

Minutes of the Town Board for July 21, 2020

TOWN OF PITTSFORD TOWN BOARD JULY 21, 2020

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, July 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: Cheryl Fleming, Personnel Director; Jessie Hollenbeck, Recreation Director; Paul Schenkel, Commissioner of Public Works; Robert Koegel, Town Attorney; Greg Duane, Finance Director, and Laura Beeley, Deputy Town Clerk.

ATTENDANCE: In addition to Town staff, also present were members of Riedman Associates; Andre Valente of Brown & Brown, and Frank Parisi of Syrek Sealers and Disposal. There were approximately 54 members of the public present.

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 HEARINGS FOR REFUSE DISTRICTS

COUNTRY CLUB ESTATES REFUSE DISTRICT

Supervisor Smith opened the Public Hearing on the Country Club Estates Refuse District, offering any member of the public the opportunity to speak regarding this proposal.

No one offered comments about the proposed Country Club Estates Refuse District. Following an additional solicitation of comments by the Supervisor and receiving none, the Supervisor closed the Public Hearing on the Country Club Estates Refuse District.

HERITAGE WOODS REFUSE DISTRICT

Supervisor Smith opened the Public Hearing on the Heritage Woods Refuse District, offering any member of the public the opportunity to speak regarding this proposal.

The following persons offered comments:

1. Jori Cincotta – inquired whether the district could be amended, to exclude the less than 40% of this large district that does not wish to be a part of the district. She feels this inability to choose for this 40% has caused some friction in her neighborhood. She later added that although there is a clear difference in which some of the neighborhood is in favor, and some are not, she would not like to see the majority have to wait an additional year to achieve their goal of a refuse district.
2. Nelson Young – inquired about any fees that could be charged for additional services; what guarantees are in place to monitor the contractor's performance; were the petitions properly notarized?

Commissioner Schenkel noted that fees for additional services can be negotiated by each householder with the contractor. He also noted that in addition to protections in its contract with the contractor, the Town requires performance bonds and can exercise its rights under those bonds for substandard performance. So far, he continued, the work of the contractor, Syrek Sealers and Disposal, has been consistently positive. Attorney Koegel confirmed that the petitions were properly notarized, referring to applicable law.

3. Roy Pierce – asked what services are included in the contracted price. Frank Parisi of Syrek Sealers and Disposal, stated that the charge includes one (1) tote and two (2) recycle bins, as well as up to 6

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additional bags each pickup. Anything in addition to that is negotiable with the individual resident. He stated that Seyrek operates consistently with the other haulers in the area, giving an example of additional cost for pickup of larger items, such as a mattress, which would cost \$25. Mr. Pierce also added that although petitions were not received by all of the neighborhood due to Covid-19, the fact that over 60% were in favor, there is a good chance that even more people in the neighborhood would have signed the petition, if they had the opportunity.

4. Kimberly Walters – referred to a map posted in her neighborhood showing which households had submitted petitions to create the district, that it showed that her immediate area was not in favor, and asked if this district boundaries could be changed to exclude the area not in support. Supervisor Smith recalled the advice of the Town Attorney earlier in the meeting, to the effect that the boundaries could not be amended in time to have the district in operation starting in 2021. The speaker worried that, with a family of 7 she expects to need for more than one tote and expects to generate additional construction-type trash, this would cost her more for refuse collection; therefore she opposes creating the district.

No other comments were offered, whereupon Supervisor Smith closed the Public Hearing on the proposed Heritage Woods Refuse District.

WALNUT HILL REFUSE DISTRICT

Supervisor Smith opened the Public Hearing on the Walnut Hill Refuse District, offering any member of the public the opportunity to speak regarding this proposal.

No one offered comments about the proposed Walnut Hill Refuse District. Following an additional solicitation of comments by the Supervisor and receiving none, the Supervisor closed the Public Hearing on the Walnut Hill Refuse District.

