

Minutes of the Town Board for June 5, 2018

DRAFT TOWN OF PITTSFORD TOWN BOARD JUNE 5, 2018

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, June 5, 2018 at 6:00 P.M. local time in the Town Hall, Lower Level Meeting Room.

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

ABSENT: There were no Town Board members absent.

ALSO PRESENT: Staff Members: Paul J. Schenkel, Commissioner of Public Works; Gregory J. Duane, Finance Director; Jessie Hollenbeck, Recreation Director; Robert B. Koegel, Town Attorney; Linda M. Dillon, Town Clerk and Suzanne Ward, Assistant to Supervisor.

ATTENDANCE: There were twenty (20) members of the public in attendance. There were also five (5) additional staff members present.

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

ANNOUNCEMENTS FROM SUPERVISOR

Supervisor Smith made the following announcements:

- Acknowledgement and gratitude was given by Supervisor Smith to the Recreation staff, for organizing and executing another successful Paddle and Pour event, Memorial Day Parade and Ceremony, and Pittsford Triathlon, having over 100 participants.
- Further acknowledgement and gratitude was given by Supervisor Smith to Carson Rehkopf, who for his Eagle Scout project, organized over 40 volunteers to help clean the headstones of each veteran interred in the the Pittsford Cemetery.
- **Supervisor Saturday, June 9th: 9AM-10AM** – Supervisor Smith announced that his next “Supervisor Saturday” event is taking place on Saturday, June 9th from 9:00 am to 10:00AM at the Pittsford Community Library. He welcomed residents to come to discuss any concerns or ideas they may want to share on how they can be better served by the Town of Pittsford.
- **Study Area at Pittsford Community Library for students – Fisher Meeting Room:** Supervisor Smith announced that a dedicated study area in the Pittsford Community Library will be reserved for high school students studying for upcoming exams. The Fisher Meeting Room will be set up for students to study for finals on Saturday, June 16th from 10:00am - 5:00pm and on Sunday, June 17th from 1:00 - 5:00pm.
- **RG&E – Extensive Tree Trimming:** Supervisor Smith reported that the Town has been notified by RG&E that extensive tree trimming will be done on Mendon Road, Mendon Center Road and West Bloomfield Road and in adjacent areas in the upcoming weeks, to clear overgrowth of limbs onto powerlines.

MEETING MINUTES OF MAY 22, 2018 APPROVED

A Resolution to approve the Meeting Minutes of the May 22, 2018 was offered by Councilman O'Connor, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

Minutes of the Town Board for June 5, 2018

RESOLVED, that the Meeting Minutes of the May 22, 2018 are approved.

PITTSFORD SENIOR CITIZENS 60TH ANNIVERSARY COMMENDATION APPROVED

A Commendation to recognize the 60th Anniversary of the Pittsford Senior Citizens organization was offered by Councilwoman Townsend, seconded by Councilman Beckford, and voted on by members as follows: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The following Commendation was approved and signed by each of the Town Board members:

Whereas, Pittsford Senior Citizens will hold its anniversary luncheon on June 12 to celebrate 60 years of offering programs and services that enhance health and well-being, provide engaging social opportunities, and offer truly enjoyable experiences for the senior citizens of Pittsford; and

Whereas, the Pittsford Senior Citizens organization was founded in 1958 by Pittsford Recreation Commission member Grace Rylott and a small group of committed individuals who, with assistance from the Pittsford Garden Club, the Women's Club of Pittsford, and the Pittsford Recreation Commission, grew the club over the years to bring a wide range of programs and activities to hundreds of seniors in our community; and

Whereas, Pittsford Senior Citizens is a dedicated community organization that began working with the Town of Pittsford in 2004 to offer enriching and enjoyable programs and services for senior citizens at the VanHuysen Senior Center, thereby faithfully building upon the efforts of their founding members; and

Whereas, the senior citizens in our community have been served with dedication and great care by the **Pittsford Senior Citizens** organization over the past 60 years and continue to benefit from the spirit, commitment and positive impact fostered by this valuable community resource.

Now, Therefore Be It Known, that on the occasion of the 60th anniversary of **Pittsford Senior Citizens**, it is with pride and gratitude the Town Board of Pittsford commends and congratulates Pittsford Senior Citizens and honors their commitment and contribution to the senior citizens of our community.

LEGAL MATTERS

PUBLIC COMMENT

Supervisor Smith asked for public comments on the matter before the board, to consider setting a Public Hearing for Local Law No. 3 of 2018 – Temporary Moratorium on Demolition of Residential Dwellings and Barns.

