

## Minutes of the Town Board for October 20, 2020

### TOWN OF PITTSFORD TOWN BOARD OCTOBER 20, 2020

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, October 20, 2020 at 6:00 P.M. local time at the Pittsford Town Hall, Lower Level Meeting Room.

**PRESENT:** Supervisor William A. Smith, Jr.; Cathy Koshykar, Katherine B. Munzinger and Stephanie M. Townsend.

**ABSENT:** Councilmember Kevin Beckford.

**ALSO PRESENT:** Staff Members: Spencer Bernard, Chief of Staff; Jessie Hollenbeck, Recreation Director; Paul J. Schenkel, Commissioner of Public Works; Brian Luke, Finance Director; Robert B. Koegel, Town Attorney; Linda M. Dillon, Town Clerk, Suzanne Reddick, Assistant to Supervisor, and Shelley O'Brien, Communications Director.

**ATTENDANCE:** There were two (2) members of the public in attendance, and two (2) additional staff member(s).

Supervisor Smith called the Town Board meeting to order at 6:00 P.M., inviting Councilmember Townsend to lead in the Pledge to the Flag. The Town Clerk noted all Town Board members present, with the exception of Councilmember Beckford. Supervisor Smith indicated that the ASL interpreter is present and available and that the meeting is being recorded and will be available to view within 24-48 hours hereafter with closed-captioning.

#### **TOWN ATTORNEY KOEGEL – CELL PHONE PROTOCOL DURING MEETINGS**

Town Attorney Koegel addressed the Board regarding cell phone use by Town Board members during a meeting, conversing with others that may be outside of the meeting, and noting the concern that this creates. Attorney Koegel stated that although this seems harmless enough, if texting or communications are taking place regarding issues that are before the Board, this type of communication would be considered in violation of the Open Meetings Law. He further indicated that this is referred to in Section 100 of the Public Officers Laws, in part, wherein it states that the public should “be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy”. Therefore, he recommends that in order to avoid the possibility of this type of violation, he recommends that all Board members put their phones off the table and out of site, unless absolutely necessary.

Following some discussion and clarification, noting extenuating circumstances that may cause the need for the use of a cell phone during a meeting, the Supervisor recommended that the board members adhere to the Town Attorney’s recommendation.

#### **SUPERVISOR’S BUDGET PRESENTATION**

Supervisor Smith gave a complete presentation of the proposed Budget for 2021. In summary, the Supervisor explained the budget by identifying two (2) significant numbers – **100 and 36**.

The 2021 proposed Budget preserves and carries forward, with improvements, **100%** of the level of Town services for our residents. The number **36** represents the dollar amount increase that our residents will see in their Town property taxes for an average household in Pittsford valued at \$295,900.

Thereafter, he reviewed the 2020 Snap Shot view of the services maintained and continued despite losses and expenses incurred due to COVID-19:

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- Maintained Residential Road Repaving Program
- Leaf Collection
- Brush Collection
- East Avenue Sidewalk completed
- Erie Canal Nature Preserve
- Handicapped Accessible Kayak Launch
- New Town Historians Office
- Improvements to our Pittsford Community Library
- Increased funding for Pittsford Volunteer Ambulance
- Increased funding for Pittsford Youth Services
- Support for Elderberry Express
- Food Truck Wednesdays & Drive-in Movie Nights
- Grab-n-Go Lunches for Seniors
- Our continuing environmental initiatives that save taxpayers money while protecting our natural resources (Two EV Charging Stations, Solarized Lodges, Two Bike Fix-It Stations, Toxin-Free Challenge, LED Light Swap)

The number 36 represents the average dollar amount increase that our residents will see in their Town property taxes for an average home in Pittsford valued at \$295,900.

Supervisor Smith reviewed the significant revenue and funding decreases that the Town has, and continues to, experience due to the pandemic, noting the following: Sales tax, CHIPS (Consolidated Local and Street Highway Improvement Program), AIM (Aid and Incentives for Municipalities-from the State), Interest Revenue, Recreation Fees, and Library Fees. Total loss in revenue due to COVID-19 is \$632,000.

