

**TOWN OF PITTSFORD
TOWN BOARD
DECEMBER 8, 2021**

Proceedings of a regular meeting of the Pittsford Town Board held on Wednesday, December 8, 2021 at 6:00 P.M. local time in the Lower Level Meeting Room of Town Hall, 11 South Main Street, in person.

PRESENT: Supervisor William A. Smith, Jr.; Councilmembers Kevin S. Beckford, Cathy Koshykar, Katherine B. Munzinger and Stephanie M. Townsend.

ABSENT: None.

ALSO PRESENT: Staff Members: Paul J. Schenkel, Commissioner of Public Works; Brian Luke, Finance Director; Robert Koegel, Town Attorney; Renee McQuillen, Town Clerk; Shelley O'Brien, Communications Director; Cheryl Fleming, Director of Personnel and Spencer Bernard, Chief of Staff; Suzanne Reddick, Assistant to the Supervisor.

ATTENDANCE: One additional staff member and 12 members of the public also attended.

Supervisor Smith called the Town Board meeting to order at 6:03 P.M. and invited all to join in the Pledge to Flag.

SUPERVISORS ANNOUCEMENTS

Supervisor Smith announced that the Town would be distributing Covid test kits on Saturday, December 18, from 9am – 11am or until supplies run out, at Mendon High School. Kits are for Pittsford residents and will be limited to 1 per household. Each kit contains 2 tests. Please bring photo id or current utility bill as proof of residency.

PUBLIC HEARING ON LOCAL LAW NO. 3 OF 2021: OPTING OUT OF ADULT-USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES

Supervisor Smith opened the Public Hearing and invited anyone present at the meeting interested in speaking on behalf of the topic to come forward.

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Councilmembers heard 52 comments in favor of opting out from Xueya Cai, Pat Hayes, Gary Brandt, Joan Sperandio, Kara Mucha, Michael Barone, Robin Blew, Betsy O'Connor, Betsy Webster, Peter Webster, Katharine Carlson, Deborah Ruane Tammy O'Shaughnessy, Yi-Jen Huang, Jing Che, James Mou, Carolyn MacDonald, Hugh Xia, Chike Cao, Celeste Frohm, Shawn Van Dusen, Wang Gaochan, Yiyz Guan, Ying Chen, Jing Du, Amanda Corney, Mei Li, Ziaoyan Liao, John Q. Yang, Vickey Lee, Maria Scott, Doris Ou, Carolyn Hunt, James Hunt, David Meade, Elizabeth Meade, Jason Stevens, Yan Zheng, Jeff Markwick, Leah Crane, Ed Schiffino, John Kerekes, Lili Zhao, Susan Zhai, Wendy Wallman, Howard Riessen, Jonathan

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Kelly, Madeleine Cuciti, Sarah Gibson, Katia Azevedo, Sue Scanlon, Bob Brumm, Karen Brumm, Richard Burton, Susan Russell Gaze, James Gaze, and Debroah Feehan.

Councilmembers heard 9 comments in favor of opting in by Catherine Doyle, Rebecca Schwarz, Kristen Brown, Michael Laird, Jessica Cheng, Joan Moffett, Chris Smith, Scott Adams and Ann Slocomb.

After inquiring if there was anyone else who wished to speak on behalf of this topic and for any other comments submitted by email and having none, Supervisor Smith closed the public hearing, then asked for Town Board discussion. Councilmember Koshykar noted that she had previously supported opting out, so the Town would have time to determine the time, place and manner for dispensaries and usage. She then stated that she has since heard from residents in favor of allowing cannabis dispensaries and consumption sites, and upon further reflection she has changed her opinion and supports opting in to cannabis sales and lounges in Pittsford

Councilmember Beckford stated that Councilmember Koshykar's statement was very persuasive to him. He noted that he also spoke in favor of opting out at the November meeting, but with the Town currently rewriting the Zoning Code, we can regulate the time, place and manner of these establishments, and this has shifted his opinion. Therefore he will vote to allow dispensaries and lounges.

Deputy Supervisor Munzinger stated that she feels very strongly about approving Local Law #3 and opting out at this time. Not only have the majority of public comments received been in favor of opting out but we need to be practical, to allow the situation to evolve and take our time with these decisions to see how legalization is working out in other towns, to make sure we are acting in the best interests of the people of the Town.

