

Minutes of the Town Board for April 20, 2021

TOWN OF PITTSFORD TOWN BOARD APRIL 20, 2021

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, April 20, 2021 at 6:00 P.M. local time via Zoom.

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

ABSENT: Councilmember Kevin S. Beckford.

ALSO PRESENT: Staff Members: 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; Shelley O'Brien, Communications Director; Joy Brown, Technology Director and Spencer Bernard, Chief of Staff.

ATTENDANCE: There were twenty-one (21) members of the public in attendance, as well as two (2) additional staff members and an interpreter.

Supervisor Smith called the Town Board meeting to order at 6:00 P.M. Supervisor Smith led all present in the Pledge to Flag.

SUPERVISOR'S ANNOUNCEMENTS

- 1) Councilmember Beckford advised the Board today that he cannot attend tonight's meeting due to illness; Board members extended best wishes for recovery.
- 2) Earth Day – April 22 – Ribbon Cutting of the Erie Canal Nature Preserve at 12 Noon.
- 3) Zoning Code Update: Opportunity for residents to use the interactive mapping tool for the Zoning Code Update has been extended from April 25 to May 24. Supervisor Smith encouraged the public to participate in the process.
- 4) Public Comments – Supervisor Smith reviewed the procedure for offering public comments during the meeting.

MINUTES OF THE APRIL 6, 2021 APPROVED

A Resolution to approve the April 6, 2021 Minutes was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Minutes of the April 6, 2021 meeting is approved as written.

LEGAL MATTERS

PUBLIC COMMENTS

No comments were offered regarding Legal Matters.

COMMUNITY CHOICE AGGREGATION – PROGRAM ADMINISTRATOR AUTHORIZED TO SOLICIT BIDS FOR ELECTRICITY FROM RENEWABLE SOURCES AND AMENDMENT TO AGREEMENT APPROVED

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Town Attorney, Robert Koegel, reviewed briefly the history of the CCA Program, noting that the last time that the Program Administrator went out to bid for renewable energy, they were unable to secure bids from suppliers who would meet the bid specifications of providing 100% renewable electricity at a net savings compared to the 12-month historic average. The Town now has an opportunity to join with the City of Rochester, the Town of Irondequoit, and, if still interested, the Village of Pittsford, to have Joule seek bids from renewable electricity suppliers with more flexibility in soliciting bids in order to stimulate more term-compliant bidding.

After some discussion and clarification by the Town Attorney, a Resolution to amend the Agreement with Joule and authorize them to solicit bids was offered by Councilmember Townsend, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, by Local Law No. 4 of 2018 adopted September 17, 2018, the Town Board of the Town of Pittsford enacted a Community Choice Aggregation (“CCA”) Program Enabling Law pursuant to § 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law and consistent with State of New York Public Service Commission Case No. 14-M-0224; and

WHEREAS, pursuant to a resolution adopted December 5, 2018, the Town Board authorized the Supervisor to execute a non-binding Memorandum of Understanding (the “MOU”) with the Town of Brighton, the Town of Irondequoit, and the Village of Pittsford (collectively with the Town of Pittsford, the “Original Municipalities”) to solicit, evaluate, and select a common CCA administrator to assist in securing a 100% renewable clean energy product, consistent with State of New York Public Service Commission Case 14-M-0224 and Local Law No. 4 of 2018 of the Town of Pittsford; and

WHEREAS, on March 6, 2020, the Town, Joule, and Roctricity LLC entered into that certain Community Choice Aggregation Agreement (“CCA Agreement”), whereby Joule agreed to, among other things, pre-qualify prospective energy suppliers to provide Town residents with 100% renewable energy at a net savings compared to the 12-month historic average, measured from the bid issuance date, of the Rochester Gas & Electric residential rate for electricity charged to residential customers; and

WHEREAS, pursuant to a resolution dated June 16, 2020, the Town Board authorized Joule to issue a request for proposals seeking electricity suppliers to supply renewable electricity to Town residents on a 100% renewable energy basis and at a net savings compared to the 12-month historic average, measured from the bid issuance date, of the Rochester Gas & Electric residential rate for electricity charged to residential customers, and a term for supplying electricity of at least twenty-four months, and further authorized entry into an Electricity Supply Agreement (the “Electricity Supply Agreement”), responsive to the foregoing requirements (among others) with a qualifying supplier of renewable electricity; and

