

Minutes of the Town Board for June 16, 2020

**TOWN OF PITTSFORD
TOWN BOARD
JUNE 16, 2020**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, June 16, 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: Joy Brown, Technology Director; Jessie Hollenbeck, Recreation Director; Paul Schenkel, Commissioner of Public Works; Greg Duane, Finance Director; Robert Koegel, Town Attorney; and Linda M. Dillon, Town Clerk.

ATTENDANCE: Also in attendance was a sign language interpreter.

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 LOCAL LAW NO. 4 OF 2020 – AMENDING CHAPTER 8 OF THE TOWN OF PITTSFORD MUNICIPAL CODE ENTITLED COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY

Supervisor Smith declared the Public Hearing open to comment on this proposed Local Law No. 4 of 2020. No members of the public offered comments and the Supervisor declared the public hearing closed.

LOCAL LAW NO. 4 OF 2020 – AMENDING CHAPTER 8 OF THE TOWN OF PITTSFORD MUNICIPAL CODE ENTITLED COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY APPROVED

Supervisor Smith offered a motion to adopt Local Law No. 4 of 2020, seconded by Councilmember Beckford, 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. 4 of 2020: Amending Chapter 8 of The Town of Pittsford Municipal Code Entitled “Computer System Security Breach Notification Policy” were placed upon the desks of all members of the Town Board of the Town Board, New York, more than seven (7) calendar days, exclusive of Sunday, prior to the 16th day of June, 2020; and

WHEREAS, there was duly published in a newspaper previously designated as an official newspaper for publication of public notices, and posted upon the bulletin board maintained by the Town Clerk pursuant to § 40(6) of the Town Law, a notice of public hearing to the effect that the Town Board would hold a public hearing on the 16th day of June, 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 said Local Law No. 4 of 2020; and

WHEREAS, the said public hearing was duly held on the 16th day of June, 2020, at 6:00 P.M., Local Time, by electronic conference, and all persons present were given an opportunity to be heard, whether speaking in favor of or against the adoption of said Local Law No. 4 of 2020; and

WHEREAS, subsequent to the closing of said public hearing, and after all persons interested had been heard, the Town Board considered the adoption of said Local Law No. 4 of 2020; and

WHEREAS, it was the decision of the Town Board that said Local Law No. 4 of 2020 should be adopted.

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NOW, on a motion duly made and seconded, it was

RESOLVED, that Local Law No. 4 of 2020: Amending Chapter 8 of The Town of Pittsford Municipal Code Entitled “Computer System Security Breach Notification Policy” be adopted by the Town Board of the Town of Pittsford, New York, to read as annexed hereto; and it was further

RESOLVED, that within twenty (20) days subsequent to the 16th day of June, 2020, there shall be filed with the Secretary of State one certified copy of said Local Law No. 4 of 2020.

Local Law No. 4 of 2020 – Amending Computer System Security Breach Notification Policy

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

**LOCAL LAW NO. 4 OF 2020:
THE ADOPTION OF PROPOSED LOCAL LAW
NO. 4 of 2020: AMENDING CHAPTER 8
OF THE TOWN OF PITTSFORD MUNICIPAL CODE
ENTITLED “COMPUTER SYSTEM SECURITY
BREACH NOTIFICATION POLICY”**

SEC. 1 TITLE

This Local Law shall be known as “Local Law No.4 of 2020: Amending Chapter 8 of The Town of Pittsford Municipal Code Entitled “Computer System Security Breach Notification Policy.”

SEC. 2 AMENDMENT TO EXISTING LAW

The Pittsford Town Code, Chapter 8, shall be amended to revise §§ 8-3, 8-4, and 8-8 to read, as follows:

§ 8-3. Authority.

This chapter is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, General Business Law §§ 899-aa and 899-bb, and New York State Technology Law § 208, and may be amended from time to time by Town Board resolution or local law.

§ 8-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BREACH OF SECURITY OF THE SYSTEM — unauthorized access to or acquisition of, or access to or acquisition without valid authorization, of computerized data that compromises the security, confidentiality, or integrity of private information maintained by the Town. Good faith access to, or acquisition of, private information by an employee or agent of the Town for the purposes of the employee or agent is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

In determining whether information has been accessed, or is reasonably believed to have been accessed, by an unauthorized person or a person without valid authorization, the Town may consider, among other factors, indications that the information was viewed, communicated with, used, or altered by a person without valid authorization or by an unauthorized person.

