

Minutes of the Town Board for August 4, 2020

TOWN OF PITTSFORD TOWN BOARD AUGUST 4, 2020

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, August 4, 2020 at 6:00 P.M. local time. The meeting took place with Board members participating remotely using Zoom.

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

ABSENT: None.

ALSO PRESENT: Staff Members: Cheryl Fleming, Personnel Director; Jessie Hollenbeck, Recreation Director; Paul Schenkel, Commissioner of Public Works; Robert Koegel, Town Attorney; Brian Luke, Finance Director, and Linda Dillon, Town Clerk.

ATTENDANCE: Also in attendance was a sign language interpreters, several staff members and 94 members of additional staff and the public viewing the meeting. Additionally, present on the zoom meeting were members of Riedman Associates and Frank from Syrek Sealers and Disposal.

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

MINUTES

Supervisor Smith noted that the Minutes of the July 21, 2020 meeting will be presented to the Board for review at the August 18 meeting.

LEGAL MATTERS

KILBOURN PLACE INCENTIVE ZONING APPROVED

Supervisor Smith invited representatives of Riedman Development representatives to speak about Councilmember Koshykar's proposed amendment to the proposed Resolution for Kilbourn Place Incentive Zoning. For 15% of the units to be built, the amendment would have capped rent at 30% of income for any person eligible for one of the reserved units, and defined eligibility as having an income of less than 85% of the area median income for Monroe County. David Riedman noting the following:

- Initial application was submitted to Town Board on July 5, 2018
- Numerous meetings since that time with the Town Board, Planning Board and Design Review and Historic Preservation Board
- Four (4) of those meetings were Town Board meetings where the public were given opportunity to comment
- Additionally, they held neighborhood meeting where over 530 invitations were mailed for a meeting held on May 30, 2019

He added that some of the concerns raised at those meetings were related to the scale, traffic and character of the neighborhood. However, never was a concern raised by the public with respect to the affordability until the last meeting, as raised by Councilmember Koshykar in her proposed amendment. This was responded to in a Memorandum to Town Board, indicating that this proposal is untenable. He felt that now, at the 11th hour to ask this amendment is seeking over \$491,000 a year in concessions, based on the projected assessed values of the units and project proposed. The applicant feels that they have worked with the Town and residents over the past two years in good faith and that this last-minute proposal runs counter to the spirit that has been given by working with the Town, the staff and with community input to creatively resolve the development of a piece of land that lies between one of the areas busiest highways and one of the regions historic avenues. A balance has been reached in offering a housing product in demand by the residents in Pittsford and blending into the character of the surrounding neighborhood. He noted that the proposed housing units, geared toward senior citizens, would be affordable by 82% of the Pittsford population and would be on sound economic footing.

Minutes of the Town Board for August 4, 2020

Jerry Goldman, attorney for Riedman Development then addressed legal deficiencies with the Koshykar Amendment, noting that the Town does not have authority under law to mandate pricing as the amendment proposes, nor does it have authority to accept or require low-income or affordable housing as an amenity, as part of an Incentive Zoning plan. Consequently, he noted, even if enacted, the Amendment could not legally be enforced.

Town Attorney Robert Koegel, confirmed that his own research and analysis brought him to the same conclusions reached by Mr. Goldman. He noted that future changes in law would not save the proposed amendment because the builder's application is subject to the law in place at the time of the application.

Supervisor Smith referred to his correspondence to the builder and the Town Board about the amendment, in which he suggested conforming the operative language of the proposed amendment to the ostensible purposes of the amendment stated by Councilmember Koshykar, which were to make it easier for Pittsford residents who are downsizing to stay in Pittsford after retirement. The Supervisor referred to his inquiry about reserving fifteen 15% of the total number of units for residents of Pittsford age 55 and older, with income below 85% of the area median income for Pittsford, at a rent of 85% of market rate. The Town Attorney explained that the the Federal Fair Housing Act would only permit this if 80% of the units, rather than just 15%, were included, that the Town would need to verify this 80% every two years, and that the units could not be reserved for Pittsford residents.