WHEREAS, Joule sought but was unable to locate suppliers to provide electricity on a 100% renewable basis and providing a net savings compared to the 12-month historic average; and

WHEREAS, the City of Rochester has now expressed interest in joining with the Town and the Original Municipalities to again seek bids from renewable electricity suppliers pursuant to a Community Choice Aggregation Program; however, not all of the Original Municipalities have yet determined to proceed; and

WHEREAS, the Town of Pittsford wishes to authorize Joule to seek bids for renewable electricity suppliers on behalf of the Town of Pittsford, the Town of Irondequoit, the City of Rochester, and as many of the Original Municipalities which determine to proceed; and

WHEREAS, to accomplish the above, the Town wishes to authorize amendments to the MOU, the CCA Agreement, and the Electricity Supply Agreement to allow any or all of the following: (1) that the City of Rochester be added as a participating municipality and any of the Original Municipalities which determine not to proceed be removed as participating municipalities, as necessary; (2) that Joule request rate quotes from suppliers for 100% renewable electricity from projects sited anywhere in the United States, as well as those projects sited solely in New York; (3) that residents enrolled in the Community Choice Aggregation Program, who have not opted out of such, be given the option to “opt-down” to a fixed-rate standard electricity supply mix; (4) that Joule seek “variable rates with downside protection” (e.g., roughly half of the price would be fully fixed, and half would be “trued up”

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periodically, such as annually); and/or (5) that Joule be authorized to solicit rate quotes based on a fixed percentage of at least 15% below the current lowest offer for a 24 months fixed rate 100% renewable electricity product with no cancellation fee; and

WHEREAS, the Amended and Restated Community Choice Aggregation Agreement, in the form attached hereto as **Exhibit A** (see CCA File), and the revised Electricity Supply Agreement, in the form attached hereto as **Exhibit B** (see CCA File), have been reviewed and approved by the Town Attorney, and have been deemed to provide benefits, adequate protections, and a minimization of risk to the Town.

NOW, THEREFORE, BE IT

RESOLVED, that, to the extent necessary, the Town Board authorizes the Supervisor to execute a revised MOU with the City of Rochester and any of the Original Municipalities as wish to proceed, in a form as may be approved by the Town Attorney.

AND, THEREFORE, BE IT FURTHER

RESOLVED, that the Town Board authorizes the Supervisor to execute the Amended and Restated Community Choice Aggregation Agreement, substantially in the form attached hereto as Exhibit A or as may be approved by the Town Attorney.

AND, THEREFORE, BE IT FURTHER

RESOLVED, that the Town Board authorizes Joule, in its capacity as program manager, to issue a supply request for proposals ("Supply RFP") consistent with the provisions of this Resolution and the resolutions described more fully above, with bids to be evaluated based upon compliance with the specifications of the Supply RFP including, without limitation, price and tenor parameters, and the Supplier's acceptance of all material terms of the revised Electricity Supply Agreement, substantially in the form attached hereto as Exhibit B or as may be approved by the Town Attorney.

AND, THEREFORE, BE IT FURTHER

RESOLVED, that the Town Board approves the revised Electricity Supply Agreement in substantially the form attached to this Resolution as Exhibit B, or as may be approved by the Town Attorney, such form to be included in the Supply RFP.

AND, THEREFORE, BE IT FURTHER

RESOLVED, that Joule in its role as Program Administrator for the Program shall, among other things, manage the energy procurement process, prepare and issue the Supply RFP, and make recommendations for award to the Town; provided however, that the Town will, through the Supervisor, make the final award decision.

AND, THEREFORE, BE IT FURTHER

RESOLVED, that subject to the conditions that the awarded Supplier has been pre-qualified as required by Program Administrator and that the awarded bid meets the specifications established in the Supply RFP, the Town Supervisor is authorized to execute an Electricity Supply Agreement, as revised, on behalf of Town, in substantially the form attached hereto as Exhibit B, as may be revised by the Town, with the awarded Supplier and Program Administrator in a timely fashion; provided, however, that the Town is under no obligation to award the Supply RFP for any bid that fails to provide both (a) a 100% renewable supply of electricity at a net savings, compared to the 12-month historic average measured from the bid issuance date, of the Rochester Gas & Electric residential rate for electricity charged to residential customers; and (b) a term for supplying electricity which is at least twenty-four months. In addition, the Town is under no obligation to award the Supply RFP if any of the conditions of the Amended and Restated Community Choice Aggregation Agreement shall not be met.