COUNTRY CLUB ESTATES REFUSE DISTRICT APPROVED

A motion was made by Councilmember Townsend to approve the creation of the Country Club Estates Refuse District, 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, Petitions having been duly presented to the Town Board of the Town of Pittsford, Monroe County, New York, together with the necessary maps and information which requests the establishment of the "Country Club Estates Refuse District"; and

WHEREAS, the Town Assessor has submitted a Certificate, in writing, verifying that the aforesaid Petitions were signed by the required percentage of owners within the proposed District; and

WHEREAS, an Order was duly adopted by the Town Board on the 16th day of June, 2020 for the hearing of all persons interested in the matter to be held on the 21st day of July, 2020, at 6:00 o'clock P.M., Local Time, at the Town Hall, 11 South Main Street, or by electric conference or meeting as permitted by law, in the Town of Pittsford, New York; and

WHEREAS, due proof of publication and posting of the Notice of said hearing has been duly filed with the Clerk of the said Town Board; and

WHEREAS, the hearing required by the said Order has been duly held, and it appears from the said Petitions that the creation of the Refuse District does not require any expenditure of money for the construction or acquisition of the improvement therein, and does not require the financing of the cost thereof by the issuance of any bonds, notes, certificates of any indebtedness of said Town; and

WHEREAS, the creation of this Refuse District, which changes the means of payment for residential refuse collection and disposal from individual private contract decisions to collective public bidding and contract award, does not change the use, appearance or condition of any natural resource or structure, and hence is not an "action" subject to SEQRA under 6 NYCRR § 617.2 (b)(i); and

WHEREAS, the permission of the Comptroller of the State of New York is not required for the creation of the District;

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NOW, ON MOTION duly made and seconded, it is

RESOLVED AND ORDERED, that

- (a) The Petitions are signed and acknowledged or approved as required by law and are 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 the District are to be paid by the property owners annually on a benefit 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 "Country Club Estates Refuse District", be and the same hereby is created, and that the boundaries of the Refuse District, as hereby created, are as set forth in "Schedule A" map annexed hereto.

Said matter having been put to a vote, the following votes were recorded:

William A. Smith	VOTING	Aye
Katherine Bohne Munzinger	VOTING	Aye
Kevin S. Beckford	VOTING	Aye
Cathy Koshykar	VOTING	Aye
Stephanie Townsend	VOTING	Aye

The resolution was thereupon declared duly adopted.

HERITAGE WOODS REFUSE DISTRICT TABLED

Following the close of the public hearing, a motion was made by Councilmember Townsend to table the vote on the creation of the Heritage Woods Refuse District, pending receipt of additional information. This was seconded by Councilmember Beckford.

Discussion followed. Staff will provide the Board with a map of the district showing the location of all households that submitted petitions to create the district, and will discuss timing further with the Assessor to understand whether, if configuration of the district permits changing its boundaries at this point, such a change can be made in time.

On the motion to table, members voted as follows. Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the proposed Resolution to create the Heritage Woods Refuse District be and hereby is tabled.

WALNUT HILL REFUSE DISTRICT APPROVED

Councilmember Townsend moved to approve creating the Walnut Hill Refuse District, 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:

WHEREAS, Petitions having been duly presented to the Town Board of the Town of Pittsford, Monroe County, New York, together with the necessary maps and information which requests the establishment of the "Walnut Hill Refuse District"; and

WHEREAS, the Town Assessor has submitted a Certificate, in writing, verifying that the aforesaid Petitions were signed by the required percentage of owners within the proposed District; and

WHEREAS, an Order was duly adopted by the Town Board on the 16th day of June, 2020 for the hearing of all persons interested in the matter to be held on the 21st day of July, 2020, at 6:00 o'clock P.M., Local Time, at the Town Hall, 11 South Main Street, or by electric conference or meeting as permitted by law, in the Town of Pittsford, New York; and

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WHEREAS, due proof of publication and posting of the Notice of said hearing has been duly filed with the Clerk of the said Town Board; and

WHEREAS, the hearing required by the said Order has been duly held, and it appears from the said Petitions that the creation of the Refuse District does not require any expenditure of money for the construction or acquisition of the improvement therein, and does not require the financing of the cost thereof by the issuance of any bonds, notes, certificates of any indebtedness of said Town; and

WHEREAS, the creation of this Refuse District, which changes the means of payment for residential refuse collection and disposal from individual private contract decisions to collective public bidding and contract award, does not change the use, appearance or condition of any natural resource or structure, and hence is not an "action" subject to SEQRA under 6 NYCRR § 617.2 (b)(i); and

WHEREAS, the permission of the Comptroller of the State of New York is not required for the creation of the District;

NOW, ON MOTION duly made and seconded, it is

RESOLVED AND ORDERED, that

- (f) The Petitions are signed and acknowledged or approved as required by law and are otherwise sufficient;
- (g) All the property and property owners within the District are benefited thereby;
- (h) All the property and property owners benefited are included within the limits of the District;
- (i) The expenses of the District are to be paid by the property owners annually on a benefit basis; and
- (j) It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND ORDERED, that the "Walnut Hill Refuse District", be and the same hereby is created, and that the boundaries of the Refuse District, as hereby created, are as set forth in "Schedule A" map annexed hereto.