Supervisor Smith, noting the Town's Rules of Procedure providing that no resolution or motion is in order for any matter not within the jurisdiction of the government of the Town of Pittsford, its legal authority or its powers under applicable law, ruled the proposed Amendment out of order.

Councilman Beckford then spoke at length, stating that the amendment was trying to freeze rental rates on a percentage of units to ensure affordability.

Councilmember Koshykar also spoke, requesting that a definition of "affordable" be added to the Resolution document.

PUBLIC COMMENTS

The following residents commented in support of the Koshykar Amendment: Barbara Baer, Pearl Brunt, Kendra Evans, Stacey Freed, Sadie Szrama, Lisa Heisman, Mary Moore, Bernard and Virginia McCullen, William Barker, Thomas Kidera, Ralph Carter, Terese Manfredi-Hill and Adam Hill, Linda Miller, Andrew Evans, Carly Layton and Jon Sussman.

The following residents commented in opposition to the Koshykar Amendment: Natalie Maley, Susan Keith, Dieder Becks, Jean Dalmath, Ronald Bajorek, Gary Graziano and Kevin Kenny.

Comments regarding the project generally were received from Mark Harrington, Teresa Yung, Jean Dalmath and Marie Rolf.

KILBOURN PLACE INCENTIVE ZONING APPROVED

A Resolution to approve the proposed Kilbourn Place Incentive Zoning was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, and some discussion followed.

Councilmember Townsend commented that it is her intention is to approve the Resolution for the following reasons:

1. To increase the demand and inventory of rental property in Pittsford;
2. To provide more reasonable housing in Pittsford; and
3. Application includes \$200,000 payment earmarked for senior services (double the prior offer).

Minutes of the Town Board for August 4, 2020

Councilmember Townsend believes the current proposal fits within the character of the neighborhood and explained why – there is a combination of small single-family homes, very larger single-family homes, town homes, a college campus and a restaurant (that would be leaving with this project). Given this project's close proximity to interstate 490, intentional and revised architectural design, and set-back distance, it is different, but not foreign to this neighborhood. She also feels that based on the traffic studies done on this portion of East Avenue, this would not have a significant impact or increase in traffic.

Councilmember Townsend also noted, that she appreciates that so many residents are supportive of affordable housing. However, as presented tonight and confirmed by her own research with outside legal counsel, there are numerous problems with the language submitted and that it is contrary to the law and would be illegal.

Supervisor Smith thanked Councilmember Townsend and restated his strong support for more moderately priced housing for Pittsford seniors who wish to downsize and remain in Pittsford after retirement, a concept approved as part of the Town's updated Comprehensive Plan adopted last year.

Councilmember Koshykar indicated that she agrees with Councilmember Townsend analysis in large part, but is struggling with not being able to define the affordability aspect of this project. Councilmember Beckford concurred with Councilmember Koshykar's sentiments and requested, once again, that the developer provide a definition for the word affordability.

Town Attorney Koegel, upon inquiry, confirmed that for the reasons stated earlier in considering Councilmember Koshykar's amendment, including a definition of affordability would not be legally enforceable.

Following discussion, a vote was taken as follows: Ayes: Munzinger, Townsend and Smith. Nays: Beckford and Koshykar.

The Resolution was declared carried as follows:

WHEREAS, in an application dated July 5, 2018, Kilbourn Place Associates, LP, as owner ("applicant"), requested that the Town Board consider amending the Incentive Zoning resolution, initially granted in 1999 and revised in 2008 and 2009, relating to property known as and located at 3500 – 3596 East Avenue (even numbers), to accommodate certain changes to the proposed development and to re-zone to Incentive Zoning the adjacent, former Back Nine Bar and Grill Property, to allow for a 110-unit rental apartment project to be known as Kilbourn Place Luxury Apartments; and

