Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, December 21, 2010 at 7:00 P.M. local time in Pittsford Town Hall.

PRESENT:
Town Board: Supervisor William A. Carpenter and Councilpersons Sandra F. Zutes, John J. Higgins, Jr., Karen W. Green, and Jared C. Lusk.

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; Richard T. Williams II, Town Attorney; Patricia E. Chuhta, Town Clerk.

ATTENDANCE:
Two members of the public were in attendance.

Supervisor Carpenter called the meeting to order at 7:00 P.M. and invited everyone to stand for the Pledge of Allegiance.

PUBLIC COMMENTS
There were no public comments.

PUBLIC HEARING: PROPOSED WINDSCAPE PARK DISTRICT
After verification of proof of publication, Supervisor Carpenter noted that the Town had received a petition from the residents in the Windscape Subdivision requesting that the Town take over maintenance of the entrance and cul-de-sac areas. He said that a public hearing was necessary to allow the Town to take over these areas.

Supervisor Carpenter then opened the hearing to public comments.

As there were no public comments, Supervisor Carpenter closed the public hearing.

PROPOSED PITTSFORD WINDSCAPE PARK DISTRICT APPROVED
A written Resolution to approve a Park District in the Windscape Subdivision was offered by Councilman Lusk, and seconded by Councilwoman Zutes, and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk, and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED AND ORDERED, that
(a) The Petition is signed and acknowledged or approved as required by law and is otherwise sufficient;
(b) All the property and property owners within the District are benefited thereby;
(c) All the property and property owners benefited are included within the limits of the District;
(d) The expenses of Maintenance of the District are to be paid by the property owners annually on an ad valorem basis; and
(e) It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND ORDERED, that the “Windscape Park District”, be and the same hereby is created, and that the boundaries of the Park District, as hereby created, are as set forth in “Exhibit A” annexed hereto, and as further set forth on the maps annexed hereto as “Exhibit B” and “Exhibit C”, with the maintenance of such Park District, by the Town, to be in accordance with the Maintenance Schedule annexed hereto as “Exhibit D”.

Note: Exhibit “A”, the park district extension description; Exhibit “B”, the park district map; Exhibit “C”, photographs of the park district area; and Exhibit “D” the Maintenance Schedule are not in electronic format and will be found in the office of the Town Clerk.

SUPERVISOR’S COMMENTS

- Supervisor Carpenter extended kudos to the Operations Staff for their removal efforts this leaf season. Supervisor Carpenter noted that leaf pick up never fell behind this year.

MINUTES OF NOVEMBER 16, 2010 APPROVED

A Resolution to approve the draft minutes from the November 16, 2010 meeting was offered by Councilwoman Green, and seconded by Councilman Higgins, and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk, and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED, that the minutes of November 16, 2010 Town Board meeting are approved as amended.

YEAR-END TOWN BOARD MEETING SET

The following Resolution to hold a year-end Town Board meeting on December 30th was offered by Supervisor Carpenter, and seconded by Councilman Higgins, and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED, that a special meeting of the Town Board will be held on Thursday, December 30, 2010 at 11:00 A.M. for the purpose of approving year-end accounts payable and transfers and other business.

AMENDMENT TO TRAFFIC CONTROL DEVICE INVENTORY AUTHORIZED

A Resolution to authorize amend the Town’s Traffic Control Device Inventory was moved by Supervisor Carpenter, seconded by Councilwoman Green and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED, that Town Board amends the Town of Pittsford official list of traffic control devices functioning on Town roads to include a “STOP” sign on Maywood Avenue in the northerly direction where it intersects with Kilbourn Road.

PURCHASE OF DOCUMENT MANAGEMENT SOFTWARE AUTHORIZED

A Resolution to purchase document management software was moved by Councilwoman Zutes, seconded by Councilwoman Green and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED, that Town Board authorizes an agreement with Toshiba Business Solutions for the purchase and implementation of Docuware Document Management Software in the amount of $11,250.00.