Said matter having been put to a vote, the following votes were recorded:

William A. Smith	VOTING	Aye
Katherine Bohne Munzinger	VOTING	Aye
Kevin S. Beckford	VOTING	Aye
Cathy Koshykar	VOTING	Aye
Stephanie Townsend	VOTING	Aye

The resolution was thereupon declared duly adopted.

PUBLIC COMMENTS

No public comments were offered.

MINUTES OF JULY 7, 2020 TOWN BOARD MEETING

The Board noted recent advice of the Town Clerk, reiterated by the Town Attorney, that minutes are within the authority of the Town Clerk, are not susceptible of approval or disapproval by the Board, but that review by the Board in the interest of accuracy remains desirable.

Councilmember Koshykar asked for a change to the last line of first full paragraph on page 5 to add a reference to "patronage or political hires." Councilmember Koshykar also asked to add to the last full paragraph on page 5 an addition to the first sentence, to read: "Councilmember Koshykar asked the Board for a vote on a resolution she wrote and submitted to the Board on July 1 to post a 'Black lives matter' sign on the front of Town Hall." The Supervisor asked the Clerk's office to review the tape of the meeting and if that language was used in either case, to make the changes as requested. Councilmember Koshykar stated that criticism of her conduct by members of staff at the last meeting appear in the minutes, but not the content of comments from people who supported her, stating this is unfair. The Supervisor noted that the Clerk routinely includes discussion by Board members and Staff members under the "Other Business" portion of the Agenda, where both Board and Staff are always asked if they have matters to discuss, but summarizes public comments.

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LEGAL MATTERS

CONTINUED PUBLIC HEARING ON KILBOURN PLACE INCENTIVE ZONING

Gerl Miner – stated need for housing to allow Pittsford seniors to remain in Pittsford and urged Board to consider requiring developer to define “affordable housing.”

Kendra Evans – does not in support the application as it stands, but, would be if it included an amendment such as that proposed by Councilmember Koshykar or defined “affordable housing” as such that makes it affordable by persons with income no higher than 80-85% of the area median income for Monroe County as a whole.

Michael Slade – supports affordable and diverse housing and wants this application to be tabled until it is modified to do something effective toward diversity of housing.

No other comments were offered, whereupon Supervisor Smith declared the Public Hearing closed.

KILBOURN PLACE INCENTIVE ZONING SEQRA APPROVED

Deputy Supervisor Munzinger offered a motion to approve the SEQRA Resolution for Kilbourn Place, seconded by Councilmember Townsend.

Discussion:

Upon Councilmember Koshykar’s inquiry regarding a letter from East Rochester and water build-up along I-490, Town Attorney Koegel and Planning, Zoning and Development Director, Doug DeRue, responded, indicating that the area that was mentioned is not relative to this project and not adjacent to this project – it is in a different area along 490. Additionally, the area of disintegration had to do with a wall being built a long time ago and does not apply now. Director DeRue further noted that the initial developers in 2008 completed an extensive geo-technical study of this area, concluding that the entire area had a very sandy and gravelly soil and he is not aware of any drainage issues at all in that area.

Thereafter, a vote to approve SEQRA was called as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith.

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 re-zone to Incentive Zoning the former Back Nine Bar and Grill property and amend the existing Incentive Zoning of the Kilbourn Place Townhome project to allow for a 110 unit apartment project; and

WHEREAS, the Back Nine Bar and Grill property, consisting of approximately 2.7 acres located at 3500 East Avenue, Pittsford, New York, Tax Parcel Number 138.14-1-13.1 is proposed to be demolished and replaced by a 34 unit apartment building; and

WHEREAS, the existing Kilbourn Place 41-unit Townhome project is only partially constructed and currently the owner-occupied townhomes are proposed to be converted to 14 rental apartments with the addition of a 62-unit apartment building proposed at the eastern end of the site; and

