

Minutes of the Town Board for February 15, 2022

**TOWN OF PITTSFORD  
TOWN BOARD  
FEBRUARY 15, 2022**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, February 15, 2022 at 6:00 P.M. local time in the Lower Level Meeting Room of Town Hall, 11 South Main Street, in person.

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

**ABSENT:** None.

**ALSO PRESENT:** Staff Members: Paul J. Schenkel, Commissioner of Public Works; Brian Luke, Finance Director; Robert Koegel, Town Attorney; Renee McQuillen, Town Clerk; Cheri Fleming, Personnel Director; Jessie Hollenbeck, Recreation Director, Amanda Madigan, Library Director, Shelley O'Brien, Communications Director; Suzanne Reddick, Assistant to the Supervisor; Spencer Bernard, Chief of Staff.

**ATTENDANCE:** Six members of the public along with an interpreter attended.

Supervisor Smith called the Town Board meeting to order at 6:07 P.M. and invited all to join in the Pledge to Flag.

**SUPERVISORS ANNOUCEMENTS**

Congratulations to Pittsford's Olympic gold medal winner Chris Lillis.

**MINUTES OF THE FEBRUARY 1, 2022 TOWN BOARD MEETING APPROVED**

A Resolution to approve the Minutes of the Town Board meetings of February 1, 2022 was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Koshykar, Munzinger, Taylor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Minutes of the February 1, 2022 Town Board meeting are approved.

**LEGAL MATTERS**

**PUBLIC COMMENT**

There were no public comments.

Supervisor Smith commented he would like to switch the order the legal items to allow time for the Town Attorney to return from court proceedings.

**STATE DOT ACQUISITION OF SMALL PARCELS AT LIBRARY ENTRANCE**

Commissioner Schenkel explained to the board that the State Department of Transportation will acquire some small parcels of Town property by the Library through eminent domain. The purpose is to provide for improvements and upgrades to signals and traffic devices. Following questions from the board members about location and process a resolution ratifying the Agreement for Advance Payment and authorizing the Supervisor to execute the necessary closing documents was offered by Councilmember Taylor, seconded by Deputy Supervisor Munzinger and voted on by members as follows: Ayes: Koshykar, Munzinger, Taylor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

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**WHEREAS**, the State of New York has taken or is in the process of taking a portion of the land owned by Town of Pittsford through the process of Eminent Domain for the purposes of improving 24 State Street;

**WHEREAS**, the State has offered to pay Town of Pittsford the sum of \$17,625.00 for a portion of Town of Pittsford's property along 24 State Street as depicted on Map(s) 30; 30, as Parcel(s) 30; 31;

**WHEREAS**, an agreement to accept said money (an Agreement for Advance Payment) has been signed on behalf of Town of Pittsford by William A. Smith, Jr.;

**WHEREAS**, the Town Board of the Town of Pittsford is the governing body of the Town of Pittsford; and

**WHEREAS**, the Town Board is meeting on this 15th day of February, 2022, after proper notice to consider this matter; and

**WHEREAS**, the Town of Pittsford wishes to ratify the Agreement for Advance Payment and to appoint William A. Smith, Jr. as the person to execute closing papers on behalf of the Town of Pittsford;

IT IS, UPON MOTION DULY MADE AND SECONDED,  
RESOLVED THIS 15th DAY OF FEBRUARY 2022;

**THAT**, the Agreement for Advance Payment is hereby accepted and ratified;

**THAT**, William A. Smith, Jr. is hereby designated as the person to execute any and all closing papers with regard to this transfer to the State of New York.

Town Attorney Robert Koegel arrived to the meeting at 6:11 P.M.

### **APPEAL OF DENIAL OF DR&HP BOARD CERTIFICATE OF APPROPRIATENESS FOR INSTALLATION OF SOLAR PANELS AT 51 LONG MEADOW CIRCLE**

Supervisor Smith explained to all in attendance that per Town Code, the Town Board acts as the appellate body of decisions made by the Town Design Review and Historic Preservation Board (DRHPB). He said the Board might consider as its standard of review the "arbitrary and capricious" standard applied by courts in deciding Article 78 proceedings, since, if the Town Code did not specify the Town Board as the appellate body for decisions of the Design Review Board, an appeal would require an Article 78 proceeding.

Throughout the Board's conversation the appropriate standard of review was discussed at some length. By the end the Board reached a decision that members felt would be supported both by the strictest standard of review – whether the action of the Design Review Board was "arbitrary and capricious" – and by the most lenient standard of review – the "mere reasonableness" standard.

The applicant had sought a Certificate of Appropriateness from the DRHPB to install solar panels on the garage of their historically designated property, which would face the street. Christopher Montgomery, as applicant, commented to the board the reasoning behind filing the appeal. The Town Attorney noted that the Town Code specifically authorizes the Design Review Board to reject applications for street-facing solar panels. Board members noted that as a result, it was difficult to find the Design Review Board's action as either "arbitrary and capricious" or "unreasonable." Following discussion, a resolution was offered by Supervisor Smith to uphold the decision of the Design Review and Historic Preservation Board, citing they followed the guidelines and acted within the scope of their

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authority and deny the appeal, seconded by Councilmember Taylor and voted on as follows: Ayes: Koshykar, Munzinger, Taylor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**Whereas**, the Town Board upholds the January 17, 2022 Design Review and Historic Preservation Board decision of denial for a Certificate of Appropriateness at 51 Long Meadow Circle for Installation of Solar Panels and denies the appeal of the applicant.

Board members agreed that the Town Board should consider in the near term amending the code in such a way as to permit street-facing solar panels. The Supervisor will discuss this with the head of the building department and the chair of the Design Review Board.

### FINANCIAL MATTERS

#### PUBLIC COMMENTS

There were no public comments.