PUBLIC HEARING SET: LOCAL LAW #1 OF 2011 – EXTENSION OF TEMPORARY MORATORIUM ON SUBDIVISION OF REAL PROPERTY CONSISTING OF LESS THAN 10 ACRES

A written Resolution to set a public hearing to hear comments regarding the extension of the Temporary Moratorium on Subdivision of Real Property consisting of less than 10 acres was offered by Councilwoman Zutes,
and seconded by Supervisor Carpenter, and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk, and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED, that a public hearing be held on the 18th day of January, 2011, at 7:00 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. 1 of 2011; and be it further

RESOLVED, that a Notice of Hearing and a copy of said proposed Local Law No. 1 of 2011, 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. 1 of 2011, 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.

Note: The proposed change to Town Code resulting from Local Law #1 of 2011 is as follows:

Sec. 1 Title
This law shall be known as “Local Law No. 1 of 2011: Extension of Temporary Moratorium on the Subdivision of Real Property Consisting of Less Than Ten (10) Acres.”

Sec. 2 Findings
The Town Board finds as follows:
(a) As a result of continuous real estate development of the Town of Pittsford, as well as the protection of significant open space through the Town’s purchase of development rights, the Town is approaching a “build out” state, bringing with it an increase in the desire for “infill” development of smaller parcels.

(b) The recently adopted update to the Town’s Comprehensive Plan has identified “infill” development as a circumstance that places pressure on existing neighborhoods and on the character of the community.

(c) Careful planning and potential amendments to the Town’s Zoning Code have been identified as important measures to guard against inappropriate and negative effects associated with development of small parcels. Such potential negative effects include, but are not limited to, overcrowding; inappropriate locations of new development with respect to existing development; structure setback and orientation concerns; and architectural compatibility.

(d) The completion of the update to the Comprehensive Plan provides the Town Board with the framework to analyze and enact appropriate modifications to the Town’s Zoning Code, to address the identified concerns and more appropriately regulate future development of small parcels.

(e) The previously enacted Temporary Moratorium on the subdivision of small parcels, consisting of less than ten (10) acres, pursuant to Local Law #3 of 2009, and as extended by Local Laws #9 of 2009, and Local Law #2 of 2010, is set to expire on January 28, 2011.

(f) An extension of the aforesaid Temporary Moratorium on the subdivision of small parcels, consisting of less than ten (10) acres, is necessary in order for the Town to consider appropriate amendments to the Town’s Zoning Code, thereby avoiding the potential negative effects identified above.

Sec. 3 Purpose and Intent
(a) It is the purpose of this law to avoid the negative effects identified above for a reasonable period of time in order to effectuate solutions and in order to resolve and lessen such identified negative effects on the health, safety and welfare of the citizens of the Town of Pittsford.

(b) It is the further purpose of this law to enable the Town of Pittsford to stop the subdivision of a limited number of parcels within the Town; namely those under ten (10) acres in size, and for a reasonable time pending...
the adoption of laws necessary to effectuate revisions to the Zoning Code of the Town, as well as other laws of the Town, and pending the necessary SEQRA process to evaluate each of the above actions.

(c) It is the further purpose of this law to fulfill the Town’s constitutional, statutory and legal obligations to protect and preserve the public health, welfare, and safety of the citizens of the Town, and, in particular, to protect the value, use and enjoyment of property in the Town, to prohibit the filing of certain new applications for the subdivision of real property and thus defer official governmental action permitting the subdivision of certain real property until the Town Board has instituted and completed proceedings on possible recommendations for adoption of amendments to the text of the Zoning Code of the Town and other laws of the Town.

(d) It is the further purpose of this law to supersede those provisions of §276 of New York Town Law and of the Town Code relating to period of time in which the Planning Board must render a decision on an application for subdivision approval for the period of this temporary moratorium, or any extension thereto.

(e) It is the further purpose of this law to supersede those provisions of §267 of New York Town Law, and of the Town Code relating to the procedures for the hearing of variance requests from this Extension of Temporary Moratorium Law. As stated below, it is the intent of the Town Board to hear requests for variance from this Extension of Temporary Moratorium Law, rather than the Town’s Zoning Board of Appeals.

Sec. 4  Imposition of Moratorium

(a) For a period of one hundred eighty (180) days from and after the adoption date of this law, no application for the subdivision of real property consisting of less than ten (10) acres may be filed, accepted or processed with respect to any parcel of real property located within the Town of Pittsford, except as provided in paragraph (b) below and Section 5 of this law. For the purpose of this law, an application for the subdivision of real property shall be deemed to mean any request for official action by the Town Board or Planning Board which request and approval would in any way commence or continue the process whereby land is or may be subdivided.