WHEREAS, the proposed re-zoning is an Unlisted action under SEQRA, and the Applicant submitted a completed Part 1 Short Environmental Assessment Form (EAF); and

WHEREAS, the Town Board has conducted a single agency review; and

WHEREAS, a public hearing was duly advertised and 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 continued public hearing was duly re-advertised and held on July 7, 2020 and July 21, 2020, and all those wishing to comment on the proposed Incentive Zoning were heard; and

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WHEREAS, Parts 2 and 3 of Short EAF have been prepared by the Town Board for the proposed Incentive Zoning and carefully reviewed by the Town Board and attached hereto; and

WHEREAS, the completed Part II Short EAF does not identify any significant adverse environmental impacts associated with the proposed Incentive Zoning;

NOW, THEREFORE, be it

RESOLVED, that the Pittsford Town Board, upon consideration of all written and oral submissions by the Applicant, appropriate agencies and public comment, and following due deliberation and consideration, finds that the proposed Incentive Zoning will have no significant adverse impact on the environment; and, accordingly, issues a Negative Declaration of Environmental Significance.

KILBOURN PLACE INCENTIVE ZONING TABLED

Deputy Supervisor Munzinger made a motion to approve the Kilbourn Place Incentive Zoning, seconded by Councilmember Beckford. Discussion ensued.

Councilmember Koshykar inquired about the spot zoning comment that was raised by a previous resident during public comments at the previous meeting. Attorney Koegel responded to this statement, noting that there is no spot zoning in this project at all. He noted that the restaurant site goes back many years, possibly before zoning in that area. The Incentive Zoning on the other parcel was completed in 1999. Spot zoning is not a concern.

In response to Councilmember Koshykar's inquiry regarding "pre-existing, non-conforming use" of the restaurant, Attorney Koegel responded that following research, this restaurant would not fall into this "pre-existing, non-conforming use", as it has not been abandoned and could fall back to restaurant use.

Councilmember Koshykar also asked the developer to give the Board a target price-point of the project. Mr. Riedman responded, indicating that the rental range on the new apartments would be from \$1,450 - \$2,200. Councilmember Beckford read from the document given to the Board by the developer as follows:

The front building would have 62 units: 29 – 1 bedroom and 33 – 2 bedroom units. The back building would have 32 units, 14 – 1 bedrooms and 19 - 2 bedrooms, \$1,450 - \$2,200. Mr. Riedman confirmed these numbers.

Councilmember Townsend submitted questions in advance to the Town staff as follows:

1. Any further input from the Pittsford Central School District – Superintendent Pero and Principal Biondi from Allens Creek Elementary School? Spencer Bernard read the comments from the Superintendent Mike Pero and Principal Mike Biondi who expressed the safety concerns that currently exist with regard to traffic, speed, lack of school caution lights, traffic light at school nor crossing guards. They wrote that the addition of a development on East Avenue would only increase these already existing concerns, especially for school buses and walkers. Spencer Bernard added that with respect to enrollment, there has been a slight decrease in enrollment at that school.
2. Spencer also answered Councilmember Townsend's inquiry relative to 3495 and 3497 East Avenue:
3497 East Avenue building height is 40 ft; 190 ft. set back; and 96 ft. width
3495 East Avenue building height is 38 ft; 100 ft. set back; and 82 ft. width
3. The Riedman property width of Building No. 2: There are three components: one portion of the building is 98 feet set back and is 56 feet wide; another portion is 143 feet from the road and is also 56 feet wide; the courtyard is a 200 feet set back and 90 ft. wide.
4. Traffic volume during peak hours: 2016 – average daily traffic was 13,500; 2020 – 12,100 cars

Deputy Supervisor Munzinger had a follow-up to the school district's letter and inquired if we could do anything to help them with the concerns that they had raised. Commissioner Schenkel responded and indicated that we could lobby to the state DOT (Department of Transportation) and the Town of Brighton for crossing guards, additional signals (flashers), especially once we extend/complete sidewalk and if Brighton connects their sidewalk to ours.

Councilmember Beckford inquired about the range of pricing for the one-bedroom (back and front). Mr. Riedman explained that there are different floor plans, so all the one-bedrooms would not be \$1,450, as some may have a

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den or a larger bedroom. However, the range could vary about 10%, or closer to \$1,600. Some of the detail on that has not yet been determined, as they are still in this Incentive Zoning phase.