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In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the Town may consider the following factors, among others:

- A. Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- B. Indications that the information has been downloaded or copied; or
- C. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

CONSUMER REPORTING AGENCY — Any person or entity which, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies may be obtained upon request to the State Attorney General.

DEPARTMENT — Any board, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the Town.

PERSONAL INFORMATION — Any information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify that person.

PRIVATE INFORMATION —

- A. Private Information means either:
 - (i.) Personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
 1. social security number;
 2. driver's license number or non-driver identification card number;
 3. account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual's financial account;
 4. account number, or credit or debit card number, if circumstances exist wherein such number could be used to access to an individual's financial account without additional identifying information, security code, access code, or password;
 5. biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, or retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity; or
 - (ii.) a user name or e-mail address in combination with a password or security question and answer that would permit access to an online account.
- B. "Private information" does not include publicly available information that is lawfully made available to the general public from Town records.

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TOWN — The Town of Pittsford, County of Monroe.

§ 8-8. Method of notification.

The required notice must be directly provided to the affected individuals by one of the following methods:

- A. Written notice;
- B. Electronic notice, provided that the person to whom notice is required to be provided has expressly consented to receiving notice in electronic form and a log of each electronic notification is kept by the Town; and provided further that no person or business may require a person to consent to accepting notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- C. Telephone notification, provided that a log of each telephone notification is kept by the Town; or
- D. Substitute notice, if the Town demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000 or that the number of individuals to be notified exceeds 500,000, or the Town does not have sufficient contact information. Substitute notice must include all of the following:
 - (1) E-mail notice when the Town has an e-mail address for the subject persons, except if the breached information includes an e-mail address in combination with a password or security question and answer that would permit access to the online account, in which case the Town shall instead provide clear and conspicuous notice delivered to the consumer online when the consumer is connected to the online account from an internet protocol address or from an online location which the Town knows the consumer customarily uses to access the online account;
 - (2) Conspicuous posting of the notice on the Town's website page, if the Town maintains one; and
 - (3) Notification to major state-wide media.

SEC. 3 SEVERABILITY

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

SEC. 4 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

MINUTES OF MAY 26, 2020 TOWN BOARD MEETING APPROVED

Deputy Supervisor Munzinger made a motion to approve the Minutes of the May 26, 2020 Town Board meeting, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

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The Resolution was declared carried as follows:

RESOLVED, that the Minutes of the May 26, 2020 Town Board meeting are approved.

MINUTES OF THE JUNE 2, 2020 TOWN BOARD MEETING APPROVED AS AMENDED

Councilmember Townsend requested three (3) amendments to the June 2, 2020 meeting as follows:

- Page 2 – placement of three paragraphs, beginning with “Councilmember Koshykar approved of this statement...” through the paragraph beginning “Councilmember Townsend confirmed that she wrote...”. Councilmember Townsend requested that these three paragraphs be moved to the discussion of Local Law No. 3 – to be placed at the top of Page 3, preceding the paragraph that begins “Councilmember Townsend noted that overall she agrees...”.
- Page 3 – originally the paragraph at the top of the page (9 lines down): following SSRA zone, remove parenthesis around Commercial and Mixed Use and add the words “and a” before.
- Page 7 – last sentence following Public Comment regarding Demolition Law discussion to read: “At the conclusion of the public comments, the Board agreed to form a committee to develop a form of legislation for final approval, to include the Town Attorney, staff from the Planning Department, Councilmember Townsend, Deputy Supervisor Munzinger and representatives from the Planning Board and Design Review and Historic Preservation Boards.”

Thereafter, Councilmember Townsend offered a motion to approve the June 2, 2020 Minutes as amended, seconded by Supervisor Smith, 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 2, 2020 Town Board meeting are approved as amended.

LEGAL MATTERS PUBLIC COMMENTS

No public comments were offered regarding Kilbourn Place or the CCA Agreement.

CONTINUATION OF PUBLIC HEARING FOR KILBOURN PLACE INCENTIVE ZONING SET FOR JULY 7, 2020 AT 6:00 P.M.