(b) The imposition of this law shall not affect the processing of applications for the subdivision of real property for which concept, preliminary or final subdivision approval has been granted by the Planning Board prior to the effective date of this law.

Sec. 5  Alleviation of Hardship

(a) The Town Board may authorize exceptions to the moratorium imposed by this law when it finds, based upon evidence presented to it, that deferral of action on an application for the subdivision of real property and the deferral of approval of the application for the duration of the moratorium would impose an extraordinary hardship on a landowner or developer.

(b) A request for an exception based upon extraordinary hardship shall be filed with the Town Supervisor or his designee, including a fee of fifty dollars ($50.00) to cover processing and advertising costs, by the landowner, or the developer with the consent of the landowner. Such request shall provide a recitation of the specific facts that are alleged to support the claim of extraordinary hardship, and shall contain such other information as the Town Supervisor or his designee shall prescribe as necessary for the Town Board to be fully informed with respect to the application.

(c) A public hearing on any request for an exception for extraordinary hardship shall be held by the Town Board at the first regular meeting of the Town Board that occurs after the expiration of the period for publication of notice of the request for exception.

(d) In reviewing an application for an exception based upon a claim of extraordinary hardship, the Town Board shall consider the following criteria:

(1) The extent to which the applicant has prior to the effective date of this law received any permits or approvals for the proposed subdivision.

(2) The extent to which the proposed subdivision would cause significant environmental degradation, adversely impact adjacent areas, or adversely impact the land uses appropriate to the property as an important transitional area.
(3) Whether the applicant, prior to the effective date of this law, has incurred financial obligations to a lending institution, which, despite a thorough review of alternative solutions, the applicant cannot meet unless the subdivision proceeds.

(4) Whether the moratorium will expose the applicant to substantial monetary liability to third persons; or would leave the applicant completely unable, after a thorough review of alternative solutions, to earn a reasonable return on the property.

(5) The extent to which actions of the applicant were undertaken in good faith belief that the proposed subdivision would not lead to significant environmental degradation, undue adverse impacts on adjacent areas, or adversely impact the land uses appropriate to the property as an important transitional zone.

(e) At the conclusion of the public hearing and after reviewing the evidence and testimony placed before it, the Town Board shall act upon the request to approve, deny or approve in part and deny in part the request made by the applicant.

Sec. 6 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. 7 Effective Date

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

RENEWAL OF ELDERBERRY EXPRESS AGREEMENT AUTHORIZED

A Resolution to authorize renewal of the annual agreement with Elderberry Express was moved by Councilman Lusk, seconded by Councilwoman Zutes and voted on by the members as follows: Ayes: Zutes, Green, Lusk and Carpenter. Nays: none. Abstain: Higgins.

The Resolution was declared carried as follows:
RESOLVED, that the Town Supervisor is authorized to enter into and sign the proposed 2011 Agreement with Elderberry Express, Inc.

Note: Councilman Higgins recused himself from this action because his wife is the President of Elderberry Express, Inc.

RENEWAL OF PITTSFORD YOUTH SERVICES AGREEMENT AUTHORIZED

A Resolution to authorize renewal of the annual agreement with Pittsford Youth Services was moved by Councilman Higgins, seconded by Councilwoman Green and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED, that the Town Supervisor is authorized to enter into and sign the proposed 2011 Agreement with Pittsford Youth Services for calendar year 2011.

RENEWAL OF WILLIAM JOHNSON PROFESSIONAL SERVICES AGREEMENT AUTHORIZED

A Resolution to authorize renewal of the annual professional services agreement with William P. Johnson was moved by Councilwoman Zutes, seconded by Councilwoman Green and voted on by the members as follows: Ayes: Zutes, Higgins, Green, and Carpenter. Abstain: Lusk. Nays: none.
The Resolution was declared carried as follows: RESOLVED, that the Town Supervisor is authorized to enter into and sign the proposed “Agreement for Professional Services” with William P. Johnson for technical review of Cellular Telephone applications.

