

## Minutes of the Town Board for July 7, 2020

### **TOWN OF PITTSFORD TOWN BOARD JULY 7, 2020**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, July 7, 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: Jessie Hollenbeck, Recreation Director; Paul Schenkel, Commissioner of Public Works; Robert Koegel, Town Attorney; and Linda M. Dillon, Town Clerk.

**ATTENDANCE:** Also in attendance was a sign language interpreter. Additionally, present on the zoom meeting, was John Steinmetz, AICP, from Barton and Loguidice, D.P.C.

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.

#### **PUBLIC HEARING – KILBOURN PLACE INCENTIVE ZONING**

Supervisor Smith offered representatives of Riedman Companies, the applicant for the hearing on Kilbourn Place Incentive Zoning, to speak. Jerry Goldman, attorney and agent for Riedman Companies, spoke briefly on behalf of Riedman Companies. He introduced the principals of the company, including David Riedman of Riedman Development, David Hamlin and Alex Amory. Jerry Goldman presented a history of the property and moved to explain the current proposal for the property. The proposal is for 110 residential one and two-bedroom apartments. This proposal was heard initially in September of 2018. Since that time and the comments received, modifications to the proposal have been made. David Riedman then reviewed the modifications, reviewing the presentation provided to Town Board members, including the changes from the prior version of the proposal. Changes included decrease of the plan from three-story to a two-story plan. The finished floor elevation of the finished building is lower as well. The building units have also been reduced. There is now a total of 77 garages, including 14 two-car garages. The ratio of garages to units is 70%. They eliminated one of the buildings to increase storm water retention and open space. He reviewed a rendering of a view of the previous proposal vs. the current proposal, to depict a view of the changes. The amenities offered for incentive is the restoration of the Wright House at a cost of \$287,000 and a contribution for senior programming in the amount of \$200,000.

Following the presentation by representatives of Riedman Companies, Supervisor Smith opened the Public Hearing for public comments. It was noted that written comments were received and distributed to Town Board members, as well as Riedman Companies, for review. The following residents offered written comments for consideration prior to the Town Board meeting tonight:

1. Karen, Brian, Shea and Maureen Flanagan
2. Linda and Joe Hanna (2 comments)
3. Rodney Iocco
4. Ronald Pawelczak
5. Fred and Judy Beltz
6. Robin Lehman
7. Marie Rolf
8. Jonathan Schroeder
9. Jean Dalmath
10. Edward Radin
11. Michael George

## Minutes of the Town Board for July 7, 2020

12. J.P. Doyle
13. Carolyn Hurley
14. Joe Ryan
15. Andrew Wolf
16. Patricia Loveland
17. Nolan Lafler

The following members offered comments at the meeting via Zoom:

1. Don Frisbee (with wife, Jody) – owner of 3476 East Avenue; home address is 39 Mill Road. Apartment building too large; parking will be on their lot line. Should treat lot line adjacent to their property the same as proposed for Brentwood Drive. Concerned about noise.
2. Michele Vasulus - 3590 East Avenue: In favor of this project for someone like herself, as an empty-nester, who would welcome high-end apartment living.
3. Pamela Cooper-Vince – 455 Kilbourn Road: She and her husband are not in favor of this development; it would have a negative effect on character of their residential neighborhood and area, bringing traffic and parking concerns as well.
4. Bruce Blackman – East Avenue: Should not change zoning from single-family houses to apartments. Concerned that apartments will drive down values of nearby properties. Concerned that if the apartment project does not succeed, rents will drop lower and the area will decline. He opposes the project and would like to preserve the character of his neighborhood.
5. Mary Moore – 3415 Clover Street: Asked that the project include a mini nature space with native plants, trees and shrubs and that maintenance of the project should be consistent with the Town's Toxic Free Challenge, by not using synthetic chemicals.
6. Abby MaCrae – would support amenities such as dual-family housing, duplex housing or smaller apartments and duplexes somewhere in Pittsford for youth and seniors. Also supports hedges and does not feel a wall is good.
7. Annalisa Duncan – 31 Maywood Avenue: Against the project; does not fit with the existing neighborhood. Raises issues of public safety; apartments will depress home values in the area.
8. Georgia and David Franklin - 63 Kilbourn Rd: This project would drive down property values in the neighborhood.
9. Marie Rolf – 3487 East Avenue: She is a long-time resident and strongly opposes this development, expressing concerns related to the privacy, character, traffic, noise, safety and character of the area.
10. Roger Vince – 455 Kilbourn Road: Concerned that apartments will amount to dorms for St. John Fisher students because of location, instead of the retirement-age demographic the developer seeks to attract.
11. Ed Radan – 373 Kilbourn Road: Current residents of the neighborhood chose to buy homes there on the basis of the existing single-family zoning laws. They have made an investment. Proposed apartments will drive down property values in the neighborhood. Concerned that the proposed changes amount to spot zoning.