Supervisor Smith indicated that following the review and discussion at the last meeting of the revised proposal by the developer of Kilbourn Place, it was agreed that members were ready to hear from the public regarding the new proposal and would like to have a public hearing. Although a continuation of a public hearing opened in 2018, it should be re-noticed by formal public notice. The Supervisor noted that, in addition, notice of the hearing by direct mail will be sent to all residents in the vicinity of this project.

Thereafter, Councilmember Townsend offered a motion to continue the Public Hearing on the proposed Incentive Zoning Application for Kilbourn Place on July 7, 2020 at 6PM, 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:

WHEREAS, in an application dated July 5, 2018, Kilbourn Place Associates, LP, as owner, requested that the Town Board consider amending the Incentive Zoning Resolution, initially granted in 1999 and revised in 2008 and 2009, relating to property known as and located at 3500 – 3596 East Avenue (even numbers) to accommodate the addition of certain land to the proposed development and other changes to the proposed development and the incentives; and

WHEREAS, the above request was submitted to the Town Board for consideration at the Board’s regularly scheduled meeting on August 7, 2018; and

WHEREAS, after giving due consideration to the request, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on September 4, 2018, at the Town Hall, 11 South Main Street, Pittsford, New York, to consider the above proposed amendment; and

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WHEREAS, a public hearing was duly opened on September 4, 2018 to consider the above-proposed amendment, and said public hearing was continued indefinitely to allow the owner to make other changes to the proposed development and incentives and to furnish the Town Board with additional information in support of the proposed amendment; and

WHEREAS, the above request was submitted to the Town Board for its consideration at the Board's regularly scheduled meeting held on June 16, 2020; and

WHEREAS, after giving due consideration to the request, it was the considered opinion of all members of the Town Board that the public hearing should be continued on July 7, 2020, at Town Hall, 11 South Main Street, Pittsford, New York, or by electronic conference or meeting as permitted by law, to consider the above proposed amendment;

NOW, on motion duly made and seconded, it was

RESOLVED, that the public hearing be continued on July 7, 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 proposed amendment to the Incentive Zoning Resolution for 3500 – 3596 East Avenue; and it was further

RESOLVED, that a Notice of Continued Hearing be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) nor more than twenty (20) days prior to said hearing; and be it further

RESOLVED, that the Town Clerk shall post a certified copy of this resolution or a summary thereof, on the Town website www.townofpittsford.org and on the bulletin board, maintained by the Town Clerk pursuant to § 30(6) of the Town Law, for a period of not less than five (5) nor more than twenty (20) days prior to said public hearing.

AUTHORIZATION/AGREEMENT FOR COMMUNITY CHOICE AGGREGATION ADMINISTRATOR TO SOLICIT BIDS APPROVED

Supervisor Smith explained the need for the Town Board to authorize an Agreement with the CCA Administrator, Joule Assets, to permit Joule to solicit bids for electricity and also to approve a form of the Electricity Supply Agreement to be used once a bid conforming to specifications is received. He reiterated the Board's stated position that the purpose of Pittsford's CCA effort, and therefore the specifications required of the bid, is to obtain electricity qualifying as coming from 100% renewable sources, at a cost lower than the average RG&E rate.

Town Attorney Koegel clarified the length of the term of the Agreement, in response to inquiry from Councilmember Koshykar, and clarified the terms the "adder" or "subtractor" in Exhibit A, in response to a question from Councilmember Townsend. Thereafter, a Resolution to authorize the Agreement with Joule Assets, Inc. was offered by Supervisor Smith, 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:

WHEREAS, effective April 21, 2016, the New York State Public Service Commission ("Commission") issued an "Order Authorizing Framework for Community Choice Aggregation Opt-Out Program" in Case #14-M-0224, which authorized the establishment of Community Choice Aggregation programs by municipalities statewide; and

WHEREAS, effective March 16, 2018, the Commission issued an "Order Approving Joule Assets' Community Choice Aggregation Program with Modifications" in Case #14-M-0224 that authorized Joule Assets, Inc. ("Joule" or "Program Administrator") to serve as a Community Choice Aggregation Program Administrator on behalf of cities, towns, and villages in New York State; and

WHEREAS, by Local Law No. 4 of 2018 adopted September 17, 2018, the Town Board of the Town of Pittsford enacted a Community Choice Aggregation ("CCA") Program Enabling Law pursuant to § 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law and consistent with State of New York Public Service Commission Case No. 14-M-0224; and