Councilmember Townsend expressed that her thoughts have not changed much from the last Board meeting. Her research on the topic has shaped her personal view that the Town should opt in. Yet, she noted, she does not serve on the Board as an individual, but as a representative of the community. The majority of comments to the Board urge opting out, so she will vote to approve Local Law #3 to opt out at this time. However, she intends to revisit the topic as state regulations and additional data become available, and would introduce legislation to opt in if the concerns expressed by residents have been satisfactorily addressed.

Supervisor Smith cited that he sees the opt out vote this evening as preserving the Town's ability to make a choice. Voting to opt in would deprive the Town of any discretion over the matter. His principal concern is to have confidence that the decision the Board makes has the support of most residents. He cannot recall a situation before when the Board has heard comments from so many residents on a matter. The overwhelming majority of those comments indicate a wish to opt out and so he will be voting to approve Local Law #3 to opt out.

Supervisor Smith then made a motion to adopt Local Law No. 3 of 2021, seconded by Deputy Supervisor Munzinger and voted on by members as follows: Ayes: Munzinger, Townsend and Smith. Nays: Beckford and Koshykar.

The Resolution was declared carried as follows:

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WHEREAS, true and correct copies of proposed Local Law No. 3 of 2021: Local Opt-Out of Adult-Use Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Pittsford, 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 8th day of December, 2021; 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 8th day of December, 2021, at 6:00 P.M., Local Time, on said Local Law No. 3 of 2021; and

WHEREAS, the said public hearing was duly held on the 8th day of December, 2021, at 6:00 P.M., Local Time, at Town Hall, 11 South Main Street, Pittsford, New York, 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. 3 of 2021; 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. 3 of 2021; and

WHEREAS, it was the decision of the Town Board that said Local Law No. 3 of 2021 should be adopted.

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

RESOLVED, that Local Law No. 3 of 2021: Local Opt-Out of Adult-Use Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Pittsford, 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 expiration of the period of forty-five (45) days to file a referendum petition under Municipal Home Law Rule § 24, there shall be filed with the Secretary of State one certified copy of said Local Law No. 3 of 2021.

[NOTE: Complete text of Local Law No. 3 of 2021 filed with the minutes and available on Town Website. First page attached.]

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

**LOCAL LAW NO. 3 OF 2021:
THE ADOPTION OF PROPOSED LOCAL LAW NO. 3 of 2021:
LOCAL OPT-OUT OF ADULT-USE CANNABIS RETAIL
DISPENSARIES AND ON-SITE CONSUMPTION SITES
WITHIN THE TOWN OF PITTSFORD**

Sec. 1 Title

This local law shall be known as Local Law No. 3 of 2021: Local Opt-Out of Adult-Use Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Pittsford.

Sec. 2 Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Pittsford that would otherwise be allowed under Cannabis Law Article 4.

Sec. 3 Authority

This local law is adopted pursuant to Cannabis Law §131, which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

Sec. 4 Local Opt-Out

The Town Board of the Town of Pittsford hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town's jurisdiction.

Sec. 5 Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder

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of this local law, but shall be confined in its operation and effect to the clause, sentence, paragraph, section, or part thereof, or in its application to the person, firm, or corporation or circumstance, directly involved in the controversy or action in which such order or judgment shall have been rendered.

Sec. 6 Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

Sec. 7 Operative and Effective Dates

This local law shall be operative immediately upon its adoption and take effect immediately upon filing with the Secretary of State.

MINUTES OF THE NOVEMBER 16 TOWN BOARD MEETING APPROVED

A Resolution to approve the Minutes of the Town Board meeting of November 16, 2021 was offered by Deputy Supervisor Munzinger, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Minutes of the November 16, 2021 Town Board meeting are approved.

LEGAL MATTERS

No public comments made.

BERGMANN CONTRACT FOR ZONING CODE UPDATE

Supervisor Smith gave a brief history of engagement of the consultant for the Zoning Code Update and why the new contract is needed: to accommodate the consultants' joining a different firm, along with additions to the scope of work. The result is a new professional services agreement for the amount of \$72,347.90.

Following discussion a Resolution to authorize the Town Supervisor to sign the proposed "Standard Form Agreement Between Owner and Consultant for Professional Services" between the Town and Bergmann Associates for completing the Town's Zoning Code Update, was offered by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Town Supervisor be authorized to sign the proposed "Standard Form Agreement Between Owner and Consultant for Professional Services" between the Town and Bergmann Associates for completing the Town's Zoning Code Update.