Thereafter, Supervisor Smith indicated that he will hold this hearing open and move on to Town Board discussion.

Supervisor Smith asked the Town Assessor, Steve Robson, to comment on tax revenue estimates provided by the builder showing revenue to the Town if the project as proposed is approved. The Assessor indicated that the Town would be better-off with single-family townhouses or homes. Councilmember Townsend requested that the Assessor address residents' concerns regarding property values. Assessor Robson explained that his opinion is based on data of property sales and values in the immediate area, including in Kilbourn Place as currently configured. He noted that any declines in property values would affect residents who already live in the area, rather than anyone who moves into the area following completion of the project.

Councilmember Townsend also clarified with Commissioner Schenkel about the traffic signal at Kilbourn Road for people living in Kilbourn neighborhood. Mr. Schenkel noted that a portion of proposed Lot 1 in the builder's plan was approved for parking pursuant to Incentive Zoning for the parcel enacted in 1999. Deputy Supervisor Munzinger requested a clarification of process for this hearing, so that Town Board could have time to review the written comments. Councilmember Townsend concurred that she would like more time to review the comments. Upon inquiry by Councilmember Townsend, Attorney Koegel clarified that the proposal for the incentive zoning would include both parcels of property as proposed – the original Kilbourn Place parcel and the Back 9 parcel;

## Minutes of the Town Board for July 7, 2020

that typically a board could not approved change in zoning for one part of a single proposal and not the other, but that the builder if it chose could change its proposal to limit it to one parcel.

Final comments were made by Jerry Goldman, representing Riedman Companies, acknowledging the comments and concerns raised. He stated that Riedman Companies will prepare written comments addressing these issues raised for the Board to consider at its next meeting. Supervisor Smith expressed the importance of the issue of proportionality of the value of the amenities to the Town offered by the builder with the value of the benefits that the Town would provide the builder if the Board approved the change in Incentive Zoning as requested.

Councilmember Townsend appreciated that the revised proposal no longer counts the sound wall as an amenity for the Town, inasmuch as it would principally benefit residents of the project. She welcomes the addition of \$200,000 to the Town for senior programming as a new amenity offered by the builder. She also appreciates the additional information from the builder regarding the historic Wright House on the property, which addresses her concern about counting improvements inside the building as an amenity to the Town, given that internal improvements, again, would only be of benefit to residents of the proposed complex.

### **PUBLIC COMMENTS**

No public comments were offered.

### **MINUTES OF JUNE 16, 2020 TOWN BOARD MEETING APPROVED AS AMENDED**

Councilmember Townsend requested one amendment to the Minutes, on Page 11, approximately halfway down the page, at the sentence that begins "Councilmember Townsend asked about the status..." She requested that this be corrected to "Councilmember Koshykar asked about the status..." Thereafter, Supervisor Smith offered a motion to approve the June 16 Minutes, as amended, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Minutes of the June 16, 2020 Town Board meeting are approved as amended.

### **LEGAL MATTERS**

#### **PUBLIC COMMENTS**

No public comments were offered.

### **ENGAGEMENT OF BARTON & LOGUIDICE, D.P.C. APPROVED**

Supervisor Smith introduced John Steinmetz, representative of Barton & Loguidice, a consultant that is being considered to assist in the update of the zoning relative to the recent update of our Comprehensive Plan. John Steinmetz gave a brief explanation and overview of their proposal. Upon inquiry and a brief discussion, the amount of community engagement (one workshop session) will remain in the proposal as is, given that the Town just completed a full comprehensive update with many meetings and public input. However, all members agree, as well as the consultant, that additional public meetings can be added as the Town moves forward, upon approval of Town Board, at an additional cost.