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WHEREAS, on March 6, 2020, the Town, Joule, and Rocricity LLC entered into an agreement to have Joule and Rocricity furnish Town residents with 100% renewable energy through CCA with a net savings to Town residents as defined in such agreement (the "CCA Administrator Agreement"); and

WHEREAS, the Town seeks to obtain competitive bids from electricity suppliers (each a "Supplier") pursuant to a request for proposal that shall include provision of a 100% renewable supply of electricity at a net savings, compared to the 12-month historic average measured from the bid issuance date, of the Rochester Gas & Electric residential rate for electricity charged to residential customers (the "Supply RFP"), that is intended to result in a three-party Electricity Supply Agreement between the selected Supplier, the Town and the Program Administrator that, among other things, will govern the terms of provision of the electricity supply by Supplier for the Program; and

WHEREAS, the Program Administrator has prequalified prospective bidders based on creditworthiness and competence; has executed the public outreach campaign in the Town as required by the New York State Department of Public Service, and has obtained or will be obtaining utility data from the local distribution utility, all of which is necessary to solicit bids through the Supply RFP; and

WHEREAS, the "Electricity Supply Agreement" (in the form attached hereto), has been reviewed and approved for form by the Town Attorney, and has been deemed to provide benefits, adequate protections, and minimize risk to the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the Program Manager to issue a Supply RFP consistent with the provisions of this Resolution, with bids to be evaluated based upon compliance with the specifications of the Supply RFP including, without limitation, price and tenor parameters, and Supplier's acceptance of all material terms of the Electricity Supply Agreement; and, therefore, be it further

RESOLVED, that the Town Board approves the Electricity Supply Agreement in substantially the form attached to this Resolution as Exhibit A, such form to be included in the Supply RFP; and, therefore, be it further

RESOLVED, that Joule in its role as Program Administrator for the Program shall, among other things, manage the energy procurement process, prepare and issue the Supply RFP, and make recommendations for award to the Town; provided however, that the Town will, through the Supervisor, make the final award decision; and, therefore, be it further

RESOLVED, that subject to the conditions that the awarded Supplier has been prequalified as required by the Program Administrator and that the awarded bid meets the specifications established in the Supply RFP, the Town Supervisor is authorized to execute an Electricity Supply Agreement on behalf of Town in substantially the form attached hereto with the awarded Supplier and Program Administrator in a timely fashion; provided, however, that the Town is under no obligation to award the Supply RFP for any bid that fails to provide both (a) a 100% renewable supply of electricity at a net savings, compared to the 12-month historic average measured from the bid issuance date, of the Rochester Gas & Electric residential rate for electricity charged to residential customers; and (b) a term for supplying electricity of at least twenty-four months. In addition, the Town is under no obligation to award the Supply RFP if any of the conditions of the CCA Administration Agreement shall not be met.

FINANCIAL MATTERS

PUBLIC COMMENT

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

JUNE VOUCHERS APPROVED

Following inquiry from Councilmember Koshykar, Commissioner Schenkel clarified the cost of asphalt. Upon further inquiry from Councilmember Koshykar, Finance Director confirmed that the Town has previously explored and discussed, many times, other options for housing the Town Court over the past three decades. Supervisor Smith added that in 1999, the Town had a referendum vote that included a new court, together with a Library and

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Recreation Center, and the proposal was defeated. He noted that the Town also explored using the temporary Recreation Center building on Pittsford-Palmyra Road for the Court, after the Spiegel Center re-opened following renovation, but that it was not suitable without expensive and extensive renovation for such use, for reasons including requirements set by the State Office of Court Administration. Whereupon a Resolution to approve the June 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 June 2020 vouchers No. 146436 through No. 147336 for \$670,817.80 are approved for payment.

OPERATIONAL MATTERS

PUBLIC COMMENTS

Upon inquiry by the Supervisor, no public comments were offered with regard to setting the public hearings for the three (3) proposed Refuse Districts.