**SNOW AND ICE AMENDATORY AGREEMENT WITH MONROE COUNTY DEPARTMENT OF TRANSPORTATION AUTHORIZED**

A Resolution to authorize an amendatory agreement with the Monroe County DOT for snow and ice services was moved by Councilman Lusk, seconded by Councilman Higgins and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk and Carpenter. Nays: none.

The Resolution was declared carried as follows: RESOLVED, that the Supervisor is authorized to sign an Intermunicipal Amendatory Agreement Between Monroe County And The Town of Pittsford For The Provision Of Snow Removal & Ice Control Services under a lump sum reimbursement formula, The Town Installation and Removal of Snow Fence, Provision of Snow and Ice Build-up Removal Services, and Treatment of Salt with Calcium Chloride”, and it is FURTHER RESOLVED that the Town Board approves the extension contract for the 2010/2011 snow & Ice seasonal contract agreement in accordance with Section 1, “TERM OF AGREEMENT,” of the contract that expires on September 30, 2013 in the amount of $192,435.28.

**MONROE COUNTY ALL SEASONS COUNTY/TOWN WORK AGREEMENT EXTENSION AUTHORIZED**

A Resolution to authorize an amendatory agreement with the Monroe County DOT for the All Seasons Agreement was moved by Councilman Higgins, seconded by Councilwoman Green and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk and Carpenter. Nays: none.

The Resolution was declared carried as follows: RESOLVED, that the Town Board authorizes the Supervisor to execute the All Seasons County/Town Work Agreement with Monroe County Department of Transportation for a one-year period from January 1, 2011 to December 31, 2011

**INTERMUNICIPAL AGREEMENT WITH TOWN OF BRIGHTON FOR SNOW REMOVAL ON ALLENS CREEK ROAD AUTHORIZED**

The following Resolution to authorize the reimbursement of costs for snow removal on Allens Creek Road by the Town of Brighton was offered by Councilwoman Zutes, and seconded by Councilwoman Green, and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk and Carpenter. Nays: none.

The Resolution was declared carried as follows: RESOLVED, that the Town of Pittsford Town Board authorizes the Supervisor to execute the Snow and Ice Control Intermunicipal Agreement with the Town of Brighton for Allens Creek Road in the amount of $5,901.30 for the period of November 1, 2010 to April 30, 2011.

**CONTRACT EXTENSION FOR THE PICK UP OF BUNDLED AND CONTAINERIZED YARD DEBRIS AUTHORIZED**

A Resolution to authorize an extension of the Pick Up of Bundled and Containerized Yard Debris was moved by Supervisor Carpenter, seconded by Councilwoman Zutes and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk and Carpenter. Nays: none.

The Resolution was declared carried as follows: RESOLVED, that the Town Board authorizes the extension of the Big & Bigger Inc. contract for the pick up of bundled and containerized yard debris for one (1) additional year (2011) at a cost of $12.64 per ton.

**BENEFIT RESOURCE SERVICE AGREEMENT AUTHORIZED**
A Resolution to authorize an agreement with Benefit Resource Inc. for an employee Flexible Spending Benefit Plan was moved by Councilman Higgins, seconded by Councilwoman Zutes and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk and Carpenter. Nays: none.

RESOLVED, that the Town Board authorizes the approval of the Beniversal Service Agreement with Benefit Resource Inc. for the 2011 plan year.

SEMINAR ATTENDANCE AUTHORIZED
A Resolution to authorize employee seminar attendance was moved by Councilman Lusk, and seconded by Councilwoman Zutes, and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk, and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED, that the following individual(s) is/are approved for the following seminar attendance:

- Assessor Stephen Robson to the NYS Assessors’ Seminar, Appraising in a Difficult Market, in Rochester, on 01/21/2011 at a cost of $85.00

- Finance Director Greg Duane to the NYS GFOA 2011 Annual Conference, in Albany on 04/06 to 04/08/2011, at a cost of $185.00.

DECEMBER 2010 VOUCHERS APPROVED
A Resolution to approve December 2010 vouchers was moved by Councilwoman Zutes, and seconded by Councilman Higgins, and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk, and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED, that December 2010 vouchers No. 96498 through No. 96939 in the amount of $611,000.41 are approved for payment.