Thereafter, a Resolution to approve the proposed Agreement with Barton & Loguidice, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith.

Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town authorize the Agreement with Barton & Loguidice, for Regulatory Services for the Town of Pittsford Zoning Code Update and authorizes the Supervisor to sign the Agreement.

### **EXECUTIVE SESSION SCHEDULED FOR JULY 8, 2020 AT 5:00 P.M.**

Supervisor Smith moved, having consulted the Town Board members regarding possible times that an Executive Session be set for Wednesday, July 8, 2020 at 5:00 p.m., at Pittsford Town Hall, in the Town Board Meeting

## Minutes of the Town Board for July 7, 2020

room, to discuss several related personnel matters. This was seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that an Executive Session be held on Wednesday, July 8, 2020 at 5:00 p.m. at Pittsford Town Hall, in the Town Board Meeting Room, to discuss a personnel issue regarding a particular employee.

### **FINANCIAL MATTERS**

#### **PUBLIC COMMENT**

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

### **BUDGET AMENDMENT APPROVED**

Supervisor Smith moved to approve the proposed Budget Amendment, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

**RESOLVED**, that the following Budget Amendment be approved as follows:

- That line item 5.5112.2010.55.4 (Highway PT – CHIPS Road Rehabilitation) be increased by \$70,547.00. The source of these funds will be an increase of NYS CHIPS Program, EWR and PAVE NY.

### **OPERATIONAL MATTERS**

#### **PUBLIC COMMENTS**

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

### **PITTSFORD LITTLE LEAGUE VENDING PERMIT APPROVED AS AMENDED**

A Resolution to approve the Pittsford Little League Vending Permit was offered by Supervisor Smith, with the requested amendment by Commissioner Schenkel, seconded by Councilmember Townsend, and voted on by members as follows: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

**RESOLVED**, that based on the recommendation of the Commissioner of Public Works, Town Board approves the proposed Food Vending Permit to Pittsford Little League to operate a vending unit on the Town owned Habacker Fields located at 34 East Street, from July 1, 2020 through October 31, 2020 and that the Town Supervisor is authorized to sign the permit.

### **OTHER MATTERS**

Supervisor Smith asked if any member of the Board had an item of business that they wished to address.

#### **Personnel Issue on FaceBook**

Deputy Supervisor Munzinger expressed deep concern about one Board member's public discussion on Facebook about a personnel matter involving a particular member of the Town staff. She expressed particular concern that a press release and the Facebook posting, by Councilmember Koshykar, crossed a significant ethical and moral boundary and possibly a legal boundary as well. Deputy Supervisor Munzinger stated that as a steward of the Town, she felt compelled to speak on this matter. She stated that one of the reasons the Town of Pittsford runs so well is due to the exceptional team and staff that the Town has in place. She noted the importance of the Town staff and how it is a fundamental responsibility of Town Board members, as elected officials, to respect these employees. She commended the staff on their hard work and ability to exceed expectations in getting their jobs done. Deputy Supervisor Munzinger noted that Councilmember Koshykar's press release and Facebook post directly violated the Town's Code of Ethics and its Employee Policy Handbook. Among other things that Handbook protects our staff from discrimination. Moreover, she continued, Councilmember Koshykar's public discussion stating the age, political affiliation, and falsely claiming that the staff member lacked qualifications for the position violated our Employee policy handbook. In addition, she indicated that Councilmember Koshykar's action may additionally be viewed as harassment of an employee and an

## Minutes of the Town Board for July 7, 2020

unlawful violation of the Code of Ethics. Deputy Supervisor Munzinger recounted that several employees have contacted her, indicating their deep concern and desire to possibly seek alternate employment opportunities, as they felt they are now working in an intimidating and hostile work environment, and they are not comfortable working for the Town any longer due to the actions of Councilmember Koshykar. Deputy Supervisor Munzinger strongly feels that the concerns expressed publicly by Councilmember Koshykar could and should have been addressed at an Executive Session and noted that scheduling an Executive Session for this purpose was placed on the Agenda for this meeting at Ms. Koshykar's request. She reminded Town Board members, as representatives of the Town, that their actions on a public or private Facebook page could result in a financial liability to the Town, at additional taxpayer cost and cautioned them about irresponsibility of this nature. She additionally requested that the Town Attorney review the Town's policies and procedures and thereafter advise the Town Board on what can and cannot be said publicly by a Board member about confidential personnel matters, as she believes that there was a violation.