FINANCIAL MATTERS

PUBLIC COMMENTS

No comments were offered regarding Financial Matters.

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APRIL VOUCHERS APPROVED

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

The Resolution was declared carried as follows:

RESOLVED, that the April 2021 vouchers No. 150695 through 151068 in the amount of \$612,578.97 are approved for payment.

OPERATIONAL MATTERS

PUBLIC COMMENTS

No public comments were offered regarding Operational Matters.

SUSTAINABILITY UPDATE

Chief of Staff Spencer Bernard gave a Sustainability Update report to the Town Board as follows:

Refuse Districts: A very successful program launched a few years ago. As of now, we have eight (8) districts throughout the Town, with seven (7) neighborhoods currently in the process of forming a district for 2022. This would result in fifteen (15) neighborhoods with reduced weekly truck traffic, meaning less wear and tear on our roads and less CO2 in our airways. Many thanks to Renee McQuillen for her continued hard work on this initiative.

CCA/Community Solar: Sue Hughes Smith from Rocricity has been very responsive to resident questions and concerns on the Community Solar program. Pittsford is pleased to have the most signups for the Community Solar Program in the county, with \$50 of every new enrollment going directly to the Town's sustainability fund.

Community Garden Expanded: Our Parks Foreman, Jess Neal and her crew have added 34 new raised garden beds. Each garden bed is 4' x 8' in size. Tools, water, mulch and compost are provided on-site.

Grant Writer: Now that the Town has engaged a grant writer, the Town has an opportunity to move forward with more sustainability initiatives, as many can be supported through grants, such as the new solar panels on the lodges at Kings Bend Park, our Electric Vehicle Charging Stations, etc. The consultant hired by the Town has already begun working to aggressively pursue grant funding for sustainability projects.

Toxic-Free Challenge: We quickly learned that committing to a toxic-free lawn is where the most change can be made in the area of synthetic chemical use. Therefore, the Town supported a grass-roots movement that shows you can have a toxic-free lawn that is healthy, looks great and is good for people, plants and animals. If you would take the challenge, you can show your support with one of our Toxic-Free Challenge lawn signs. Residents can pick one up at the Town Hall front steps or at our Community Garden at Thornell Farm Park.

Pollinator Corridors: In late January, early February, Parks Department Foreman Jess Neal, Commissioner of Public Works Paul Schenkel and Chief of Staff Spencer Bernard began looking at possible locations on Town owned land to plant more native species beneficial to pollinating species such as bees, butterflies and birds, using native plantings as contemplated by the Comprehensive Plan, and to configure these spaces so as to create a pollinator corridor or corridors. In addition to the pollinator-friendly areas the Town has planted already, such as the hillside and drainage swale at the Spiegel Community Center, and areas in Farm View and Hopkins Park, the Town has identified additional areas for native plantings. These will include Town-owned hillsides that are tricky to mow, areas surrounding our farmed Greenprint land. In addition, the Town will approach areas governed by neighborhood associations to discuss native plantings on areas controlled by the associations. The removal of invasive species will be a constant battle, but the more we can inform people about native plantings and their benefits, the more we can do as the Town to lead by example by planting native species, the better off we'll be in the long run. We may expect that the more homeowners learn about the natural beauty of native species, that they require much less maintenance and help the environment, the more the Town can expand pollinator-friendly areas.

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Upcoming Projects: Recommended sidewalk projects based on the Active Transportation Plan are beginning to be explored. The hope is to have these projects engineered so when funding becomes available, the Town will have the advantage of having “shovel ready plans” in place. The Parks Department has pursued the ATP’s plans to connect neighborhoods by building a bridge between two neighborhood trails. The bridge creates walking and hiking access between two neighborhoods by connecting two trails, making it safer, quicker and more pleasant to get from one neighborhood to another. This is just one of the projects that has been completed as part of the Active Transportation Plan. The Town will continue to add trail connections and make pedestrian safety improvements.

