons, it is necessary to restrict parking on some of the surrounding streets near Oak Hill Country Club. Therefore, a Resolution to restrict parking on specific streets in Pittsford was offered by Supervisor Smith, seconded by Councilwoman Townsend, 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 from the period beginning at 5:00 A.M. on May 21, 2019 and terminating at midnight on May 26, 2019, commencing at 5:00 A.M. until 10:00 P.M., parking, stopping or standing shall be prohibited unless authorized by permit on the following named streets:

Allen's Creek	Knollwood Drive
Allen Parkway	Maywood Avenue
Alpine Drive	North Country Club Drive
Bretton Woods Drive	Overbrook Road
Country Club Drive	San Rafael
Crestline Road	Shelwood Drive
East Avenue	Stoneleigh Court
Ellingwood Drive	Sylvania Road
Kilbourn Road	

and be it further

RESOLVED, that the Commissioner of Public Works or his designee are authorized to post the following additional streets prohibiting parking, stopping or standing, unless authorized by permit beginning on May 21, 2019 and terminating on May 26, 2019, if the need becomes necessary during the Senior PGA Championship:

Creekside Lane	Old Landmark Lane
Harwood Lane	Shoreham Drive
Malm Lane	Whitestone Lane
Pickwick Drive	
Pine Acres	

and be it further

RESOLVED, that the streets on which the said parking, stopping or standing is prohibited have been marked on the annexed map of part of the Town of Pittsford, which annexed map, together with the markings thereon, is incorporated in and made a part of this Resolution; and be it further

RESOLVED, that these restrictions will be enforceable upon the proper and adequate posting of signs on all of these streets herein designated to give notice to all motorists using any of the said streets that parking, stopping or standing is prohibited on that side of the said streets so designated by the said signs; and be it further

RESOLVED, that any vehicle parked in violation of this resolution may be towed at the owner's expense; and be it further

RESOLVED, that a violation of this Resolution shall constitute an offense and shall be punished by fine not to exceed Twenty-Five Dollars (\$25.00).

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SENIOR PGA CHAMPIONSHIP PEDDLER HAWKER PERMIT RESTRICTIONS APPROVED

In addition to parking restrictions during the 2019 PGA Senior Championship at Oak Hill Country Club, it is requested that the Town approve restrictions of issuing any Peddler, Hawker or Solicitor permits during the timeframe of the event in particular locations in Town.

Thereafter, a Resolution to restrict Peddler and Solicitor Permits during the 2019 PGA Senior Championship was offered by Supervisor Smith, 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 accept the recommendation of the Commissioner of Public Works, and approves the restrictions of issuing any Peddler, Hawker or Solicitor permits, and restricts any current permits during the timeframe and locations, as noted hereto:

Timeframe for restriction: May 21, 2019 through May 26, 2019.

Peddler Permit holders will be notified that their permit will be invalid on the streets adjacent to Oak Hill Country Club, as listed below:

Allen's Creek	Kilbourn Road
Allen Parkway	Kingsbury Court
Alpine Drive	Landsdowne Lane
Bretton Woods Drive	Maywood Avenue
Briar Circle	Monroe Avenue
Briar Patch Road	New England Drive
Country Club Drive	North Country Club Drive
Cranswick Lane	Pilgrim Circle
Crestline Road	Pine Acres Drive
Dunbridge Circle	Overbrook Road
Duxbury Way	San Rafael Drive
East Ave. (NYS Rte 96)	Shelwood Drive
Ellingwood Drive	Stoneleigh Court
Fairport Road (NYS Rte. 31F)	Sylvania Road
Harwood Lane	

BID DATE SET FOR RESIDENT-PROPOSED REFUSE DISTRICTS

Due to interest expressed by residents, the Town is making it possible for residents, at their option, to create Refuse Districts for their neighborhoods. In order to move forward for those neighborhoods that have expressed an interest, the Town needs to prepare for the bidding process and will propose a contract term of January 1, 2020 through December 31, 2020, with an option of extending the contract for three additional terms of one year each. The specifications of the bid will not obligate the Town to accept any bid. Therefore, Commissioner Paul Schenkel has proposed to the board that a bid date be set for Contracted Refuse District Services.

Discussion ensued, with Commissioner Schenkel confirming that there has been a substantial amount of interest in some neighborhoods thus far and that the bid specifications would include what residents have requested, as well as specific language regarding mixing trash and recyclables. He also indicated that in order for a district to be formed, State Law requires that residents in any proposed district representing at least 50% of the cumulative assessed value of property within the proposed district must have signed petitions requesting formation of the refuse district. He confirmed that the definition of each district is solely up to the residents of the affected neighborhoods or those nearby. Proposed district lines can be changed before petitions are circulated to form a district. It would then take a resolution of the Town Board to create any refuse district. Once a district is formed, all residents within the district will be included, even those who did not submit petitions requesting formation of the district. The Town website has all the information that defines a district.

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Following an inquiry from Beth Knickerbocker, a resident, Supervisor Smith indicated that residents may contact the Town if they see a refuse hauler mixing regular trash with recyclables. He did caution that if you are not in a refuse district, you may need to contact your refuse collector directly to confirm that you are using the appropriate receptacles for your recyclable material, as this may vary from one collector to another. Requiring proper separation of recycling and waste is in the draft form of Request for Bids that Town staff are preparing.

Thereafter, a Resolution to set a bid date for Contracted Refuse District Services 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 Town Board set a bid opening date for Contracted Refuse District Services on Thursday, May 2, 2019 at 11:00 a.m.

PERSONNEL MATTERS

STATUS/SALARY ADJUSTMENT RECOMMENDATIONS APPROVED

Councilman O'Connor, noting that all the documents were in order for the status and/or salary adjustment, offered a motion to approve the recommended personnel adjustments, approving the status and salary changes of two employees. Thereafter, the motion was 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 approves the status and salary changes for the following employees:

Name	Position	Reason for Change	Rate	Effective Date
Nicholaus Ross	MEO III	CDL-Class B	\$16.52	03/25/2019
Koby Wallman	Seasonal	Rate Change for Seasonal	\$12.50	03/25/2019

EDUCATION AND TRAINING

GENESEE/FINGER LAKES REGIONAL PLANNING COUNCIL'S 2019 SPRING LOCAL GOVERNMENT WORKSHOP ATTENDANCE APPROVED

A Resolution to approve two (2) staff members and three (3) volunteer board member to attend a government planning workshop was offered by Deputy Supervisor Munzinger, seconded by Councilwoman Townsend, 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 approves the following individuals to attend the Genesee/Finger Lakes Regional Planning Council's 2019 Spring Local Government Workshop being held on Friday, May 17, 2019 at the Burgundy Basin Inn at the cost of \$75.00 per attendee:

Sarah Gibson	Planning Board
Jeffrey Donlon	Planning Board
Jessica Yaeger	Planning Department Secretary
Doug DeRue	Planning and Zoning Department Director
Mary Ellen Spennacchio-Wagner	Zoning Board of Appeals

OTHER BUSINESS

Supervisor Smith noted that the Town Board has signed and will be sending a letter of support with regard to the proposed legislation in the United States Congress entitled "Energy Innovation and Carbon Dividend Act of 2019".

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PUBLIC COMMENT

Mary Moore spoke, thanking the Town Board and staff for all their efforts and work toward eliminating pesticides on Town property and in undertaking to educate the public to reduce the use of pesticides on private property.

As there was no further business, the Supervisor adjourned the meeting at 6:55 P.M.

Respectfully submitted,

Linda M. Dillon
Town Clerk