WHEREAS, the Back Nine Bar and Grill, consisting of approximately 2.7 acres located at 3500 East Avenue, Pittsford, New York, Tax Parcel Number 138.14-1-13.1, is proposed to be demolished and replaced by a 34-unit apartment building; and

WHEREAS, the existing, approved Kilbourn Place 41-unit Townhome project is only partially constructed and currently the owner-occupied townhomes are proposed to be converted to 14 rental apartments with the addition of a 62-unit apartment building proposed at the eastern end of the site; and

WHEREAS, the application was referred to the Pittsford Planning Board for review and non-binding advisory comment, and in accordance with 6 NYCRR Part 617 (b), the Town Board has conducted a single agency SEQRA review, and in accordance with Section 239-m of the New York State General Municipal Law, the Town Board has referred this matter to the Monroe County Planning Department for its review and comment; and

WHEREAS, a public hearing was duly advertised and opened on September 4, 2018 to consider the above-proposed amendment, and said public hearing was continued indefinitely to allow the owner to make other changes to the proposed development and incentives and to furnish the Town Board with additional information in support of the proposed amendment; and

WHEREAS, the continued public hearing was duly re-advertised and held on July 7, 2020 and July 21, 2020, and all those wishing to comment on the proposed Incentive Zoning were heard; and

Minutes of the Town Board for August 4, 2020

WHEREAS, after receiving comments from Monroe County Planning Department, the Town Board issued a Negative Declaration of Environmental Significance, pursuant to SEQRA, regarding the application on July 21, 2020; and

NOW, on motion duly made and seconded, it was

RESOLVED, that the Town Board of the Town of Pittsford makes specific Findings in this matter, as follows:

1. SEQRA. All requirements of SEQRA have been met, including a Part 1 Short Form EAF submitted by the applicant, a Part 2 and Part 3 Short Form EAFs being completed by the Town Board, and with a subsequent Negative Declaration granted by the Town Board on July 21, 2020.
2. Development Capacity: Back Nine parcel. This application requests approval of Incentive Zoning for 3500 East Avenue, 2.7 acres, formerly the Back Nine Bar and Grill currently zoned Residential Neighborhood. The proposed Incentive Zoning will allow for the development of a 34-unit apartment building with a total of 68 parking spaces including garages spaces.
3. Development Capacity: Townhomes property. This application also requests to amend the existing Incentive Zoning for Kilbourn Place "Townhomes" to reconfigure the site and convert the site to apartments to include a maximum of a 76 units with a total of 140 parking spaces including in garage spaces, but not spaces in front of garages.
4. Tax implications. The applicant has explained that continuing the development of the existing Townhome project as approved is not financially feasible. The Town Board has reviewed projections of the potential real property tax revenues from the existing zoning and the proposed zoning. The existing zoning allows for 41 townhouse units on the Kilbourn Place project site. The existing Back Nine Bar and Grill (restaurant use) parcel is currently assessed for \$ 567,500. The existing townhome project has sold very slowly and will likely sell only if prices are substantially reduced, thus reducing its gross value. The existing restaurant use has also had only marginal success over the last 20 years, and the property has limited development potential under its current zoning. Re-development of the restaurant use property into residential lots is unlikely to happen since the property will yield only 4 building lots, and it has substantial upfront costs, including the cost of the land and the demolition of the existing building. Long-term tax revenue for the properties in their existing state of use and development is difficult to predict.

The proposed use will theoretically solve several problems, including 1) the slow development and current low value of the existing project, 2) the elimination of the continuing, non-conforming use of the restaurant parcel, and 3) the transformation of both of these challenging properties to values greater than their current values. Real property tax revenue projections for the rental project have shown that in the first 10 to 15 years, the overall site will have a higher value than the projections show for the existing project as it is expected to develop. The potential long-term tax revenue of the proposed rental apartment project is lower than the revenue from a complete build-out of the existing townhomes project, including the restaurant parcel, but the completion of townhomes is not an option the applicant is willing to pursue.