Councilmember Townsend asked about the income requirements and would they apply to each individual on the lease. Mr. Riedman explained the terms for the qualification on the lease, which indicated that if two people were on the lease, the combined income would be the consideration for qualification.

NOTE: *On the afternoon of the meeting, Councilmember Koshykar proposed an amendment to the Kilbourn Place resolution, by email message to Board members. Her memorandum and commentary on the proposal stated that it is for the purpose of making it more affordable for Pittsford residents to remain in Pittsford in their senior years. The amendment would change the law by adding the following requirement:*

Applicant agrees that 15% of the total number of units will be reserved in perpetuity exclusively for renters with an average income of no more than 85% of Monroe County's average medium income at a rental rate not to exceed more than 30% of the renters adjusted gross income.

Councilmember Beckford asked to discuss Councilmember Koshykar's amendment.

Deputy Supervisor Munzinger stated that the Board should consider the main resolution at this time. Councilmember Beckford, Deputy Supervisor Munzinger and Supervisor Smith all offered their thanks and appreciation to the applicant, noting that it has been responsive to considerations raised by the Board and the public and that this is reflected in the substantial revisions to its original plan.

Councilmember Townsend addressed pros and cons: on the pro side, we have very few rental properties in Pittsford; this project addresses that and the growing demand here in Town from seniors and from young professionals as well. She believes the current proposal provides for affordability. She also believes that the incentive of funding of \$200,000 for senior amenities as the exchange is acceptable. She acknowledged and addressed concerns expressed by residents about traffic, noting that the traffic study does reflect a decrease; she does not believe the project would generate a significant increase in traffic. She acknowledges the importance of considering the project's effects on aesthetics and character of the neighborhood; having done so she believes the applicant has accommodated these considerations by its changes to the plan that changed the design and mass. On balance she felt that the pros outweigh the cons.

Councilmember Koshykar stated she is concerned about the project failing. She is concerned that calling it a "luxury community" may mean that the rental pricing may go up and the development would not be full. She supports including something in the incentive zoning resolution to reserve some portion of this development for lower-priced units than are currently being offered in the plan, and to lock that in for some percentage of the units. She said she circulated her proposed amendment to Board members today for that purpose.

Riedman Companies responded, noting that this complex will be paying Pittsford taxes and that they have been responsive to the suggested standards of the Town of Pittsford. They feel they have met these requests and that they are marketing towards those looking to downsize that currently live in Pittsford and that it is very affordable housing option for those who live in Pittsford.

Deputy Supervisor Munzinger asked Councilmember Koshykar for clarification: is she satisfied with the affordable pricing already part of the plan and is simply concerned about future price increases?

Councilmember Beckford supports Councilmember Koshykar's amendment, in particular making the trigger for eligibility for the reserved units having income of 85% of the Monroe County area median income rather than the Pittsford area median income, which is higher. He said that because of bringing in more apartments he really wants this project to pass.

Councilmember Townsend appreciates Councilmember Koshykar's intentions but feels the amendment, as written, needs a lot of work. The words "average" and "median" are used almost interchangeably and they are not interchangeable. The reference point is properly called **area** median income, not *average* median income. Before considering this amendment, its numbers and terminology must make sense. She would support working on this language to make it clearer, since as written the numbers are not computing. In doing so, we should be very clear

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about what the percentage is, especially if trying to be in line with HUD recommendations and recommendations for affordable housing. She suggested consulting one or more senior housing experts before proceeding with such an amendment. She believes the reference to area median income should be to Pittsford's rather than Monroe County's. Overall, she believes this proposal needs substantial work before she can support this.

Supervisor Smith noted that the last-minute introduction of the amendment meant that neither the applicant nor members of the public have seen it or know what it contains, or understand what the Board is talking about at the moment. He then read aloud from Councilmember Koshykar's document her proposed change in the law: *Applicant agrees that 15% of the total number of units, will be reserved in perpetuity exclusively for renters with an average income of no more than 85% of Monroe County's average medium income at a rental rate not to exceed more than 30% of the renters adjusted gross income.*

The Supervisor noted his own strong support for more moderately priced housing choices for people of retirement age in Pittsford, to make it easier for residents to be able to stay here and "age in place." He recalled the amendment he proposed for the Town's updated Comprehensive Plan, to include just such a provision, which was strongly supported by residents and adopted by the Town Board.