The Supervisor also reviewed increases in expenses for this year, including those related to COVID-19 protective measures taken. Additionally, the mandated minimum wage increases continue to have an effect on the budget. He reflected on the unknowns that the Town must consider in preparing the budget, such as CARES Funding, Sales Tax revenues, Mortgage Tax revenues and Interest revenues.

The Supervisor noted that the Town's ability to minimize impacts on taxpayers has been realized by the wise financial planning and adequate financial reserves that the Town has maintained for many years. He reviewed a Town Tax Rate Comparison to other towns in Monroe County, noting that Pittsford has the 7th lowest tax rate, but still provides more services than the six (6) towns with lower tax rates.

Supervisor Smith then reviewed in detail the proposed budget for 2021, noting an increase in funding for the following: Highway Department Road Maintenance, Pittsford Youth Services, Pittsford Senior Services, and Pittsford Library – furniture, and additional Recreation programs and events. He reviewed the funding highlights in the budget as follows:

### **2021 Funding Highlights:**

- Maintains the 2019 increase of \$272,000 to road repair budget and adds an additional \$100,000. Totaling \$372,000 in increased funding for road repair since 2018
- \$100,000 to fund upcoming projects from the Active Transportation Plan
- \$22,000 for Pedestrian Safety and measures to reduce speeding
- \$11,000 for a Crossing Guard at Allen's Creek School
- 200% increase in funding for MLK events
- \$20,000 in Library furniture improvements
- Town Website upgrades to be more mobile friendly and handicapped accessible
- \$13,500 for new trail maintenance machinery
- Funding for Pittsford Youth Services exceeds PYS request. Total increase in funding for PYS since 2017 –65%
- More funding for Pittsford Volunteer Ambulance
- Funds the 4.5% increase in medical expenses

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- 2% Cost of Living Increase for all Town Staff
- 0% salary increase for Elected Officials

In summary, the Supervisor noted that his 2021 proposed budget will exceed the Tax Cap, which is at a rate of 1.56%. However, he noted that some factors that count as part of the tax levy number include special districts, such as the added refuse districts. Other districts which are included would be Northside Fire Protection, Pittsford Volunteer Ambulance, Sewer Districts, Lighting Districts, Park Districts and Bond Payments. This is where the rate will exceed the tax cap, when you include these special districts when factoring the actual rate.

### **MINUTES OF THE OCTOBER 6, 2020 MEETING REVIEWED**

Upon review and consideration of the October 6, 2020 meeting, Councilmember Koshykar noted that she would like to propose the following amendments:

- 1) Page 2, paragraph 1, Sentence 2: She would like to remove this sentence. Additionally, she would like to remove the words “did not, but rather” in the following sentence.
- 2) Page 3, 2nd full paragraph: She would like to remove this sentence in its entirety.

Supervisor Smith suggested that the Town Clerk review these suggested edits and report to the Town Board at the next meeting, based on what was recorded.

### **REVIEW OF PUBLIC COMMENTS AND RULES OF PROCEDURE**

Supervisor Smith reviewed the rules of procedure for comments and reminded the public that he, as well as the entire Town Board, is available at any time to take calls, emails and comments about any matter. He indicated his disappointment that at the last meeting it appeared that comments were being submitted in a written form that were a duplication of a written comment from one particular person, which was then distributed for many others to submit – thereby having the exact same comment read several times. In addition, he noted, that this particular comment contained erroneous information.

### **LEGAL MATTERS PUBLIC COMMENTS**

Annalise Johnson Smith offered comments regarding equity and inclusion.

### **ACTIVE TRANSPORTATION PLAN - JOINT PUBLIC HEARING SET WITH VILLAGE BOARD FOR DECEMBER 2, 2020**

The Town Board has been anticipating a joint meeting with the Village of Pittsford, to review and approve the final draft of the Active Transportation Plan. A date has been agreed upon and the Town Board would like to move forward to set this Public Hearing.