The Town Board agrees with the following statements provided by the applicant:

- Diversification of housing stock will allow Pittsford residents, who wish to downsize and stay in the community, to obtain affordable, low-maintenance housing.
 - If this project were to be developed under the *current* Incentive Zoning, the buildout of this site would likely take 10 years or more, while the development under the Incentive Zoning contemplated is to be constructed over the next 2-3 years, creating substantial tax revenue to the Town on an accelerated basis. Furthermore, given the target market of this development, there would be minimal (if any) impact on the school district, with attendant revenues resulting from the project.
5. Incentive requested. The current zoning on the Townhomes property is Incentive Zoning (IZ), allowing the construction of 41 residential townhouse units. The current zoning on the Back Nine parcel is Residential Neighborhood (RN), allowing about four single-family homes to be built. The applicant is requesting that both parcels be zoned IZ to allow multifamily "110-unit apartment use," with associated adjustments to allowed height restrictions and setbacks.

Minutes of the Town Board for August 4, 2020

6. Amenities proposed and rejected. The applicant has proposed several community benefits or amenities to the Town in exchange for the incentive provided. These include further extension of the sound barrier which was constructed as part of the initial Kilbourn Place development to include the Back Nine parcel and installation of about 1,000 feet of sidewalk along the East Avenue frontage of the project site. The Town Board rejects the first amenity, valued at \$90,000, because it benefits the project residents instead of Town neighboring residents and it would likely be required as a part of the normal site plan approval process. The Town Board also rejects the second amenity, valued at \$67,000, because it will be required in a 2020 site plan application for a 110-unit luxury apartment complex such as this proposal. The Town Board emphasizes that these two project features are positive and are included in the approval of this project, but they are not community benefits or amenities for purposes of the Town's Incentive Zoning statute.
7. Amenities accepted. The applicant has proposed the rehabilitation and maintenance of the Wright House at 3524 East Avenue (at the southeast corner of the site, near Bretton Woods Drive), with an amenity cash value of \$287,000. This amenity furthers the Town's goals of retaining Town historic assets and is accepted by the Town Board. The applicant has also proposed the preservation of a large green area along East Avenue and the preservation of significant trees of the site. While the applicant assigned no amenity cash value to this benefit, the Town Board accepts it as an amenity, and it becomes part of the project. The applicant has also proposed an enhancement of the cash amenity to the senior citizens' fund from \$100,000 to \$200,000, to be paid at the granting of the first certificate of occupancy for the apartment use. (A cash amenity of \$100,000 was required by an earlier IZ approval, and \$20,000 of that condition has already been paid for the constructed townhome units). The Town Board accepts this benefit as an amenity. Accordingly, project amenities equal \$387,000, plus the remaining balance of \$80,000 on the earlier approval.

NOW, THEREFORE, based on the above, this Board finds that the proposed Incentive Zoning is a well-balanced exchange of incentive for amenities and will appropriately and reasonably benefit both the Town as well as the applicant; and be it further;

RESOLVED, that the proposed Incentive Zoning, relating to property known as the Back Nine Bar and Grill consisting of approximately 2.7 acres located on East Avenue, Tax Parcel Number 138.14-1-13.1 and the properties of Kilbourn Place Townhomes, to allow for development of apartments; is hereby approved, in accordance with the provisions of "Article XXXVIII – Incentive Zoning" of the Pittsford Municipal Code; and be it further

RESOLVED, that the Incentive Zoning approved herein is subject to the following conditions:

1. Subject to providing the amenities as described by the applicant or as described in the following conditions of approval.
2. The Development is subject to all required Site Plan approvals by the Town's Planning Board, in accordance with the provisions of a Commercial development.
3. The proposed entrance and conceptual layout shall be generally be consistent with submitted plans, excepting adjustments made to meet zoning restrictions contained herein and adjustments made as part of the Planning Board Site Plan approval process, including adjustments to meet Building and Fire Codes.
4. The allowed uses are limited to multifamily apartment units, not to exceed a total of 110 units. A maximum of 34 units to be located on the Back Nine Parcel and 76 units located on the former Kilbourn Place Townhouse properties, with 14 of those being consistent with the Townhome layout as presented to the Town Board.
5. The proposed development is limited to:
 - Building and parking area locations and setbacks to property lines must be reasonably consistent with plans provided to the Town Board at its July 7, 2020 meeting, with any adjustments subject to Planning Board approval as part of its Site Plan review and approval process.