The Supervisor noted what he described as significant divergence between Councilmember Koshykar's stated purpose, of helping Pittsford residents to afford to remain in Pittsford in their senior years, and the operative language of her amendment, which would do something very different. Specifically, it makes no provision at all for seniors; the reserved units would be open to anyone, who could compete with seniors wanting to downsize. Beyond that, he continued, the Koshykar Amendment does two things: first, it defines eligibility for the reserved units. Secondly, it sets a cap on the rent that can be charged for the reserved units.

For eligibility, he explained, any person making less than 85% of the area median income for Monroe County (about \$56,000) – not Pittsford (about \$106,000) – would be eligible for a reserved unit. For rent, a person eligible for a unit could be charged no more than 30% of the person's adjusted gross income. Thus, for example, he continued, a person with income of three thousand dollars per year (\$3,000) would be eligible for a unit, and could be charged no more for the unit than 30% of that amount, which is \$1,000 per year (about \$83 per month). As compared to the market rate for the apartment of \$1,450 per month.

Councilmember Koshykar said that this was not what she intended to write. The Supervisor continued that by any standard or definition, at \$83 per month or even conceivably less, the amendment would impose full-fledged low-income housing.

Deputy Supervisor Munzinger and Councilmember Townsend asked the Town Attorney about the legality of the proposed amendment. Attorney Koegel indicated that he just received it in the afternoon today and would not be able to give an answer without research.

David Riedman also noted that he has not had an opportunity to review the amendment. However, he did confirm that using the Monroe County AMI it would not work. But, if it used the Pittsford AMI, perhaps it could. He could not give a definitive answer without further review. He expressed great concern over how such a provision could be monitored or enforced.

Councilmember Townsend understood the concerns raised by Riedman Companies and said additional research is necessary before an amendment such as this can be taken up.

Supervisor Smith noted that with the uncertainties now raised by the proposed amendment there appears to be no consensus to vote either on it or on the main motion to approve the requested changes to the incentive zoning law tonight. Then he moved to table the consideration of the Kilbourn Place Incentive Zoning proposal. This was seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Kilbourn Place Incentive Zoning Application was thereby tabled.

PUBLIC COMMENTS

Supervisor Smith called for any public comments on the additional Legal Matters before the Board.

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The following persons offered comments opposing setting a public hearing on proposed Local Law No. 5 – Residency Requirements: Catherine Doyle, Frank Hagelberg, Kendra Evans, Mike Slade, Stephanie Tokin and Mike Broomfield.

PUBLIC HEARING FOR LOCAL LAW NO. 5 OF 2020 – AMENDING CHAPTER 39 OF THE TOWN OF PITTSFORD MUNICIPAL CODE ENTITLED “RESIDENCY REQUIREMENTS”

Deputy Supervisor Munzinger moved to set the public hearing on August 4, Supervisor Smith seconded the motion. Discussion ensued.

Supervisor Smith made a motion to table this item. Further discussion ensued. No second was made on that motion.

Councilmember Koshykar made a motion to commit, seconded by Councilmember Beckford. Attorney Koegel indicated that there is nothing in the proposed Local Law No. 5 that needs to be researched, studied or have a committee formed to do so. He indicated he had prepared the document and that it is straight-forward and nothing is “hidden” or needs to be researched. He further noted that all previous information that Councilmember Koshykar requested was given to her and discussed at an Executive Session and he is not at liberty to discuss this in public.

Thereafter, Deputy Supervisor Munzinger requested that a vote be taken on her motion to set the public hearing, and members voted as follows: Ayes: Munzinger. Nays: Beckford, Koshykar, Townsend and Smith.

The motion to set the Public Hearing failed.

COMMUNITY CHOICE AGGREGATION (CCA) UPDATE

Supervisor Smith updated the Board on results of bidding for supplying electricity for the proposed CCA program. He noted that, per the direction of Pittsford, both Town and Village and the other two towns involved in the CCA bidding, Brighton and Irondequoit, specifications were established for a supply of electricity from 100% renewable sources, at a cost less than the average RG&E rate over the last 12 months, which is 3.9 cents per kilowatt hour. Two bids were offered, one at 4.4 cents per kilowatt hour and the other at 5.5 cents per kilowatt hour. Therefore no compliant bids were received. The Supervisor noted that the market price of electricity will change over time, making another attempt to obtain a compliant bid possible, perhaps in 12 months or even 6.

