

## Minutes of the Town Board for April 21, 2020

### **TOWN OF PITTSFORD TOWN BOARD APRIL 21, 2020**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, April 21, 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: Paul J. Schenkel, Commissioner of Public Works; Cheryl Fleming, Personnel Director; Greg Duane, Finance Director; Robert Koegel, Town Attorney; and Linda M. Dillon, Town Clerk.

**ATTENDANCE:** Also in attendance was Randy Shepard, from The Bonadio Group, to present their completed Audit Report to the Town Board. Also in attendance was a sign language interpreter. There were approximately 13 - 16 members of staff and public who viewed the meeting via Zoom.

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.

#### **HOLOCAUST REMEMBRANCE DAY (Yom HaShoah)**

Supervisor Smith recognized Councilmember Townsend, who noted today as Holocaust Remember Day (Yom HaShoah). She referred specifically to Erika Newmann, Mario Finzi, Thomas Pfeffer and Monique Jackson, among the 6 million killed in the Holocaust. She remembered also Holocaust survivors, such as Peter Silverstein, Celia Simon, Samuel Rind and Lily Haber, among the more than 300 other survivors of the Holocaust who settled in the Rochester area and have made it their home and the home for their children and grandchildren, and who are part of our community today. Councilmember Townsend encouraged everyone to stand against hatred and bigotry no matter where it happens. The Board members thanked Councilmember Townsend.

#### **PRESENTATION OF ANNUAL AUDIT BY THE BONADIO GROUP**

Randy Shepard, from The Bonadio Group, reviewed with the Board their annual Audit report and answered questions from the Board relative to the report findings, as well as possible impacts of the COVID-19 pandemic.

#### **MINUTES**

##### **PUBLIC COMMENT**

No public comments were offered regarding the Minutes of the April 7 Town Board meeting.

#### **MINUTES OF THE APRIL 7, 2020 MEETING APPROVED**

A Resolution to approve the Minutes of the April 7, 2020 meeting 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 Meeting Minutes of the April 7, 2020 are approved.

#### **FINANCIAL MATTERS**

##### **PUBLIC COMMENT**

No public comments were offered regarding any Agenda item under Financial Matters.

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**BUDGET TRANSFERS APPROVED**

A Resolution to approve the budget transfers was offered by Councilmember Townsend, seconded by Councilmember Beckford, 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 transfers are approved retroactively to March 30, 2020 as follows:

That \$ 1,500.00 be transferred from 1.1990.4000.1.1 (WT – Contingency) to 1.1680.4404.3.2 (IT - consultants) to pay for public access closed captioning.

**VOUCHERS APPROVED**

A Resolution to approve the April vouchers for payment as submitted 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 the April 2020 vouchers No. 146436 through No. 146789, in the amount of \$713,456.38 are approved for payment.

**SURPLUS INVENTORY APPROVED**

Upon inquiry, Commissioner Schenkel confirmed that there has not been any real delay in the auctioning process of items, such as those listed on the surplus inventory list. The auction is scheduled to move forward online, as it has been done for some time now, even before the pandemic. Thereafter, a Resolution to approve the list of Surplus Inventory submitted as recommended 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.

The Resolution was declared carried as follows:

**RESOLVED**, that the following list of Surplus Inventory was approved to be removed from the Town’s inventory:

Asset #	Year	Description	Department	Cost	Disposition
16974	2010	Tandem Roller	Hwy	\$50,793.93	Trade-In
17310	2012	6 Wheel Dump Truck	Hwy	\$115,048.00	Auction
17311	2012	Plow	Hwy	\$10,000.00	Auction
17312	2012	Wing Plow	Hwy	\$10,000.00	Auction
18035	2015	Excavator	Hwy	\$87,937.00	Auction
18417	2018	Skid-Steer Loader	Hwy	\$5,079.00	Auction
<b>TOTAL</b>				<b>\$278,857.93</b>	

**PERSONNEL MATTERS**

**PUBLIC COMMENT**

No public comments were offered regarding any Agenda item under Personnel Matters.