Town Attorney Robert Koegel stated that he believes that this subject will be discussed at the Executive Session just scheduled and he advised Board members that Executive Session would be the appropriate place for members of the Town Board to discuss these matters.

Councilmember Koshykar apologized to the Town's employees who feel intimidated by her actions, noting that it was not her intention. However, she felt that she was questioning the how and what, not the "who" and believed it was well within her purview to inquire about the use of taxpayer monies. She indicated that she felt that when she raises issues in the form of Resolutions, that they will not necessarily be put on the agenda and that she will go to the public if she feels it is an ethical obligation to shine a light on what we're spending our money on and how we're creating positions in the Town.

Supervisor Smith commented that Councilmember Koshykar had raised the issue in a message to him and all members of the Town Board, specifically requesting an Executive Session to discuss it; that he had complied with this request and added the scheduling of such an Executive Session to the agenda for this meeting; that later the same day, without any indication to Ms. Koshykar that her request for an Executive Session would not be honored, as it was, she publicly discussed the confidential personnel matters that were to be among the subjects of the Executive Session, on a social media platform. No one, he noted, had ever suggested that the Agenda would not contain her request for an Executive Session. He said the Board would discuss the matter further at the Executive Session it had just scheduled, pursuant to Councilmember Koshykar's request, for tomorrow.

### **Black Lives Matter Sign and Resolution**

Councilman Beckford thanked Supervisor Smith for the sign on Town Hall expressing support for the concept that the lives of people of color matter and are important. Councilmember Beckford asked the Supervisor to leave the sign up for a full year.

Supervisor Smith noted that, although neither he nor the Town had been asked by anyone to put up such a sign; the sign was posted following his discussion with the other leaders of the community, Mayor Corby and Superintendent Pero, as a joint statement. He indicated that to his knowledge, no other Town in Monroe County has such a sign at its own Town Hall and that the sign would remain for a month and would be repaired or replaced promptly if defaced. While believing the sign is important, he admitted to concern about implications for the many other requests frequently received from various groups and causes.

Councilmember Koshykar asked the Board for a vote on a resolution that she had submitted last week, well within the time-frame for inclusion in the agenda for this meeting. Supervisor Smith noted that normally such a resolution would not be in order for consideration since, as mere social issue messaging, it did not fall within the powers and authority granted by law to municipal governments, as opposed to actions within the ability of any individual to undertake. However, noting his discretion as Chair of the Meeting and the significance of the message at this moment, that on the understanding that allowing this would create no precedent whatsoever for any future action of the Board or decision by its Chair, he would allow the motion to be considered. No member spoke in dissent to the Supervisor's statement.

Following discussion, the motion to approve the Resolution as amended was offered by Supervisor Smith to approve the Resolution, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

## Minutes of the Town Board for July 7, 2020

The Resolution was declared carried as follows:

Whereas, the Town of Pittsford strives to be a welcoming community, where all people can feel protected, included and safe; and

Whereas, the Town of Pittsford recognizes a profound movement towards inclusivity and justice that is spreading across the nation, including the Town of Pittsford; and

Whereas, the Pittsford Town Board acknowledges that not all lives matter until Black lives matter; and

Whereas, the Pittsford Town Board is aware of a hate group which has displayed propaganda within the Town of Pittsford, including on the Town Hall's flag pole, as well as the detrimental effect such propaganda has on our neighbors and children;

Now, therefore, be it

**RESOLVED**, that the Pittsford Town Board joins the residents of the Town of Pittsford in denouncing violence against and/or intimidation of our Black and Brown neighbors in any form and by any means; condemns in the strongest terms possible any group or groups who seek to promote hate or fear within our Town and against any segment of our community; commits to the residents of the Town of Pittsford that it will promote the equal treatment of all people in each decision it makes; and proclaims that Black lives matter and has conspicuously displayed a sign to that effect in front of Pittsford Town Hall for four weeks, and be it

**RESOLVED**, that if such sign is defaced or removed, the Town will order a new sign and display it with reasonable speed.

### **19th Amendment Centennial Celebration Update**

Upon inquiry by Supervisor Smith, Deputy Supervisor Munzinger, together with Councilmember Townsend, reported the following information regarding the celebration of the Centennial Celebration for the 19th Amendment granting the right to vote to women.