#### SURPLUS APPROVED

A Resolution to approve the items to be surplus was offered by Councilmember Townsend, seconded by Councilmember Taylor, and voted on by members as follows: Ayes: Koshykar, Munzinger, Taylor Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the following list of equipment be declared surplus and be removed from the Town's inventory.

Asset #	Year	Description	Department	Cost	Disposition
17243	2012	Whirlpool Refrigerator	Sewer	1,051.00	Junked
17721	2014	GE Microwave Oven	Sewer	179.00	Junked
15973	2008	Dewalt 18V 4 tool combo set	Sewer	299.00	Junked

#### FEBRUARY VOUCHERS APPROVED

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

The Resolution was declared carried as follows:

**RESOLVED**, that the February vouchers No. 154632 - 155035 for \$4,016,611.04 are approved for payment.

### OPERATIONAL MATTERS

#### PUBLIC COMMENTS

There were no public comments.

#### AUTHORIZATION FOR NYS-DOT TO ADJUST TOWN INFRASTRUCTURE DUE TO RESURFACING ON ROUTES 96 & 64

A Resolution authorizing NYS DOT to adjust certain sewer manholes due to the planned resurfacing project along NY-31, NY-96, NY-64 was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by the members as follows: Ayes: Koshykar, Munzinger, Taylor, Townsend and Smith. Nays: none.

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The Resolution was declared carried as follows:

**WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of NY-31, NY-96, NY-64 Pavement Rehabilitation, Town and Village of Pittsford, Monroe County, P.I.N. 4031.08.321, and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project, the adjustment of approximately 17 sanitary manholes, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans and Utility Special Note relating to the project and meeting the requirements of the owner, and

**WHEREAS**, the service life of the relocated and/or replaced utilities has not been extended, and

**WHEREAS**, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans and Utility Special Notes, relating to the above mentioned project.

**NOW, THEREFORE,**

**BE IT RESOLVED:** That the Town of Pittsford, on behalf of the Pittsford Sewer District approves of the adjustment to sanitary sewer manholes and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Pittsford, on behalf of the Pittsford Sewer District will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

**BE IT FURTHER RESOLVED:** that the Supervisor has the authority to sign, with the concurrence of the Town of Pittsford, any and all documentation that may become necessary as a result of this project as it relates to the Town of Pittsford, and

**BE IT FURTHER RESOLVED:** That the Town of Pittsford is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

### **RECREATIONAL MATTERS**

#### **PUBLIC COMMENTS**

There were no public comments.

#### **2022 COMMUNITY EVENTS SCHEDULE APPROVED**

Recreation Director Jessie Hollenbeck presented the proposed 2022 Community Events Schedule to the Town Board for their consideration and approval. Following comments, a Resolution to approve the 2022 Community Events Schedule was offered for approval by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Koshykar, Munzinger, Taylor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town Board approves the Recreation Department's 2022 Community Events Schedule, as proposed.

#### **2022 SPRING RECREATION PROGRAMS APPROVED**

Recreation Director Jessie Hollenbeck presented the proposed 2022 Spring Recreation Programs to the Town Board for their consideration for approval. A Resolution to approve the 2022 Spring Recreation Programs was offered for approval by Deputy Supervisor Munzinger, seconded by

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Councilmember Taylor, and voted on by members as follows: Ayes: Koshykar, Munzinger, Taylor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town Board approve the Recreation Department's 2022 Spring Programs, as proposed, and authorizes the Town Supervisor to sign instructor contracts as required.

### PERSONNEL MATTERS

#### PUBLIC COMMENTS

There were no public comments.

#### HIRING/PERSONNEL ADJUSTMENTS APPROVED

A Resolution to approve the recommendations for new hires and status and/or salary changes was offered for approval by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Koshykar, Munzinger, Taylor, Townsend and Smith. Nays: none.

The following employee(s) is recommended for a status change and/or salary change due to a change in status.

Name	Position	Reason for Change	Salary	Effective Date
Casandra Schrom	Rec Supv	Promotion	\$28.30	02/21/2022
James Byrne	Librarian I	Civil Service Appt PT to FT	\$24.52	02/28/2022
Mel Desir-Spinelli	Librarian I	Civil Service Appt PT to FT	\$24.52	02/28/2022
Jeanne Steinbrenner	Librarian I	FT to Sub (retirement)	\$22.25	02/28/2022

Should the Board approve the above recommendation and personnel adjustment, the following resolution is proposed, **RESOLVED**, that the Town Board approves the appointment for the following employee(s):

Name	Position	Reason for Change	Salary	Effective Date
Casandra Schrom	Rec Supv	Promotion	\$28.30	02/21/2022
James Byrne	Librarian I	Civil Service Appt PT to FT	\$24.52	02/28/2022
Mel Desir-Spinelli	Librarian I	Civil Service Appt PT to FT	\$24.52	02/28/2022
Jeanne Steinbrenner	Librarian I	FT to Sub (retirement)	\$22.25	02/28/2022

#### OTHER BUSINESS

Supervisor Smith briefed the board about upcoming presentations from Town department heads about proposals for projects using ARPA funds consistent with the broad guidelines discussed previously by the Town Board. For this purpose Amanda Madigan, Library Director, will be presenting to the Board at the first meeting in March.

#### PUBLIC COMMENTS

Mr. Skuse inquired about the proposal included in Governor Hochul's proposed budget that would end single-family residential zoning by overriding local zoning laws in order to allow creating "accessory dwelling units" on every residential lot. Supervisor Smith advised that he had contacted all of the

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Monroe County Supervisors with a view toward making a common response and that the Supervisors have had a meeting on the subject.

With no further business, the meeting adjourned at 7:07 p.m.

Respectfully submitted,

Renee McQuillen  
Town Clerk