Minutes of the Town Board for August 4, 2020

- Maximum building height for lot 1 is 50 feet.
 - Maximum building height for lot 2 is 35 feet.
 - Minimum total parking ratio for the site is 1.89 spaces per unit, not including parking spaces in front of garages (as proposed 208 spaces for 110 units).
 - Maximum impervious coverage will be determined by the Planning Board as part of the Site Plan review process.
 - Fencing heights and locations as well as signage size and location are subject to Planning Board Site Plan review.
6. Parking by apartment residents, visitors, or employees is prohibited on East Avenue, Bretton Woods Drive and Kilbourn Road.
 7. The Town Board requires as part the Site Plan review process that the Planning Board provide reasonable buffering of residential properties from the proposed roadways, parking and buildings. This can include, but is not limited to, berming, plantings, and/or fencing.

EXECUTIVE SESSION SET FOR AUGUST 11, 2020

Upon the request of a Board member to discuss the employment of a particular person, the Supervisor moved to schedule an Executive Session for Tuesday, August 11th at 5 p.m. at Pittsford Town Hall, seconded by Councilmember Beckford. Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Executive Session was thereby set for Tuesday, August 11, 2020 at 5:00 p.m., to be held at the Pittsford Town Hall.

HERITAGE WOODS REFUSE DISTRICT APPROVED PUBLIC COMMENTS

Comments in support of creating the Heritage Woods Refuse District were offered by Emily and Tom Scheuermann, David Muench, Fred Brundige and Jori Cincotta. Comments opposing its creation were offered by Angela Beckman, Nelson Young and Kimberly Walters.

Supervisor Smith acknowledged the downside of refuse districts, that dissenters from majority support to create a district are included in the district nonetheless. The Supervisor noted that consideration of this matter had been deferred because of public comment at the Board's prior meeting objecting to creation of the Refuse District, on the grounds that residents on one side of the proposed district wanted it and substantially all residents on the other side of the district did not. The Supervisor referred to the map distributed to all Board members showing all households that had petitioned to create the district, noting that 65% of the households in the proposed district, 111 houses, had petitioned to create it. The map, he continued, showed that 56 of these 111 households were in the western side of the district, and 55 were in the eastern side, therefore showing substantial support on both sides of the district.

Board discussion followed, noting that the map clearly indicates there would be no practical way to divide the district and it was equally clear that more than a majority had petitioned to create it. Councilmember Townsend observed that the map shows only the properties that signed the petition; those that did not sign may not necessarily be opposed to the district; they simply may not have been home when signatures were collected. In response to one public comment, it was noted that there were households on Old Brick Circle that signed the petition.

Following discussion and a response to some of the public comments by Syrek Sealers and Disposal, the refuse contractor, Supervisor Smith moved to approve the Heritage Woods Refuse District. The motion was 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:

Minutes of the Town Board for August 4, 2020

WHEREAS, Petitions 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 the establishment of the “Heritage Woods Refuse District”; and

WHEREAS, the Town Assessor has submitted a Certificate, in writing, verifying that the aforesaid Petitions were signed by the required percentage of owners within the proposed District; and

WHEREAS, an Order was duly adopted by the Town Board on the 16th day of June, 2020 for the hearing of all persons interested in the matter to be held on the 21st day of July, 2020, at 6:00 o'clock P.M., Local Time, at the Town Hall, 11 South Main Street, or by electric conference or meeting as permitted by law, in the Town of Pittsford, New York; and