Erie Canal Nature Preserve. One of the Town’s most ambitious projects in recent years, the Erie Canal Nature Preserve protects and conserves unspoiled land with a unique ecology in the heart of Pittsford, preserving a 20 acre area along the Canal from development. The Town made significant, but low-impact, improvements to the area that make the site accessible to the public. This Thursday, Earth Day, the Town will hold the the Ribbon Cutting for the Nature Preserve. At that time, the Town will announce plans for a Native Plants & Pollinator Garden that we have been developing for the past few months. We have identified an area near the towpath that will serve as one garden in the Town of Pittsford’s network of Native Planting and Pollinator Gardens. This will be a garden that our residents can visit and also learn how to create a garden of their own with native plantings.

APPOINTMENTS TO VOLUNTEER BOARDS APPROVED

DAVID JEFFERSON RE-APPOINTMENT TO THE PLANNING BOARD APPROVED

A Resolution to re-appoint David Jefferson to the Planning Board was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that David Jefferson be re-appointed to the Planning Board for a term commencing on January 1, 2021, with the term expiring on December 31, 2027.

MARY ELLEN SPENACCHIO RE-APPOINTMENT TO THE ZONING BOARD OF APPEALS APPROVED

A Resolution to re-appoint Mary Ellen Spenacchio to the Zoning Board of Appeals was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that Mary Ellen Spenacchio be re-appointed to the Zoning Board of Appeals for a commencing on January 1, 2021, with the term expiring on December 31, 2027.

THOMAS KIDERA APPOINTMENT TO THE ZONING BOARD OF APPEALS APPROVED

A Resolution to appoint Thomas Kidera to the Zoning Board of Appeals to fill a seat left vacant due to a resignation, was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that Thomas Kidera be appointed to the Zoning Board of Appeals for a commencing on January 1, 2021, with the term expiring on December 31, 2025.

ANGELA UTTARO APPOINTMENT TO THE ASSESSMENT REVIEW BOARD APPROVED

A Resolution to appoint Angela Uttaro to the Assessment Review Board was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

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RESOLVED, that Angela Uttaro be appointed to the Assessment Review Board for a term commencing on January 1, 2021, with the term expiring on September 30, 2025.

BONNIE SALEM RE-APPOINTED TO THE DESIGN REVIEW AND HISTORIC PRESERVATION BOARD APPROVED

A Resolution to re-appoint Bonnie Salem to the Design Review and Historic Preservation Board was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that Bonnie Salem be appointed to the Design Review and Historic Preservation Board for a term of commencing on January 1, 2021, with the term expiring on December 31, 2027.

APPOINTMENTS TO THE ENVIRONMENTAL BOARD APPROVED

A Resolution was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, to appoint a new member, Jackie Ebner and to re-appoint the following persons to the Environmental Board: Stephen Heinzelman, Hali Buckley, Seth O’Bryan, James Pippin, Julie Marcellus, and Lindsay Clark. The members voted thereafter as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that Jackie Ebner be appointed to the Environmental Board and the following be re-appointed as an annual appointment commencing on January 1, 2021, with the term expiring on December 31, 2021: Stephen Heinzelman, Hali Buckley, Seth O’Bryan, James Pippin, Julie Marcellus, and Lindsay Clark.

**RECREATIONAL MATTERS
PUBLIC COMMENTS**

No public comments were offered regarding Recreational Matters.

2021 COMMUNITY EVENTS SCHEDULE APPROVED

Recreation Director Jessie Hollenbeck reviewed the Community Events Schedule with the Board. Thereafter a Resolution to approve the proposed 2021 Community Events Schedule was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Munzinger, O’Connor, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Town Board, approves the proposed Schedule of Events for the Town of Pittsford as follows:

Memorial Day Ceremony	Monday, May 31 at 10:00AM	Carpenter Park - Memorial
Meet the Machines	Saturday, June 5 at 10:00AM	Community Center
Concert #1	Friday, June 25 at 6:30PM	Port of Pittsford Park
*Farmers Market	July- August	Community Center
Concert #2	Friday, July 9 at 6:30PM	Port of Pittsford Park
Family Outdoor Movie #1 Food Truck in the Park	Friday, July 16 at Dark 5:00PM	Thornell Farm Park