PUBLIC HEARINGS SET FOR REFUSE DISTRICTS: COUNTRY CLUB ESTATES, HERITAGE WOODS AND WALNUT HILL

Supervisor Smith explained the process for obtaining signed petitions for the refuse districts and the extension offered in doing so due to the pandemic. He further offered an opportunity for further discussion. Upon a correction noted by Town Attorney Koegel and offered as amended to each of the proposed Resolutions, Supervisor Smith moved to set the Public Hearings for the refuse districts as amended, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following Resolutions were declared carried as follows:

COUNTRY CLUB ESTATES REFUSE DISTRICT

WHEREAS, Petitions, signed by the required percentage of owners of taxable real property situated in the proposed "Country Club Estates Refuse District" have been presented to the Town Board of Pittsford, Monroe County, New York, for the proposed creation of the aforesaid Refuse District to be located in the Country Club Subdivision, the said proposed District being located in general terms on the streets of Country Club Drive and North Country Club Drive, situated off of East Avenue, comprising of 80 parcels, all as is more particularly set forth in the Petitions and map as described herein; and

WHEREAS, no public monies are proposed to be expended for the creation of the Refuse District; and

WHEREAS, the anticipated Refuse Collection Fees to be paid annually by the owner of each home within the District, is in the amount of \$217.87;

NOW, ON MOTION duly made and seconded, it is

RESOLVED AND ORDERED, that a public hearing be held before the Town Board of the Town of Pittsford, at the Town of Pittsford Town Hall, or by electronic conference or meeting as permitted by law, on the 21st day of July, 2020 at 6:00 o'clock P.M., Local Time, to consider the said Petitions and to hear all persons interested therein, and for such other and further action on the part of the Town Board with relation to the said Petitions as may be required by law or proper in the premises; and it is further

RESOLVED AND ORDERED, that a copy of the within Order be duly published in the Brighton-Pittsford Post, which paper is designated as the official paper for such publication, and a copy of the said Order be posted on the bulletin board of the Town Clerk of the Town of Pittsford, New York, maintained pursuant to Section 30 of the Town Law, not less than ten (10) nor more than twenty (20) days prior to the date of the said hearing.

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HERITAGE WOODS REFUSE DISTRICT

WHEREAS, Petitions, signed by the required percentage of owners of taxable real property situated in the proposed "Heritage Woods Refuse District" have been presented to the Town Board of Pittsford, Monroe County, New York, for the proposed creation of the aforesaid Refuse District to be located in the Heritage Woods Subdivision, the said proposed District being located in general terms on the streets of Deer Creek Road, Railroad Mills Road, Old Brick Circle, Old Forge Lane, Wandering Trail and Whispering Meadow situated off of Railroad Mills Road, comprising of 175 parcels, all as is more particularly set forth in the Petitions and map as described herein; and

WHEREAS, no public monies are proposed to be expended for the creation of the Refuse District; and

WHEREAS, the anticipated Refuse Collection Fees to be paid annually by the owner of each home within the District, is in the amount of \$217.87;

NOW, ON MOTION duly made and seconded, it is

RESOLVED AND ORDERED, that a public hearing be held before the Town Board of the Town of Pittsford, at the Town of Pittsford Town Hall, or by electronic conference or meeting as permitted by law, on the 21st day of July, 2020 at 6:00 o'clock P.M., Local Time, to consider the said Petitions and to hear all persons interested therein, and for such other and further action on the part of the Town Board with relation to the said Petitions as may be required by law or proper in the premises; and it is further

RESOLVED AND ORDERED, that a copy of the within Order be duly published in the Brighton-Pittsford Post, which paper is designated as the official paper for such publication, and a copy of the said Order be posted on the bulletin board of the Town Clerk of the Town of Pittsford, New York, maintained pursuant to Section 30 of the Town Law, not less than ten (10) nor more than twenty (20) days prior to the date of the said hearing.

WALNUT HILL REFUSE DISTRICT

WHEREAS, Petitions, signed by the required percentage of owners of taxable real property situated in the proposed "Walnut Hill Refuse District" have been presented to the Town Board of Pittsford, Monroe County, New York, for the proposed creation of the aforesaid Refuse District to be located in the Walnut Hill Subdivision, the said proposed District being located in general terms on the streets of Coach Side Lane and Post Side Lane, situated off of West Bloomfield Road, comprising of 48 parcels, all as is more particularly set forth in the Petitions and map as described herein; and

WHEREAS, no public monies are proposed to be expended for the creation of the Refuse District; and