The Town Board accepted comments regarding proposed Local Law No. 3 of 2018 – Temporary Moratorium on Demolition of Residential Dwellings and Barns, by the following persons:

Tom Fink (of Davis & Fink, Attorneys-at-Law), Pat Morabito (of Patrick J. Morabito, AIA Architect, P.C.), Tracie Spiliotis, Athanasios Stamos, Mike Nesaloris, Mike Slade and Alan Efron all spoke in opposition to the Temporary Moratorium. Mr. Morabito also submitted a written letter to the Town Board. Bonnie Salem spoke in favor, recommending that it apply to more properties than are listed in the Town's Historic Resource Survey Update.

After further discussion and comments by each of the Town Board members, an amendment to the original Resolution was offered by Supervisor Smith to read that a Moratorium be placed on Residential Dwellings and Barns which appear on the Annotated Building List of 82 buildings noted, beginning on page 24 in the Historic Resource Survey Update prepared by Bero Architects and dated January, 2017.

AMENDMENT TO RESOLUTION TO SET PUBLIC HEARING FOR LOCAL LAW NO. 3 OF 2018 – TEMPORARY MORATORIUM ON THE DEMOLITION OF RESIDENTIAL DWELLINGS AND BARNs

Thereafter, a motion was made by Supervisor Smith, seconded by Deputy Supervisor Munzinger that an amendment be made to the proposed Resolution and Local Law No. 3 of 2018, as indicated, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The following Resolution was declared carried as follows:

RESOLVED, that the Resolution to Set a Public Hearing for Local Law No. 3 of 2018 be amended in its entirety, as set forth below:

Amendment is incorporated within the Local Law text to read as follows: (strikethroughs indicate original text proposed – italics and bold indicates text, as amended)

Title: THE ADOPTION OF PROPOSED LOCAL LAW NO. 3 OF 2018: TEMPORARY MORATORIUM ON THE DEMOLITION OF RESIDENTIAL DWELLINGS AND BARNs ~~MORE THAN FIFTY YEARS OLD~~ ***ON THE HISTORIC INVENTORY.***

Text within the proposed Local Law No. 3 of 2018 amended as follows:

**BE IT ENACTED BY THE
TOWN BOARD OF THE
TOWN OF PITTSFORD
NEW YORK
AS FOLLOWS:**

**LOCAL LAW NO. 3 OF 2018:
TEMPORARY MORATORIUM ON THE
DEMOLITION OF RESIDENTIAL DWELLINGS
AND BARNs ~~MORE THAN FIFTY YEARS OLD~~
*ON THE HISTORIC INVENTORY***

Sec. 1. Title

This law shall be known as "Local Law No. 3 of 2018: Temporary Moratorium on the Demolition of Residential Dwellings and Barns ~~more than fifty years old~~ ***on the Historic Inventory.***"

Sec. 2. Purpose

The Town Board of the Town of Pittsford has determined that demolition of existing residential dwellings or barns or portions thereof ~~more than fifty years old~~ ***on the Historic Inventory*** in of the Town jeopardizes the historic and neighborhood character of the Town. ***For purposes of this Local Law, the "Historic Inventory" is comprised of those structures identified on pages 24 through 43 of the Historic Resource Survey Update, dated January 2017, prepared by Bero Architecture PLLC for the Town, copies of which are annexed hereto.*** It is the purpose of this Local Law to place a temporary Moratorium on the issuance of any permit for the demolition of any such building or portion thereof in the Town, while legislation and regulations regulating the demolition of such buildings or portions thereof in the Town and the issuance of permits for demolitions by the Town are drafted, reviewed and considered by the Town Board.

Sec. 3. Moratorium

No permit shall be issued for the demolition of any residential dwelling or barn or portion thereof ~~more than fifty years old~~ ***on the Historic Inventory*** of within the Town, pursuant to Chapters 64 and 185, Article IXA, of the Town Code or the New York State Uniform Fire Prevention and Building Code, during the term of the

Minutes of the Town Board for June 5, 2018

Moratorium adopted pursuant to this Local Law and any amendment or extension thereof, within the Town of Pittsford. Notwithstanding the Moratorium, permits that include demolition of less than 50% of the structure may be issued in those instances where a design review application has received approval from the Design Review and Historic Preservation Board.

Sec. 4. Supersession of Provisions of State Law

This Local Law supersedes the provisions of Article 16 of the Town Law, the provisions of the New York State Uniform Fire Prevention and Building Code dealing with the issuance of permits for the demolition of buildings and structures, and all other provisions of State law that relate to the issuance of permits for the demolition of buildings and structures.

Sec. 5. Term of Moratorium

This Local Law and the Moratorium established hereunder shall expire ~~six~~ **three** months from its effective date.

The remaining text of Local Law No. 3 of 2018 was unedited and remains the same as originally presented.