Therefore, a motion to set a public hearing to consider the adoption of the Active Transportation Plan was offered by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, through a series of meetings with residents and business owners of the area, the Town and the Village, with assistance from its Planning Consultant, Ingalls Planning & Design, developed a proposed Pittsford Active Transportation Plan, dated January 2019, including a 2020 Supplement (the “Pittsford Active Transportation Plan”), which outlines a joint master plan for active transportation within the Town and Village; and

WHEREAS, following receipt and review of the proposed Pittsford Active Transportation Plan, it was the considered opinion of all members of the Town Board who were present that a joint public hearing between the Town and the Village should be held on the 2nd day of December, 2020, to review the proposed Pittsford Active Transportation Plan and whether such Plan should be adopted by the Town Board and the Village Board.

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NOW, on motion duly made and seconded, it was

**RESOLVED**, that a public hearing be held on the 2nd day of December, 2020, at 7:00 P.M., Local Time, at the Pittsford Community Library, 24 State Street, Pittsford, New York, on the question of whether to adopt the proposed Pittsford Active Transportation Plan addressing active transportation the Town and Village; and it was further

**RESOLVED**, that a Notice of Hearing, or a summary thereof, be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than ten (10) days prior to said hearing; and be it further

**RESOLVED**, that the Town Clerk shall post a certified copy of this resolution on the bulletin board maintained by the Town Clerk pursuant to §30(6) of the Town Law, and make available said proposed Pittsford Active Transportation Plan, or a summary thereof, for review, for a period of not less than ten (10) days prior to said public hearing; and be it further

**RESOLVED**, that the Town Board hereby declares its intent to be co-lead agency with the Village Board for the environmental review of the adoption of the Pittsford Active Transportation Plan under the State Environmental Quality Review Act, ECL § 8-0101 et seq. ("SEQRA"), and authorizes the Village Board to notify, on behalf of itself and the Town Board, any and all involved or interested agencies of their intent to be established as co-lead agencies for the action pursuant to SEQRA regulations published at 6 NYCRR § 617.6(b)(3)(i); and be it further

**RESOLVED**, the Town Board hereby authorizes and directs Town staff to refer the proposed Pittsford Active Transportation Plan to the Monroe County Planning Department for review and recommendation pursuant to Town Law § 272-a(5)(b) and General Municipal Law § 239-m(3)(i) .

### **FINANCIAL MATTERS**

#### **PUBLIC COMMENTS**

No comments were offered regarding Financial Matters.

### **PUBLIC HEARING SET FOR NOVEMBER 4, 2020 – 2021 PRELIMINARY TOWN BUDGET, SPECIAL DISTRICT BUDGETS AND SEWER RENT ROLLS AND DEBT SERVICE BUDGETS**

Supervisor Smith offered a motion to set the Public Hearing for the 2021 Preliminary Town Budget, Special District Budgets and Sewer Rent Rolls and Debt Service Budgets, seconded by Deputy Supervisor Munzinger, and voted on as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that public hearing be and hereby are set for November 4, 2020 at 6:00 p.m. local time in the Pittsford Community Library, Fisher Meeting Room, 24 State Street, to consider the 2021 Preliminary Town Budget, 2021 Special District Budgets and Sewer Rent Rolls and Debt Service Budgets.

### **PUBLIC HEARING SET FOR NOVEMBER 4, 2020 – LOCAL LAW NO. 6 OF 2020 – REAL PROPERTY TAX LEVY FOR 2021 TO EXCEED TAX LEVY LIMIT**

Supervisor Smith offered a motion to set the Public Hearing for Local Law No. 6 of 2020 – Real Property Tax Levy for 2021 to Exceed the Tax Levy Limit, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 6 of 2020: Real Property Tax Levy for 2021 in excess of Tax Levy Limit, 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. 6 of 2020, by all

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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 4th day of November, 2020, at 6:00 p.m. at the Pittsford Community Library, 24 State Street, Pittsford, New York, to consider the adoption of said proposed Local Law No. 6 of 2020;

NOW, on motion duly made and seconded, it was

**RESOLVED**, that a public hearing be held on the 4th day of November, 2020, at 6:00 p.m., Local Time, at the Pittsford Community Library, 24 State Street, Pittsford, New York, on the question of the adoption of said proposed Local Law No. 6 of 2020; and be it further

**RESOLVED**, that a Notice of Hearing and a copy of said proposed Local Law No. 6 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. 6 of 2020, 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.