Supervisor Smith suggested that, with CCA on hold, the Town can proceed now with a Community Distributed Generation (CDG) program, also known as Community Solar. He recalled previous Board discussion about pursuing Community Solar once we have CCA in place; this merely inverts the order. Households and businesses that sign up for Community Solar get a guaranteed savings of 10% on both supply and delivery of electricity from the community solar source. Given the late hour, he suggested a further discussion of this option at a future meeting.

FINANCIAL MATTERS

PUBLIC COMMENT

Frank Hagelberg offered a comment about the Open Meetings Law. Town Attorney Koegel responded and explained the Open Meetings Law.

INSURANCE CONSULTANT CONTRACT APPROVED

Andre Valente, consultant to the Town, from Brown & Brown, reviewed the renewal options and proposal for the insurance coverage for the Town of Pittsford.

Thereafter, a Resolution to approve the Town of Pittsford Insurance Consultant Contract renewal proposal by Brown & Brown for the 2020-21 insurance coverages was offered by Supervisor Smith, seconded by Deputy

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Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following Resolution was declared carried as follows:

RESOLVED, that based on recommendations of Brown & Brown, the town of Pittsford's Insurance Consultant, the 2020-21 insurance coverages be placed with USI as broker and Allied Public Risk as Program Manager and Zurich North America as Carrier.

APPOINTMENT OF DEPUTY RECEIVER OF TAXES APPROVED AS AMENDED

Supervisor Smith noted an error in the Resolution as presented and observed that where the resolution states "2019-2020," it should read "2020-2021." Similarly, references to "2020" should be replaced with "2021." He then moved to amend the Resolution accordingly, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The amended resolution permits Canandaigua National Bank and Trust to continue to be able to collect taxes on the Town's behalf and deposit them directly into the Town's Tax Account, by appointing Jessica Bullen, Service Manager at the Pittsford Branch of Canandaigua National Bank and Trust, as Deputy Receiver of Taxes. Supervisor Smith moved the resolution and Councilmember Townsend seconded. Members voted as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that Jessica Bullen, Service Manager at the Pittsford Branch of Canandaigua National Bank and Trust is appointed Deputy Receiver of Taxes for the Town of Pittsford for 2020-2021 and is authorized to collect the 2020-2021 School Taxes and the 2021 Town and County Taxes during the interest-free collection periods.

TAX BONDING FOR 2020-2021 TAX COLLECTION APPROVED

A Resolution to authorize insurance coverage for the 2020-2021 Tax Collections was offered by Councilmember Townsend seconded by Deputy Supervisor Munzinger, and voted on by the members as follows: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Town Board hereby guarantees the surety, form and amount of the official undertaking for the faithful performance of the duties of Town Clerk and Receiver of Taxes, as follows:

Section 1.

Type of undertaking: Insurance coverage for Town Clerk and Receiver of Taxes

Amount: \$100,000.00 per employee Public Employee Dishonesty Coverage with additional indemnity of \$200,000.00, including Faithful Performance of Duty, for the Receiver of Taxes.

Section 2.

A true copy of this resolution shall be affixed to the undertaking to indicate this Board's approval thereon in accordance with Town Law §25.

BUDGET TRANSFER APPROVED

A Resolution to approve the proposed Transfer was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, 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 following budget transfer is approved:

- That \$ 16,000.00 be transferred from 4.1989.2003.2.4. (Hwy WT – Equipment Replacement) to 0004.5130.4400.0053.0004 (Hwy WT – Contracted Repairs) for vehicle repairs.

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JULY VOUCHERS APPROVED

Thereafter, a Resolution to approve the July 2020 vouchers was moved by Supervisor Smith, seconded by Deputy Supervisor Munzinger, 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 July 2020 vouchers No. 147337 through 147728 in the amount of \$913,994.62 are approved for payment.

OPERATIONAL MATTERS

PUBLIC COMMENTS

Mandy McGlocklin commented in opposition to placing stop signs in her neighborhood, Chatham Woods..