**HIRING AND SALARY/STATUS CHANGE RECOMMENDATIONS APPROVED**

A Resolution to approve the hiring and salary/status changes 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 following Resolutions were declared carried as follows:

**RESOLVED**, that the Town Board approves the recommended new hires for the following employees:

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<b>Name</b>	<b>Dept</b>	<b>Position</b>	<b>Rate</b>	<b>Date of Hire</b>
Danielle Brink	Parks	Seasonal Laborer (rehire)	\$13.75	04/20/2020
Grant Turner	Parks	Seasonal Laborer	\$13.00	04/22/2020

And be it further

**RESOLVED**, that the Town Board approves the recommended status and salary changes for the following employees:

<b>Name</b>	<b>Position</b>	<b>Reason for Change</b>	<b>Rate</b>	<b>Effective Date</b>
Carrie Halstead	Park Warden–Days	Added Position	\$13.50	04/07/2020
Carrie Halstead	Park Warden–Nights	Added Position	\$14.00	04/19/2020
Robyn Avery	Sr. Library Clerk–PT	Added Position	\$19.46	05/04/2020

### **OTHER BUSINESS**

#### **PUBLIC HEARING SET FOR LOCAL LAW NO. 3 OF 2020 – RRAA ZONING DISTRICT AND PERTINENT SUBDIVISION REGULATIONS**

Members discussed the need to move forward with the review and draft of the new RRAA Zoning District. Councilmember Townsend asked about accommodating a traditional public hearing during this time when the Board must meet remotely. Supervisor Smith noted that a recent Executive Order from the Governor now permits public hearings by remote meeting. He noted that for formal public hearings such as this the Town would arrange for anyone to be able to express their views during the hearing, which the law requires. For a public hearing, any person, whether a resident of the Town or not, can express their views.

Councilmember Beckford asked the Supervisor to make the same kind of arrangements for public comments at Town Board meetings, during this period when the Board must meet remotely, as must be made for formal public hearings. Councilmember Koshykar supported this request. The Town Attorney pointed out the difference between a formal public hearing and regular proceedings during a Town Board meeting: a public hearing requires comments in real time. He said that, other than at a public hearing, the law does not require any public comments at all during a Town Board meeting; yet notwithstanding this the Town of Pittsford has invited and solicited public comments at Town Board meetings for many years and continues to do so today, as it has for this meeting being held now.

Supervisor Smith reviewed the provisions for public comment that have been set in place for this temporary period in which physical meetings in Town Hall have been replaced by remotely-held meetings. When the agenda and associated materials are released, the Town publicizes means for the public to view the meeting and publicizes the means for residents to submit comments, by e-mail to a dedicated mailbox, by 2:30 pm on the date of each meeting. He noted that municipalities around the state use this method during normal times as well as during the current coronavirus lockdown.

The Supervisor continued that this method was adopted in order to verify that commenters are Pittsford residents. This has been the practice for Pittsford Town Board meetings. This is easily done in a physical meeting where those wishing to comment sign in. It is more difficult to do remotely, especially in the current circumstances where almost no staff are present at Town Hall. Submission by 2:30pm allows time to verify.

The Supervisor noted that a public hearing is open to anyone who lives anywhere, so there is no need verify resident status and consequently residency status does not pose a problem for real time comments.

He noted that for situations other than formal public hearings it is important to the integrity of our Board meetings that comments be fully open to all Pittsford residents and only to Pittsford residents. This is why we need a way to verify resident status for comments during this temporary period of meeting remotely.

The Supervisor continued that public comments from residents have been part of Pittsford Town Board meetings for decades; that during his tenure at Town Hall he had expanded opportunities to comment by adding, in addition to the traditional public comment section of each meeting, a specific solicitation for public comments before each item on the Agenda, so the Board could take into consideration such comments before voting on any matter.

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Councilman Beckford solicited views of other members of the Board on this subject. The Supervisor noted that this discussion was diverting the Board from its business at the moment and suggested resuming this conversation later in the meeting, after addressing the matter at hand, which is setting a public hearing for the Zoning Code revision.