WHEREAS, the anticipated Refuse Collection Fees to be paid annually by the owner of each home within the District, is in the amount of \$217.87;

NOW, ON MOTION duly made and seconded, it is

RESOLVED AND ORDERED, that a public hearing be held before the Town Board of the Town of Pittsford, at the Town of Pittsford Town Hall, or by electronic conference or meeting as permitted by law, on the 21st day of July, 2020 at 6:00 o'clock P.M., Local Time, to consider the said Petitions and to hear all persons interested therein, and for such other and further action on the part of the Town Board with relation to the said Petitions as may be required by law or proper in the premises; and it is further

RESOLVED AND ORDERED, that a copy of the within Order be duly published in the Brighton-Pittsford Post, which paper is designated as the official paper for such publication, and a copy of the said Order be posted on the bulletin board of the Town Clerk of the Town of Pittsford, New York, maintained pursuant to Section 30 of the Town Law, not less than ten (10) nor more than twenty (20) days prior to the date of the said hearing.

PERSONNEL MATTERS

PUBLIC COMMENT

No public comments were offered regarding Personnel Matters.

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HIRING RECOMMENDATIONS APPROVED

A Resolution to approve the hiring recommendations and salary/status/additional position 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 hire for the following employees:

Name	Dept	Position	Rate	Date of Hire
Tyler Love	Hwy	Seasonal Laborer (Rehire)	\$13.00	06/15/2020
Morgan Pink	Rec	Summer Recreation Assistant III	\$13.43	06/22/2020

And be it further

RESOLVED, that the Town Board approves the status change and/or additional position, as indicated, for the following employees:

Name	Position	Reason for Change	Salary	Effective Date
Robyn Avery	Librarian I	NYS Librarian Certification	\$23.12	06/04/2020
Justin Schmitt	Laborer	CDL – Class B	\$18.63	06/08/2020
Nicole Marra	Smmr Rec Asst III	Additional position	\$14.50	06/22/2020
Rachel Lintz	Smmr Rec Asst III	Additional position	\$13.43	06/22/2020
Madeline Haywood	Smmr Rec Asst III	Additional position	\$13.43	06/22/2020
Christopher Downey	Smmr Rec Asst II	Additional position	\$12.60	06/22/2020
Tori Gutzmer	Smmr Rec Asst II	Additional position	\$12.60	06/22/2020

OTHER MATTERS

Board members noted the placement of the Pride Flag at the Town Library in recognition of Pride Month. Councilmember Koshykar said it should be at Town Hall. The Supervisor noted that when he and the Village Mayor discussed joint recognition of Pride Month they chose the Library as the most prominent Town building, and the most frequently-visited of all Town buildings, in the heart of the Village and on its busiest street. He noted Pride Month displays at the Library. He continued that he and the Mayor wished to display the flag as a gesture of respect for so many of our friends, neighbors and residents. Councilmember Beckford also wanted the Rainbow flag at Town Hall. Upon inquiry from Councilmember Beckford, Councilmember Townsend considered Town Hall appropriate for the display as the seat of government. Deputy Supervisor Munzinger observed that, as has been mentioned in the past, the Town receives numerous requests for placement of flags and banners signifying different purposes. She believes that, for Town Hall, the American flag appropriate as representing everyone and is the flag that should be flown there. She supports the Town's and Village's display of the Pride Flag at the Library for the reasons previously stated. Commissioner Schenkel indicated that the flagpole at Town Hall is not configured for more than one flag. Councilmember Beckford said that in addition to the Pride Flag at the Library, the Town should have a second one at Town Hall. Deputy Supervisor Munzinger reiterated that she fully supports the cause represented by Pride Month and our display of the Rainbow Flag, and cautioned the Town Board on setting a policy for requests for flags at Town Hall, noting that this could result in the Town being forced to display any flag demanded by any group or member of the public.

Upon inquiry by Councilmember Koshykar, Supervisor Smith confirmed that Town Hall had re-opened as of June 8, that all Town staff at that location are working in the building, and that the building is open to the public by appointment.