CARTS MOBILE ENTERPRISES LLC VENDING PERMIT AUTHORIZED

A Resolution to authorize the issuance of a Food Vending Permit to Carts Mobile Enterprises, LLC 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 Town Board approves the proposed Food Vending Permit to Carts Mobile Enterprises, LLC, for a vending unit at Town owned Thornell Farm Park, located at 480 Mendon Road and Farm View Park, located at 1901 Calkins Road, from July 1, 2020 through October 31, 2020, seven days a week from 10:30 AM to park closing, and that the Town Supervisor is authorized to issue the Permit.

ADDITION OF STOP SIGNS IN THE CHATHAM WOODS NEIGHBORHOOD APPROVED

Following discussions with Chatham Woods residents and their Homeowners Association about the problem of speeding in the neighborhood, the Town proposes to install additional stop signs. This required Board action to add the proposed signs to the Town's "Traffic Control Device Inventory." In response to Councilmember Townsend's inquiry, Commissioner Schenkel confirmed that the outreach to the neighborhood was extensive and included direct mailing as well as communication through the neighborhood association. It revealed broad agreement for the additional signs. Subsequently a motion was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Munzinger, Townsend and Smith. Nays: Beckford, Koshykar.

The Resolution was declared carried as follows:

RESOLVED, that based on the recommendation of the Commissioner of Public Works, the Town Board authorizes that additional stop signs be added to the Traffic Control Device Inventory for the Chatham Woods Neighborhood and installed at the following intersections:

- Devonwood Lane at Brewster Lane, to convert existing 2-way into 4-way stop.
- Old Kings Lane at Caversham Woods, to create a 3-way stop.
- Chelsea Park (west end) at Caversham Woods, to create a 3-way stop.
- Bishops Court (north end) at Caversham Woods, to create a 3-way stop.
- Chelsea Park (north end) at Caversham Woods, to create a 3-way stop.

PERSONNEL MATTERS

No public comments were offered.

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BRIAN LUKE APPOINTED AS FINANCE DIRECTOR

Supervisor Smith announced that he has appointed Brian Luke, M.B.A. and C.P.A. as the Town’s new Finance Director and gave a brief background and work history. Retiring Finance Director Greg Duane has agreed to stay on through a transition period of no more than 90 days, in the capacity of Assistant Director of Finance.

HIRING RECOMMENDATIONS APPROVED

Councilmember Koshykar moved to sever Brian Luke from the Hiring Resolution, as he is an appointment by the Supervisor. Supervisor Smith noted that although the appointment of a Director of Finance is a Town Supervisor’s appointment, his compensation still needs to be approved by the Board. Failure to do so could require the Town to pay the new Finance Director at the higher rate approved in the budget for the outgoing Finance Director.

Thereafter, a Resolution to approve the hiring recommendations and salary/status/additional position changes was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Beckford, Munzinger, Townsend and Smith. Nays: Koshykar.

The following Resolutions were declared carried as follows:

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

Name	Dept	Position	Rate	Date of Hire
Riley Lusk	Rec	Summer Rec. Assistant I	\$11.80	06/26/2020
Meghan Layer	Rec	Summer Rec. Assistant I	\$11.80	07/01/2020
Matthew Taylor	Rec	Summer Rec. Assistant I	\$11.80	07/01/2020
Bryce Wallman	Rec	Summer Rec. Assistant I	\$11.80	07/06/2020
Thomas Rinaldo	Sewer	Laborer (With CDL) – Full Time	\$18.63	07/06/2020
Jessica Furber	GIS	Seasonal Laborer	\$13.00	07/13/2020
Jennifer McCabe	Hwy	Seasonal Laborer	\$13.00	07/20/2020
Brian Luke	Finance	Director of Finance	\$49.45	07/22/2020

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
Brett Little	Laborer	CDL – Class B	\$18.63	06/15/2020
Mary Magguilli	Rec	Asst II Promo – Additional title	\$12.60	06/29/2020
Dylan Selden	Laborer	CDL – Class B	\$18.63	07/20/2020
Gregory Duane	Asst. Dir of Finance	Transitional Role	no change	07/22/2020

OTHER MATTERS

Councilmember Koshykar asked that Councilmember Beckford be designated to review hiring resolutions. Supervisor Smith was not sure if this is an administrative duty and would like Attorney Koegel to research it.

As there was no further business, the Supervisor adjourned the meeting at 9:42 P.M.

Respectfully submitted,

Laura F. Beeley
Deputy Town Clerk