Councilmember Townsend requested clarification of the process for this proposed Code, noting that she had thought there would be a review of the draft by the Board before the meeting where a hearing is set and would like to have this done in future. This way if changes need to be made, they can be incorporated into the draft law accompanying the notice of hearing. Supervisor Smith agreed with this proposition and noted his belief that it had been fulfilled, since two Town Board members, Kate Munzinger and Kevin Beckford, were on the committee that drafted the legislation, and the Town Attorney on April 9<sup>th</sup> sent the draft legislation to Councilmembers Townsend and Koshykar for review and comment, and solicited their comments for a second time a week later on April 16<sup>th</sup>. He said if Board members wish to have a copy of proposed legislation for discussion at a Board meeting prior to a meeting where the Board will consider setting a hearing date, the process described by Councilmember Townsend accomplishes the purpose and we can proceed accordingly. Attorney Koegel noted that, if necessary or desirable, edits can still be made to the legislation that do not materially change its substance, after the hearing is set and before the Board votes on the actual legislation. Councilmember Townsend noted the time sensitivity of this particular legislation and endorsed the idea of proceeding to set the hearing now.

Thereafter, Councilmember Munzinger offered a motion to set the Public Hearing on Local Law No. 3 of 2020, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following Resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 3 of 2020 were 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 2020, 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 26th day of May 2020, 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 2020;

NOW, on motion duly made and seconded, it was

**RESOLVED**, that a public hearing be held on the 26th day of May, 2020, at 6:00 P.M., Local Time, at the Town Hall, 11 South Main Street, Pittsford, New York, or by electronic conference or meeting as permitted by law, on the question of the adoption of said proposed Local Law No. 3 of 2020; and be it further

**RESOLVED**, that a Notice of Hearing and a copy of said proposed Local Law 3 of 2020, 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 2020, or a summary thereof, on the Town website [www.townofpittsford.org](http://www.townofpittsford.org), and 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 complete copy of the draft of Local Law No. 3 of 2020 is attached hereto as Exhibit A. (subpages 1 – 30)*

### **UPDATE ON COVID-19 AND EFFECTS ON REVENUE**

Supervisor Smith gave board members an update on the impacts of the Covid-19 pandemic on the Town and our budget. He noted that in discussion with Supervisors of the other towns in Monroe County, it is estimated that towns will suffer an approximate decline of 20% in revenue from sales tax as compared to last year. If Pittsford had used different methods of budgeting, this would mean a decrease in expected income of approximately \$800,000. However, as part of its conservative budgeting practices, Pittsford uses 3-year averaging for sales tax

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projections, meaning in this case that the decrease in sales tax revenue we currently anticipate, compared to budget, would be approximately \$195,000 rather than nearly \$800,000.

As far as loss of income due to refunds being made with respect to recreation programs, the Town has currently refunded \$24,000 in fees and anticipates an additional \$38,300. Therefore, total lost revenue from Recreation programs through the end of May is projected to be \$116,000. Following inquiry from Councilmember Townsend, Finance Director Greg Duane indicated that this is the figure for Recreation refunds only; refunds for Kings Bend Park lodge reservations are estimated at \$20,000, if they all are canceled.

### **RESOLUTION SUPPORTING MUNICIPAL RELIEF IN THE FEDERAL CARES ACT (Coronavirus Aid, Relief and Economic Security Act)**

Councilmember Koshykar introduced a Resolution, recommended by the State Association of Towns, in support of the federal CARES Act. The Resolution will be sent to our Congressman and Senators encouraging them to support efforts and legislation to include all municipalities, regardless of size or population in the CARES Act.