PUBLIC HEARING SET FOR JULY 3, 2018 TO CONSIDER LOCAL LAW NO. 3 OF 2018 – TEMPORARY MORATORIUM ON DEMOLITION OF RESIDENTIAL DWELLINGS AND BARN ON THE HISTORIC INVENTORY

A Resolution to set a public hearing on this matter was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 3 of 2018: Temporary Moratorium on the Demolition of Residential Dwellings and Barns on the Historic Inventory, will be amended and delivered to each member of the Town Board; and

WHEREAS, due consideration has been given to the adoption of said proposed Local Law No. 3 of 2018, by all members of the Town Board who were present; and

WHEREAS, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 3rd day of July, 2018, at 6:00 p.m. at the Town Hall, 11 South Main Street, Pittsford, New York, to consider the adoption of said proposed Local Law No. 3 of 2018;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing be held on the 3rd day of July, 2018, at 6:00 P.M., Local Time, at the Town Hall, 11 South Main Street, Pittsford, New York, on the question of the adoption of said proposed Local Law No. 3 of 2018; and be it further

RESOLVED, that a Notice of Hearing and a copy of said proposed Local Law No. 3 of 2018, or a summary thereof, be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said hearing; and be it further

RESOLVED, that the Town Clerk shall post certified copies of both this resolution and said proposed Local Law No. 3 of 2018, or a summary thereof, on the bulletin board, maintained by the Town Clerk pursuant to § 40(6) of the Town Law, for a period of not less than five (5) days prior to said public hearing.

A copy of the proposed Local Law No. 3 of 2018 is as follows:

**BE IT ENACTED BY THE
TOWN BOARD OF THE
TOWN OF PITTSFORD
NEW YORK
AS FOLLOWS:**

**LOCAL LAW NO. 3 OF 2018:
TEMPORARY MORATORIUM ON THE
DEMOLITION OF RESIDENTIAL DWELLINGS
AND BARN ON THE HISTORIC INVENTORY**

Sec. 1. Title

This law shall be known as “Local Law No. 3 of 2018: Temporary Moratorium on the Demolition of Residential Dwellings and Barns on the Historic Inventory.”

Sec. 2. Purpose

The Town Board of the Town of Pittsford has determined that demolition of existing residential dwellings or barns or portions thereof on the Historic Inventory of the Town jeopardizes the historic and neighborhood character of the Town. For purposes of this Local Law, the “Historic Inventory” is comprised of those structures identified on pages 24 through 43 of the Historic Resource Survey Update, dated January 2017, prepared by Bero Architecture PLLC for the Town, copies of which are annexed hereto. It is the purpose of this Local Law to place a temporary Moratorium on the issuance of any permit for the demolition of any such building or portion thereof in the Town, while legislation and regulations regulating the demolition of such buildings or portions thereof in the Town and the issuance of permits for demolitions by the Town are drafted, reviewed and considered by the Town Board.

Sec. 3. Moratorium

No permit shall be issued for the demolition of any residential dwelling or barn or portion thereof on the Historic Inventory of the Town, pursuant to Chapters 64 and 185, Article IXA, of the Town Code or the New York State Uniform Fire Prevention and Building Code, during the term of the Moratorium adopted pursuant to this Local Law and any amendment or extension thereof, within the Town of Pittsford. Notwithstanding the Moratorium, permits that include demolition of less than 50% of the structure may be issued in those instances where a design review application has received approval from the Design Review and Historic Preservation Board.

Sec. 4. Supersession of Provisions of State Law

This Local Law supersedes the provisions of Article 16 of the Town Law, the provisions of the New York State Uniform Fire Prevention and Building Code dealing with the issuance of permits for the demolition of buildings and structures, and all other provisions of State law that relate to the issuance of permits for the demolition of buildings and structures.

Sec. 5. Term of Moratorium

This Local Law and the Moratorium established hereunder shall expire three months from its effective date.

Minutes of the Town Board for June 5, 2018

Sec. 6. Hardship

(a) The Town Board shall have the power to grant exceptions to the Moratorium created under this Local Law.

(b) Waivers may be granted by the Town Board upon a showing by the applicant that the Moratorium has caused the applicant unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Town Board that due to the application of the Moratorium, there is hardship, which may include, but is not limited to, the following:

i. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible or, in the case of a property owned by an entity certified under Section 501(c)(3) of the Internal Revenue Code, where the failure to permit demolition would unreasonably interfere with the applicant's charitable purpose;

ii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;

iii. Reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed; and

iv. The alleged hardship has not been created by the applicant.

(c) No such waiver shall be granted by the Town Board without first holding a public hearing, notice of which hearing, including the substance of the application for waiver under this Local Law, shall be given by publication in the official newspaper of the Town and posting upon the Town Clerk's bulletin board, and by mailing to all residents within 500 feet of the property in question, in each case, at least ten days before such hearing.