DECEMBER 2010 BUDGET AMENDMENTS AND TRANSFERS APPROVED
A Resolution to approve December 2010 vouchers was moved by Councilman Higgins, and seconded by Councilwoman Zutes, and voted on by the members as follows: Ayes: Zutes, Higgins, Green, Lusk, and Carpenter. Nays: none.

The Resolution was declared carried as follows:
RESOLVED, that the following December 2010 Budget Transfers are approved:

- That the following amounts be transferred from 1.1990.4000.1.1 (Contingency – Expense) to the accounts listed below to cover the costs of rewards:
  - 1.1490.1000.6.6 GIS $250.00
  - 1.1310.1000.1.1 Finance $500.00
  - 1.1430.1000.1.1 Personnel $500.00
  - 1.7020.1000.1.2 Recreation $950.00

- That $15,000.00 be transferred from 1.1990.4000.1.1 (Contingency – Expense) to 1.7020.1008.3227.2 (Recreation – User Fee Salaries) to cover program expenses through the end of the year.

- That $50.00 be transferred from 2.9050.8000.1.1 (Part Town Unemployment – Expense) to 2.9045.8000.1.1 (Part Town Life Insurance – Expense) to cover the cost of life insurance.

- That $50.00 be transferred from 4.9055.8000.50.4 (Highway Disability – Expense) to 4.9045.8000.50.4 (Highway Life Insurance – Expense) to cover the cost of life insurance.
• That $70.00 be transferred from 3.9050.8000.1.3 (Library – unemployment) to 3.9055.8000.1.3 (Library – Disability Insurance) to cover disability insurance premiums.

• That $335.00 be transferred from 3.9060.8000.1.3 (Library – Hospitalization) to 3.9010.8000.1.3 (Library – Retirement) to cover retirement payments.

• That the following funds be transferred to 1.9950.9000.1.1 (Transfer to Capital) from the following accounts and transferred to the appropriate capital account:

  1.1989.2001.3.1  Computer Capital  $7,404.00
  1.1989.2025.2.7  Park Equipment  $40,880.00
  1.1989.2029.1.1  General Admin Equip  $3,498.00

• That the following funds be transferred to 6.9950.9000.1.6 (Transfer to Capital) from the following accounts and transferred to the appropriate capital account:

  6.1989.2001.3.6  Computer Capital  $2,390.00
  6.1989.2002.1.6  Office Equipment  $1,110.00
  6.1989.2029.2.6  General Admin Equip  $19,433.00

• That $6986.00 be transferred from 2.1989.2029.1.1  (Part Town - Fleet Replacement) to 2.9950.9000.1.1 (Part Town -Transfer to Capital) and transferred to the Part Town Equipment Capital Reserve.

• That $87,843.00 be transferred from 4.1989.2003.2.4 (Highway - Fleet Replacement) to 4.9950.9000.1.4 (Highway - Transfer to Capital) and transferred to the Whole Town Equipment Capital Reserve.

• That $2,000.00 be transferred from 1.1990.4000.1.1 (Contingency – Expense) to 1.1220.4604.1.1 (Supervisor – Education) to cover expenses associated with attending the Association of Towns Conference.

• That $1,800.00 be transferred from 1.1490.4404.6.6 to 1.3310.2026.2.4 (Traffic – Small Equipment) for the purchase of sign shop pinch roller for making street signs.

• That $11,250.00 be transferred from 1.1990.4000.1.1 (Contingency – Expense) to 1.9040.8000.1.1 (Whole Town General Fund – Workers Comp) to cover Workers Comp Insurance.

• That $3,000.00 be transferred from 3.9060.8000.1.3 (Library – Hospitalization) to 3.9040.8000.1.3 (Library – Workers Comp) to cover Workers Comp Insurance.

It is FURTHER RESOLVED that the following budget amendments are approved:

• That the Stone Road Multi-Use Trail Project be established in the amount of $91,000.00. The source of these funds will be $40,000.00 in donations and a transfer from General Fund in the amount of $51,000.00 (001.9950.9000.1.1). Be it further resolved that the director of Finance the appropriate budget entries.

As there was no further business, the Supervisor adjourned the meeting at 7:35 P.M.
Respectfully submitted,

Patricia E. Chuhta
Town Clerk

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