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Concerts for Kids #1	Wednesday, July 21 at 6:30PM	Community Center
Concert #3	Friday, July 23 at 6:30PM	Port of Pittsford Park
Family Outdoor Movie #2 Food Truck in the Park	Friday, July 30 at Dark 5:00PM	Thornell Farm Park
Concert #4	Friday, August 6 at 6:30PM	Port of Pittsford Park
Family Outdoor Movie #3 Food Truck in the Park	Friday, August 13 at Dark 5:00PM	Thornell Farm Park
Concerts for Kids #2	Wednesday, August 18 at 6:30PM	Community Center
Concert #5	Friday, August 20 at 6:30PM	Port of Pittsford Park
Family Outdoor Movie #4 Food Truck in the Park	Friday, August 27 at Dark 5:00PM	Thornell Farm Park
Fall Festival/ Fireworks	TBD	
Family Halloween Fest	TBD	
Veteran's Day Ceremony	November 11 at 11:00AM	Carpenter Park - Memorial

SUMMER RECREATIONAL PROGRAMS APPROVED

Recreation Director Jessie Hollenbeck introduced to the Board the proposed Summer Recreation Programs. Thereafter, a Resolution to approve the 2021 Summer Recreation Programs was offered by Councilmember Townsend, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the 2021 Summer Recreation Programs are approved as proposed.

CONCERT SERIES BAND CONTRACTS APPROVED

A Resolution to approve the Summer Concert Series Band contracts was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Town Board authorizes the Town Supervisor to sign contracts with the aforementioned bands, which is within the Recreation Department's community events expense budget.

The following is the proposed list for the Concert Series:

Summer Concert Series
Fridays, 6:30pm-8:00pm

Date	Band Name	Cost
06/25/21	Smugtown Stompers	\$800
07/09/21	Teagan and Lou	\$500
07/23/21	Alfred St. John's Trinidad & Tobago Steelband	\$800
08/06/21	Mr. Mustard	\$800
08/20/21	Pittsford Fire Department Band	\$500

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Summer Concerts for Kids
Wednesdays, 6:30pm-7:30pm

Date	Band Name	Cost
07/21/21	John Dady	\$600
08/18/21	Mr. Loops	\$600

TENT RENTAL VENDOR CONTRACT APPROVED

A Resolution to approve the Community Center’s Summer Tent Rental for the summer months and outdoor programming was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a contract with McCarthy Tents and Events for \$1,810 for rental of a 20’ x 40’ tent.

OUTDOOR MOVIE CONTRACT APPROVED

A Resolution to approve the 2021 Family Outdoor Movie contract with ZuperBounce, LLC, for the 2021 Family Outdoor Movie Nights was offered by Supervisor Smith, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a contract with ZuperBounce, LLC for a fee not to exceed \$3,500 for our 2021 Family Outdoor Movie Nights.

PERSONNEL MATTERS

PUBLIC COMMENTS

No public comments were offered regarding Personnel Matters.

HIRING RESOLUTION APPROVED

A Resolution to approve the proposed recommendations for new hires was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. 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
Sean Payrot	Parks	Laborer – Seasonal	\$14.00/hr	04/28/2021
Makenzie Pearce	Rec	Rec Assistant I – PT	\$12.50/hr	04/27/2021

OTHER BUSINESS

BOARD DISCUSSION ON MARIJUANA LEGALIZATION

Supervisor Smith reviewed and discussed with the Board the recent legalization of Marijuana in New York State and the implications and decisions that are upon local municipalities for consideration before the end of this year. Supervisor Smith and Board members noted the importance of acquainting residents of the decisions to be made and the importance of having adequate input from residents to inform these decisions. All Town Board members agreed that input from the residents is important and that information sessions along the lines of the Community Choice Aggregation information meetings would be helpful in obtaining views of residents. The state is still

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refining many details and the Town will move forward to make these public and to plan for informational sessions, hopefully in-person, as pandemic restrictions ease, in a large-capacity space as the town did for the CCA sessions.

PUBLIC COMMENTS

A public comment was offered by Victoria Cherry.

With no further business, the meeting adjourned at 7:04 p.m.

Respectfully submitted,

Linda M. Dillon, RMC
Town Clerk