Councilmember Koshykar asked about next steps in updating the Zoning Code on the basis of the Town's new Comprehensive Plan. Supervisor Smith noted previous Board discussion about engaging John Steinmetz of Barton and Loguidice, who recently guided the Village through this process, and that now that COVID restrictions were being relaxed, permitting public workshops, it is appropriate to proceed. As for steps in the process, Supervisor Smith outlined anticipated steps as follows:

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- 1) Project kickoff meeting with Town representatives to review project scope schedule and deliverables
- 2) Public zoning workshop – holding stakeholder interviews by the consultant
- 3) Consultant would provide for Town Board to review – an Assessment Memorandum (information collected and suggested opportunities); this would include a District Zoning framework and a zoning map
- 4) Review of development regulations would be reviewed and modifications may be made to applications, reviews and procedures, as needed
- 5) New development regulations created
- 6) Zoning update would be recommended based on successful open houses and input
- 7) SEQRA and County referral completed
- 8) Final Public Hearing prior to adoption

Supervisor Smith indicated that the Town would seek full public engagement in this process through direct mailings, citizen groups, public workshops and public meetings, as it has done for the Comprehensive Plan, the Active Transportation Plan and other town-wide initiatives and as the Village did in updating its Comprehensive Plan and its Code. He continued that he would present to the Board for approval the proposal from Mr. Steinmetz of Barton and Loguidice.

Councilmember Koshykar asked about the status of the Active Transportation Plan. Supervisor Smith indicated that the Town and Village will need to hold a joint public hearing when the Village is ready, before adopting this plan. The Mayor and Supervisor have made a commitment for a joint meeting in the near future. The Supervisor discussed the possibility of setting a hearing at the next Town Board meeting. Councilmember Townsend suggested that the hearing should be held once in-person attendance by members of the public, rather than just Zoom access, becomes possible; the Supervisor agreed and said this should be the case with public meetings for updating the Zoning Code as well.

Councilmember Beckford asked for a second flagpole at Town Hall. Commissioner Schenkel said the Town had looked into this before but the only spot is over an underground boiler room, making placement of a pole there impossible.

Councilmember Beckford noted the recent Black Lives Matter event. He asked if the Board would be willing to give direction or advice to the School District on the basis of statements made by students at the event. He noted the need to respect the School District's independent authority, that such mutual respect contributed to the excellent working relationship between the Town and the School District and noted the School District's extensive inclusion program, designed to help make every child feel welcome and included. Councilmember Townsend stated that the Town should make equity part of everything we do, thinking especially of instructors who work with youth in our Recreation programs. She noted that she has spoken with the School Superintendent about this subject and has offered support in any way possible. Councilmember Townsend recognized that the School Board is an independently elected body that requires our respect as such, as is the Town Board. She noted that the School District has signed a County-wide commitment with all other school districts in Monroe County expressing commitment to inclusion generally, including in the curriculum. Deputy Supervisor Munzinger agreed with the sentiments expressed by Councilmember Townsend and noted how moved she was by the Black Lives Matter event and the speakers.

Councilmember Beckford stated that the Town should stand up to the School District and challenge it. He criticized a recent public statement by Supervisor Smith congratulating the Pittsford Central School District for being ranked, once again, as the Number 1 school district in the Rochester area. Councilmember Beckford stated that this made the students who spoke at the subsequent Black Lives Matter event feel excluded and discounted. Councilmember Beckford said he does not want the Pittsford School District to be Number 1 in terms of being racist.

Councilman Beckford reiterated that he wants the Town Board to adopt a formal message to the School Board challenging the School District. Councilmember Townsend expressed concern about the Town Board overstepping its bounds as a legislative body of government. Councilmember Beckford disagreed, stating that he wants our school district to do more to make our schools more welcoming and inclusive, especially for students of color. He strongly feels we should challenge the School District.

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PUBLIC COMMENT

Supervisor Smith opened commenting by Pittsford residents. Comments were offered as follows:

Joan Linear stated that she would like the board to respond to the students that spoke at the event, by writing to the school board to let them know that the board is listening.

Tegan Rathfelder recounted how she and her children recently came across graffiti at the railroad overpass on the Canal Trail, that used an obscenity with regard to police; that this is extremely offensive to law enforcement families such as hers, that her husband is an officer and this hate speech greatly upset her young daughter; that we should all support police and first responders and stop the hate, in all forms, and allow everyone including police families to feel safe and to appreciate those who serve our community.