*Draft of proposed Local Law No. 6 of 2020:*

**BE IT ENACTED BY THE**

**TOWN BOARD OF THE**

**TOWN OF PITTSFORD**

**NEW YORK**

**AS FOLLOWS:**

**LOCAL LAW NO. 6 OF 2020:  
THE ADOPTION OF PROPOSED LOCAL LAW NO. 6 OF 2020:  
REAL PROPERTY TAX LEVY FOR 2021 IN EXCESS OF  
TAX LEVY LIMIT**

**Sec. 1 Title**

This Local Law shall be known as Local Law No. 6 of 2020: Real Property Tax Levy for 2021 in excess of Tax Levy Limit.

**Sec. 2 Legislative Intent**

It is the intent of this Local Law to allow the Town of Pittsford to adopt a budget for the fiscal year commencing January 1, 2021 and ending December 31, 2021 that requires a real property tax levy in excess of the "Tax Levy Limit" as defined by New York General Municipal Law §3-c.

**Sec. 3 Authority**

This Local Law is adopted pursuant to subdivision 5 of New York General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a Local Law approved by a vote of sixty percent (60%) of said governing body.

**Sec. 4 Tax Levy Limit Override**

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The Town Board of the Town of Pittsford, County of Monroe, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 and ending December 31, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

### **Sec. 5 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. 6 Operative and Effective Dates**

This Local Law shall be operative immediately upon its enactment and take effect immediately upon filing with the Secretary of State.

## **BUDGET PLANNING DISCUSSION**

Upon inquiry by Supervisor Smith, Councilmember Townsend offered the following suggestion for consideration in the budget next year, as follows: To add a part-time development director/grants management director position for the purpose of progressively exploring and pursuing grants that may be available. Supervisor Smith agreed.

Deputy Supervisor Munzinger inquired about the website upgrade included in the Supervisor's Budget presentation. Supervisor Smith indicated that there is \$20,000.00 included in the budget for this upgrade and that the Town has just recently received a quote for this in the amount of \$17,000.00. This was in the budget for 2020 and will be carried over and used in the 2021 Budget.

Councilmember Koshykar indicated that she agrees with Councilmember Townsend's recommendation for the development director/grants management director also. Additionally, she asked for clarification of the increase for the maintenance staff and Supervisor Smith indicated that the increase would be in addition to the 2% that all employees are being given.

The Budget and the Supervisor's Presentation will be up on the website for the public.

## **OCTOBER VOUCHERS APPROVED**

Following clarification of a couple of items listed for payment, including Dolomite and the Eagle Scout project, a Resolution to approve the Vouchers was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the October 2020 vouchers No. 148425 through 148852 in the amount of \$848,413.75 are approved for payment.

## **PERSONNEL MATTERS**

### **PUBLIC COMMENTS**

Annalise Johnson Smith offered comments regarding equity and inclusion.

## **HIRING RECOMMENDATIONS APPROVED**

The Board considered the resolution submitted by the Personnel Director. Deputy Supervisor Munzinger offered a motion to approve, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Koshykar, Munzinger, Townsend and Smith. Absent: Beckford. Nays: none.

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**RESOLVED**, that the Town Board approves the new hire for the following employee:

<b>Name</b>	<b>Position</b>	<b>Reason for Change</b>	<b>Salary</b>	<b>Effective Date</b>
Austen Fagan	Rec Asst III	Additional P/T Seasonal title	\$12.60	10/21/2020

### **OTHER BUSINESS**

Councilmember Townsend distributed a Memorandum to members for their review and ask for this to be an agenda item at the next meeting to discuss perhaps in more detail. The Memo included the following items to discuss:

- Biannual Reports on Hiring
- Contracting Policies and Procedures
- Staff Library
- Training for Employees
- Establishment of an Equity Review Board

Upon inquiry by Deputy Supervisor Munzinger, Recreation Director Hollenbeck gave the board an update on the efforts and programs that are being offered for our senior citizens.

### **PUBLIC COMMENTS**

Annalise Johnson Smith offered comments. Town Clerk Dillon read a written comment received from Rubiena Duarte, Jon Sussman and Jennifer Canning.

As there was no further business, the Supervisor adjourned the meeting at 7:14 P.M.

Respectfully submitted,

Linda M. Dillon  
Town Clerk