WHEREAS, due proof of publication and posting of the Notice of said hearing has been duly filed with the Clerk of the said Town Board; and

WHEREAS, the hearing required by the said Order was duly held on July 21, 2020 and continued on August 4, 2020, and it appears from the said Petitions that the creation of the Refuse 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 creation of this Refuse District, which changes the means of payment for residential refuse collection and disposal from individual private contract decisions to collective public bidding and contract award, does not change the use, appearance or condition of any natural resource or structure, and hence is not an “action” subject to SEQRA under 6 NYCRR § 617.2 (b)(i); and

WHEREAS, the permission of the Comptroller of the State of New York is not required for the creation of the District;

NOW, ON MOTION duly made and seconded, it is

RESOLVED AND ORDERED, that

The Petitions are signed and acknowledged or approved as required by law and are otherwise sufficient;
All the property and property owners within the District are benefited thereby;
All the property and property owners benefited are included within the limits of the District;
The expenses of the District are to be paid by the property owners annually on a benefit basis; and
It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND ORDERED, that the “Heritage Woods Refuse District”, be and the same hereby is created, and that the boundaries of the Refuse District, as hereby created, are as set forth in “Schedule A” map annexed hereto.

FINANCIAL MATTERS

PUBLIC COMMENT

Supervisor Smith asked if any resident wished to comment. No comments were offered.

CLOSING THE FIELD IMPROVEMENT CAPITAL PROJECT APPROVED

A Resolution to approve the closing of the Field Improvement Capital Project 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 Field Improvement Capital Project be closed and any remaining funds be transferred to the Debt Service Fund; and be it further

RESOLVED, that the Director of Finance is authorized to make the appropriate budget entries.

Minutes of the Town Board for August 4, 2020

TOWN COURT FINANCIAL REVIEW ACKNOWLEDGED BY TOWN BOARD

A Resolution to acknowledge receipt the Justice Court financial review by Bonadio & Company 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.

PUBLIC COMMENTS

Supervisor Smith asked if any resident wished to comment. No comments were offered.

BUDGET AMENDMENT FOR PURCHASE OF FRONT LOADER APPROVED

A Resolution to approve the proposed Budget Amendment was offered by Deputy Supervisor Munzinger, 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 line item 2.1989.2003.602.4 (PT – Equipment Replacement) be increased by \$38,000.00, to offset the purchase of a front loader. The source of these funds will be an appropriation of Part Town Fund Balance (2.2.5999).

PUBLIC COMMENTS

Supervisor Smith asked for any public comments regarding Recreation Matters. There were none.

FALL RECREATION PROGRAMS APPROVED

A Resolution to approve 2020 Fall Recreation Programs 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 2020 Fall Recreation Programs are hereby approved and that the Town Supervisor be authorized to sign instructor contracts as required.

PERSONNEL MATTERS

PUBLIC COMMENTS

No public comments were offered.

HIRING RECOMMENDATIONS APPROVED

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

The following Resolutions were declared carried as follows:

RESOLVED, that the Town Board approves the recommended salary/status change for the following employee:

Name	Position	Reason for Change	Salary	Effective Date
Victoria Cleary	Rec Asst II	Promo – Additional Title	\$12.60	07/20/2020

OTHER MATTERS

Minutes of the Town Board for August 4, 2020

Supervisor Smith indicated that the Village has shown a desire to set a Public Hearing on the Active Transportation Plan, as it will need to be a joint public hearing with the Village. Following discussion, it was decided to move forward, even if the public hearing cannot be in person. Supervisor Smith indicated that he will relay the Town's desire to move forward and he anticipates that the actual joint Town-Village hearing on this matter will take place at some time in the second half of the month of September.

Supervisor Smith confirmed that the Village has integrated into the document the final recommendations that were agreed to and made in the summer of 2019. The consolidated document now on the Town and Village websites reflect those final recommendations.