Xueya Cai noted that Brighton School District has flags from all countries at the entrance to their building and she is supportive of all-inclusive actions. She believes that the Pittsford Central School District is very inclusive and recognizes all cultures, countries and differences. She also does not feel it is appropriate for the Town Board to discuss school district issues or dictate to the school district, but is pleased that the Town and School District work together successfully.

Susan Gould asked about Councilmember Beckford's recent Facebook post which stated that Pittsford maintains exclusionary zoning laws for the purpose of keeping members of ethnic minorities out of Pittsford. She asked what those laws are, and what does Councilman Beckford mean by the term affordable housing? She stated that her experience has been that affordable housing is available in Pittsford, especially in her neighborhood. Councilmember Beckford said he is referring to developments that target income levels, that he could not give her a price point and explained that he is unable to do this because our zoning laws affecting density do not allow for building new homes to reach the target income levels he prefers. Supervisor Smith reviewed statistics showing that housing affordable by families of modest income is broadly available in Pittsford. Councilmember Beckford responded that zoning laws need to change to obtain more of it. Councilmember Townsend asked the Board to continue with comments from residents.

Mythea Mazzola spoke in support of Councilmember Beckford's thoughts on changing zoning laws to provide low-cost houses.

Marty Martina addressed an earlier comment by Tegan Rathfelder, apologizing for her family having to be exposed to the anti-police obscenity on the Canal Trail. He feels that the current attacks on law enforcement is toxic for all communities and that he is particularly concerned about calls to defund the police, reading aloud a resolution he prepared, entitled "Proclamation for Uninterrupted Policing Services in the Town and Village of Pittsford, New York," and asked the Board to enact it.

Councilmember Koshykar responded that she is willing to support police, but not Mr. Martina's resolution and feels that he is trying to trap Board members by his request. Councilmember Beckford noted that Sheriff Baxter attended the recent march in the Village; that the concept of defunding the police does not really mean defunding, and that he would not support Mr. Martina's proposal. Deputy Supervisor Munzinger indicated that she supports the concepts stated in the proposal. Supervisor Smith noted that the Town Board does not consider or vote on resolutions or matters that do not involve powers or actions within the jurisdiction of town boards under State law, citing as an example that the Town Board would not debate or vote on a resolution regarding nuclear disarmament, and therefore the Board cannot take up a resolution such as that proposed by Mr. Martina. The Supervisor continued that he agreed with the concepts expressed in Mr. Martina's draft resolution, that he would be pleased to use it as the basis for a Supervisor's proclamation and invited any board member who would like to co-sign such a proclamation to do so.

Ginger Sacco spoke in support of Mr. Martina's proposal to support current levels of law enforcement protection without defunding. She noted that she is a disabled veteran who was able to buy a modestly-priced home in Pittsford. She is disappointed that when she listens to Town Board meetings recently some board members continually seek to divide people into black and white racial categories. She thanked Supervisor Smith for congratulating Pittsford schools for earning the Number 1 ranking again, stating that with children in the schools she believes the school district has earned it; and said that trying to twist congratulations to the school district into an opportunity to call Pittsford schools the most racist in New York is not right and extremely offensive. She

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indicated that requests she has made in the past to have flags for various causes flown at both the Village and Town Halls have been rejected, but if the Town reconsider this policy she will re-submit her requests.

Jeff Luellen expressed displeasure with Councilmember Beckford. Councilmember Koshykar and Supervisor Smith admonished the commenter for highly inappropriate language and criticism directed at a member of the Board personally. Councilmember Beckford responded.

Karen Anvelt submitted a written comment that the Town Clerk read aloud. Ms. Anvelt noted that she represented the group "Stop the Canal Clear Cut" and encouraged the Town Board to be vigilant with regard to the New York State Canal Corporation's embankment inspection and maintenance project, as they appear to be preparing to proceed with attempting to cut the trees along the Canal embankment. The Supervisor noted that the Town Attorney is reviewing the Canal Corporation/Power Authority's plans and that the Town is prepared to take them to court to stop clear cutting as the Town successfully did before.

Jen Canning said that the Pride flag should be flown at Town Hall. She believes that if a statement cannot be made to the Pittsford School District because they are a separate governing body, then a proclamation regarding law enforcement could also be considered a statement to an agency that the Town does not have jurisdiction over.

As there was no further business, the Supervisor adjourned the meeting at 8:36 P.M.

Respectfully submitted,

Linda M. Dillon
Town Clerk