- August 22 – Fireworks Date
- Walking Tours
- Voter Registration and voter engagement
- Social media information regarding the event
- Website developed by 4<sup>th</sup> Grade Class related to history and particularly the history of women's suffrage

Councilmember Townsend commended our Town historians for the information they have provided about the suffrage movement and the Pittsford Women's Equality Club that operated here in Pittsford years ago, together with visits of both Susan B. Anthony and her sister, Mary, to Pittsford during those years.

### **Media Question regarding Caleb Hopkins - History**

Councilmember Beckford inquired about a recent email received from a member of the media inquiring about one of the founders of Pittsford in the Eighteenth century and whether he was involved in the slave trade. Supervisor Smith noted that he had responded to the message and had asked the Town Historian to look into it.

Supervisor Smith asked if any members of Town Staff had a matter to bring before the Board.

### **Staff Comments**

Chief of Staff and Constituent Services Coordinator, Spencer Bernard, addressed the Board regarding false and damaging comments about personnel matters relating to him that were made publicly by Councilmember Koshykar, noting that he was deeply offended and personally hurt by them, refuting each inaccuracy that the Councilmember had expressed publicly. He observed that the Councilmember simply could have asked him about any of the points she raised, or could have asked the Supervisor or the Human Resources Director. But without even making an attempt at inquiring about any of these matters, she discussed confidential personnel matters in a public forum. He described as insulting, hurtful and false the Councilmember's unfounded and un-researched accusations that he is not old enough, not qualified and that his employment and compensation were not both approved by the Town Board, which they were. He noted that his hiring complied with all Civil Service

## Minutes of the Town Board for July 7, 2020

requirements and procedures and that his experience included doing the constituent services work for a group of six members of the State Assembly representing the Finger Lakes region. He listed his many duties and recounted initiatives that he has worked on successfully, with both staff and Board members. He reiterated to Councilmember Koshykar what he told her at her first Board meeting, that he is there to help her and the other Board members.

Following these comments, nine members of the Town of Pittsford staff addressed the Board in support of their colleague, the Chief of Staff and Constituent Services Coordinator, noting his incredible service, hard work, commitment to the Town, appreciation by residents as well as staff, endorsing the statements made earlier by Deputy Supervisor Munzinger and expressing their shock and disappointment in the actions of Councilmember Koshykar regarding this personnel matter, conduct that they consider unethical.

### **PUBLIC COMMENT**

Supervisor Smith asked for comments from residents. Comments were offered by the following residents: Colton Pringle, Sadie Szrama, Mike Broomfield, Maggie Keating, Sue Emmel, Frank Hagelberg, Janice Bullard Pieterse, Jen Canning, Ginger Sacco, Crystal Petit-Frere, Jaya Madhavan, Dan Keating, Susan Gould, Kendra Evans, Kelly LeBlanc, and Rubiena Duarte.

Six persons offered comments in support of Councilmember Koshykar.

Eight persons offered comments in support of Black Lives Matter and social issues relative to this topic.

Two persons offered comments in support of the Town staff.

Two persons commented that personnel matters should be addressed in Executive Session.

(note: some persons offered more than one comment with regard to the above topics)

Note from Town Clerk:

*Pursuant to the Open Meetings Law, Section 106, the requirement for Minutes are as follows: "Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon." This has always been the practice of the Pittsford Town Clerk and shall continue. However, all comments offered by the public will not necessarily be included in the Minutes of the Town Board. The Town Clerk, will include, when practicable, any comments offered that may be relevant to a public hearing or a proposed Resolution or Local Law that may come before the Town Board for consideration. The Town Clerk will attempt to capture the name of all residents who speak, particularly during the General Public Comment section of the meeting, and will note same in the Minutes. A record of the entire proceeding is available on the Town website for a period of time following the meeting or a record of same can be requested. I note also that approval of the minutes by Town Board is not a legal requirement; that they are merely required to be taken and included in the Town's records. Though a vote of the Board is not required, it makes sense for the Board to review the minutes and to note requests for changes they consider necessary.*

As there was no further business, the Supervisor adjourned the meeting at 9:25 P.M.

Respectfully submitted,

Linda M. Dillon  
Town Clerk