Supervisor Smith advised the Board that, in connection with RTS's new "re-imagine Rochester" program and rescheduling of routes throughout the Rochester area, RTS is funding Bike Share programs and have offered to do so in Pittsford. Town Board members offered their support of this concept, provided that bike share arrangements do not adversely affect the business of Towpath Bike on Schoen Place.

Councilmember Beckford referred to a high school student's interest in forming a group to discuss diversity-related issues and interact with the Town. Supervisor Smith encouraged the idea. Councilmember Beckford asked if anyone on the Town staff could work with the student to help put this together and Supervisor suggested Personnel Director Cheri Fleming. Councilmember Beckford asked that the Personnel Director periodically provide the board with information about diversity in hiring.

Councilmember Townsend asked that the board discuss at its next meeting moving forward with Community Solar, in light of the receiving no conforming bids for the Community choice Aggregation Program. The Supervisor indicated that he had left it off of this meeting's agenda in anticipation of a long meeting and would have it on the agenda for the Board's next meeting.

PUBLIC COMMENT

The following residents offered comments: Jeff Luellen, Jen Canning, Lisa Scott, Don Matrale, Sadie Szrama, Julie Steele and Ian Kleckner.

Following public comments Councilmember Beckford asked that the sign on Town Hall stating "Pittsford believes that Black lives matter" remain in place for a year. The Supervisor referred to the agreement among the Board, contained in a non-binding resolution passed by the Board in July, to have the sign up for a month. The Supervisor continued that what he described as political issue or social issue messaging is not within the authority of municipal government; that the current sign was placed voluntarily. He noted that Town Hall has been flooded with complaints from the public, who view the sign as endorsing the "Black Lives Matter" organization and political movement; that in addition he now routinely receives demands from members of the public for signage to be placed on Town Hall stating other messages and supporting other causes. He is concerned over Town Hall becoming a bulletin board for anyone wishing to display a message or symbol.

Councilmember Beckford argued that Pittsford has deliberately pursued a policy of racial segregation, in part through covenants on deeds of private property made 70 years ago or earlier and that have been legally void for 50 years. He did not explain how this was relevant to the duration of posting of the sign. Supervisor Smith observed that deeds are documents given by a seller of land to a buyer; that Pittsford as a municipal government never had any part in the making or recording of deeds; nor, to his knowledge, did the Town ever insist on or include restrictive covenants in any deeds it may have issued as a seller of property over the years.

Councilmember Townsend expressed some confusion over Councilmember Beckford's request. She noted that the Board supported the Resolution referred to by the Supervisor, to support the sign in place for a month, and asked if Councilmember Beckford felt it was not adequate, why did he agree and vote at that time to place the sign for 30 days?

Deputy Supervisor Munzinger noted that because this subject matter is not within the authority of the Town Board, it is for the Supervisor to decide. She stated that she supports the sign and what it stands for, but that, she also has received numerous requests for other signs. She believes Councilman Beckford is trying to portray her as

Minutes of the Town Board for August 4, 2020

opposing the sign and its message if she does not support going back on the Board's earlier agreement and keeping it up for one year.

Councilmember Townsend concurred with Deputy Supervisor's sentiments, noting that she feels she is being painted into a corner with this request, which, as previously discussed, is not within our legal jurisdiction, and is concerned that we are not focusing our efforts on zoning and policy to help bring about change.

Supervisor Smith took objection to Councilman Beckford's tactic, essentially, "Do as I demand or you don't really care about this issue" and described it as a form of bullying.

Town Attorney Koegel advised that no resolution or motion is in order for any matter not within the jurisdiction of the government of the Town of Pittsford, its legal authority, or powers under applicable law. Apart from the legal consideration he questioned whether a town government should be putting up any sign of a political nature on the wall of a government building, such as the Town Hall. He advised that even if the Board had jurisdiction over this question, no resolution had been submitted in a timely manner.

As there was no further business, the Supervisor adjourned the meeting at 10:00 P.M.

Respectfully submitted,

Linda M. Dillon
Town Clerk