(d) In addition, a waiver on an emergency basis may be granted by the Town's Code Enforcement Officer if, in his or her sole discretion, the subject building is a hazard to public safety and health and cannot be reasonably reconstructed.

Sec. 7. Validity

If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this law.

Sec. 8. Effective Date

This Local Law shall become effective upon its adoption and upon its filing with the New York Secretary of State.

FINANCIAL MATTERS PUBLIC COMMENT

There were no public comments offered regarding the proposed Budget Transfers.

BUDGET TRANSFERS APPROVED

Minutes of the Town Board for June 5, 2018

A Resolution to approve the proposed Budget Transfers was offered by Deputy Supervisor Munzinger, seconded by Councilman O'Connor, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the following budget transfers are approved as follows:

- That \$ 40,000.00 be transferred from 105.1380.2000 (Field Improvement Project – Fiscal) to 105.7110.2033 (Field Improvement Project – Materials) to cover the cost of additional landscaping of parks and paving the parking lot at Hopkins Park.
- That \$ 9,702.00 be transferred from 107.1990.2000 (SCC Capital Project – Contingency) to 107.1620.2052 (SCC Capital Project – Plumbing) to cover the costs associated with change order P-2. (Provide chillers for water fountains and ADA shower seating.)
- That \$ 19,836.00 be transferred from 107.1990.2000 (SCC Capital Project – Contingency) to 107.1620.2020 (SCC Capital Project – Construction) to cover the costs associated with change order GT-13. (Structural wall repair to North wall of gym.)
- That \$ 15,000.00 be transferred from 1.1990.4000.1.1 (Contingency - Expense) to 1.1375.4000.1.1 (Credit Card Fees – Expense) to cover the cost of credit card fees for FY18.

PERSONNEL MATTERS

PUBLIC COMMENT

No public comments were offered regarding the proposed Hiring Recommendations.

HIRING RECOMMENDATIONS APPROVED

Councilman O'Connor confirmed that he has audited the records for the proposed part-time and seasonal hires and that all the documents are in order. Thereafter, a Resolution to approve the proposed hiring was offered by Councilman O'Connor, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

RESOLVED, that the Town Board approve the following persons for employment as full time, part time and/or seasonal and confirmed as the date of hire as indicated hereto:

Name	Department	Position	Rate	Date of Hire
Nicholas Gigliotti	Highway	Seasonal Laborer – PT	\$11.00	05/21/2018
Brady Hoyt	Highway	Seasonal Laborer – PT	\$11.25	05/21/2018
John Storrar	Highway	Seasonal Laborer – PT	\$11.25	05/22/2018
Theo Couderc	Recreation	Rec Asst – After School PT	\$10.40	05/26/2018
Chloe Couderc	Recreation	Rec Asst – After School PT	\$10.40	05/28/2018
Thomas Lohr	IT	Technical Specialist – FT	\$21.70	05/31/2018
Kieran Sommer	Recreation	Rec Asst – Swimming PT	\$10.40	06/03/2018
Laura Magguilli	Recreation	Rec Asst – Swimming PT	\$10.40	06/03/2018
Megan Deuel	Recreation	Rec Asst – Swimming PT	\$10.40	06/05/2018
Briana Hanson	Recreation	Rec Asst – Site Director	\$12.30	06/15/2018
Annalisa Foster	Recreation	Rec Asst – Summer Fun	\$10.40	06/20/2018
Emily Sullivan	Recreation	Rec Asst – Summer Fun	\$10.40	06/21/2018
Brendan Haims	Highway	Seasonal Laborer – PT	\$11.00	06/21/2018
Amanda Florance	Recreation	Rec Asst – Events	\$10.40	07/06/2018
Margaret Rubiano	Recreation	Rec Asst – Child Watch	\$13.50	08/01/2018

Minutes of the Town Board for June 5, 2018

**TRAINING REQUESTS APPROVED
PUBLIC COMMENT**

There were no public comments regarding the proposed Training Request.

**2018 NEW YORK STATE GOVERNMENT FINANCE OFFICERS ASSOCIATION
(NYSGFOA) APPROVED**

A Resolution to approve Finance Director, Greg Duane, to attend an educational conference was offered by Councilwoman Townsend, seconded by Councilman O'Connor, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that Finance Director, Greg Duane, be approved to attend the 2018 New York State Government Finance Officers Association Seminar on July 19, 2018 in Batavia, NY at the cost of \$75.00.

As there was no further business to discuss, the Supervisor adjourned the meeting at 7:28 P.M.

Respectfully submitted,

Linda M. Dillon
Town Clerk

Minutes of the Town Board for June 5, 2018

OFFICIAL BOARD MINUTES ARE ON FILE IN THE OFFICE OF THE TOWN CLERK