Thereafter, Councilmember Koshykar made a motion to approve the Resolution, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, the federal government recently enacted the Coronavirus Aid, Relief, and Economic Security (CARES) Act to address the economic fallout from the coronavirus pandemic in the United States; and

WHEREAS, Section 601 of the CARES Act (P.L. 116-136) provides a \$150 billion fund for states, tribal governments, and units of local government with a population in excess of 500,000 people; and

WHEREAS, less than one-half of 1 percent of municipalities in the entire United States meet this population threshold and are thus ineligible to receive direct funding from the federal government; and

WHEREAS, of the 933 towns in New York, 931 are not eligible for direct federal funding under the CARES Act, including the Town of Pittsford; and

WHEREAS, towns provide essential services to the 9 million New Yorkers town residents, including, but not limited to, ambulance, police and fire protection services, building and code enforcement, and highway maintenance, and have continued to do so throughout the ongoing health crisis; and

WHEREAS, the coronavirus pandemic has created significant financial stress for local governments in New York as an estimated \$2 billion in sales tax revenue has been lost, as well as other sources of revenue such as permit fees, justice court fines, and mortgage recording tax; and

WHEREAS, the depletion of different revenue sources for local governments, combined with lack of funding, will result in reducing essential services or shifting the cost onto real property taxpayers, many of whom are experiencing their own financial stress;

NOW THEREFORE BE IT

**RESOLVED**, that the Town of Pittsford, NY calls upon United States Congressional Representative Joseph Morelle, Senator Charles Schumer, and Senator Kirsten Gillibrand, to support federal funding related to the coronavirus pandemic that is directly delivered to all municipalities, regardless of population size.

### **COMMUNITY CHOICE AGGREGATION (CCA) UPDATE**

Supervisor Smith updated the Town Board. He stated that we do not need, as he thought previously, to have two additional public meetings before proceeding to solicit bids for electricity under the Town's CCA program. There will be a further extensive program of public engagement, once a bid meeting the three Towns' specifications is received. The next step will be for the attorneys for Pittsford, Brighton and Irondequoit to review and reach agreement with Joule Assets on an Energy Supply Agreement. The attorneys are working on this now.

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### **PROCEDURES FOR REMOTE MEETINGS**

Continuing a discussion from earlier, Councilmember Beckford expressed respectful disagreement with requiring public comments for remote meetings during this temporary period to be submitted by mid-afternoon on meeting dates. He said he believes that verifying Pittsford residency of commenters can be done by other means and he wants to hear from commenters during the meeting. The Supervisor noted that the current arrangements are intended to replicate the conditions at a pre-lockdown physical meeting of the Town Board as closely as practical, including verification of residency for comments. Councilman Beckford noted that he wants to have give-and-take with members of the public during Town Board meetings. He solicited the views of other Board members.

Councilmember Munzinger indicated that she was comfortable with the current procedure for accepting comments from the public; that verifying residency protects the integrity of the meetings. Councilmember Koshykar reiterated her support for Councilman Beckford's request. She noted that mid-afternoon submission of comments cannot accommodate public comment on matters brought up under "Other Matters" in the agenda, and that we have had several important items come up under Other Matters tonight. Councilmember Townsend indicated her personal preference would be to receive comments in real time, as it occurs during our physical Board meetings. She noted, however, *\*that according to New York State law*, the Supervisor is the chair of the board meetings, was elected by residents to make such decisions and she respects his authority to do so. Supervisor Smith noted that the need for confirming Pittsford residency for commenters was underscored by the packing of a Town Board meeting last fall with non-residents on the occasion of adopting the updated Comprehensive Plan for Pittsford, in an effort to influence its adoption. He noted that no Pittsford resident has been denied the opportunity to submit comments for this meeting or the previous meeting, which was the first meeting held through Zoom.

*\*Amended and inserted before the approval at the May 5, 2020 Town Board meeting.*

### **EVENTS AND OTHER UPDATES**

Supervisor Smith advised members that the American Legion has not yet notified the Town of a decision, but it appears highly unlikely that the Memorial Day Ceremony and Parade will be held this year.

Councilmember Townsend updated members on the 19th Amendment Commemoration planned for August, noting that the expected planning meeting was postponed by the COVID lockdown. It will be rescheduled. She indicated that she will be drafting an outline of options for this event relative to social distancing, in the event that will be necessary for the event, and will update the board as plans develop.

### **PUBLIC COMMENT**

No public comments were offered regarding any general matters.

As there was no further business, the Supervisor adjourned the meeting at 7:20 P.M.

Respectfully submitted,

Linda M. Dillon  
Town Clerk