FINANCIAL MATTERS

PUBLIC COMMENTS

Jon Sussman submitted a comment.

SURPLUS INVENTORY APPROVED

A Resolution to approve the proposed inventory for the Town Board to declare surplus and to be removed from the Town's inventory was offered by Supervisor Smith, Deputy Supervisor

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

The Resolution was declared carried as follows:

RESOLVED, that the attached list of equipment be declared surplus and be removed from the Town's inventory.

Asset #	Year	Description	Department	Cost	Disposition
16613	2011	Lift Gate for Pickup Truck	Parks	2,749.00	Auction
17795	2015	Ford F-250 Pickup Truck	Parks	24,243.00	Auction
17259	2013	Ford F-150 Pickup Truck	Parks	24,200.00	Auction
17799	2015	Ford Senior Bus #301-1	Recreation	47,386.00	Auction

CREATION OF COMMUNITY SOLAR PROJECT FUND

A Resolution to authorize the Town Finance Director to create the Community Solar Project Fund, was offered by Supervisor Smith, who noted that this was to provide a budget line for the slightly more than \$30,000 the town has received from the Community Solar program. Councilmember Townsend seconded the motion, which members voted on as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

RESOLVED, that the Finance Director is authorized to create the Community Solar Project Fund.

AUTHORIZING THE SUPERVISOR TO SIGN J. O'CONNELL & ASSOCIATES AGREEMENT FOR GRANT CONSULTING SERVICES

Supervisor Smith explained that this represents a renewal of our current agreement with J. O'Connell & Associates, whose work for the Town has been highly satisfactory. Continuing the relationship will allow the Town to seek more opportunities for grant funding and he recommends approving the contract. Councilmember Townsend asked about the total dollar amount of grant applications made for the Town by O'Connell. Finance Director, Brian Luke stated that amount is \$1,715,549.00 of which the Town has received \$500,000.00. Councilmember Townsend asked for confirmation that the gap in funds received and outstanding is because we are still awaiting awarding decisions on the balance. Mr. Luke confirmed that was correct. Councilmember Koshykar also asked about the amount of funding for which the town awaits notice. The Finance Director responded that \$1,215,549.00 is outstanding and represents the majority of the funds applied for.

Hearing no further comment, a Resolution to authorize the Town Supervisor to sign the proposed Agreement between the Town and that the Supervisor is authorized to sign an agreement with J. O'Connell & Associates, Inc. for grant consultant services, was offered by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

RESOLVED, that the Supervisor is authorized to sign an agreement with J. O'Connell & Associates, Inc. for grant consultant services.

OPERATIONAL MATTERS

PUBLIC COMMENTS

No comments were offered.

Supervisor Smith discussed Climate Smart Community (CSC) certification and the next steps needed to proceed with it. Councilmember Townsend offered her support and mentioned that the Towns Environmental Advisory Board is available to assist with the process. She also noted that she knows a significant amount of the work to complete the tasks will involve Town staff and she encourages all department heads to reach out with any needs, for staffing or other resources.

A Resolution that the Town Board adopt the New York State Climate Smart Communities pledge, in accordance with the term of the proposed written resolution submitted, was offered by Supervisor Smith, seconded by Councilmember Beckford and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

PERSONNEL MATTERS

PUBLIC COMMENTS

No comments were made.

HIRING/PERSONNEL ADJUSTMENTS APPROVED

A Resolution to approve the recommendations for new hires and status and/or salary changes was offered for approval by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following employee(s) are recommended as a new hire based on the recommendation of the Functional Coordinator(s) for these areas:

Name	Dept	Position	Rate	Date of Hire
Robert Sweet	IT	Micro Computer Support Tech-RFT	\$23.79	12/09/2021

All the proper reviews and background checks have been completed for these candidate(s) and have received appropriate sign off by the Town Board representative.

Name	Dept	Position	Rate	Date of Hire
Robert Sweet	IT	Micro Computer Support Tech-RFT	\$23.79	12/09/2021

The following employee(s) is recommended for a status change and/or salary change due to a change in status.

Name	Position	Reason for Change	Salary	Effective Date
John Young	GEO II	Promotion - replacement	\$24.74/hr	12/06/2021

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Should the Board approve the above recommendation and personnel adjustment, the following resolution is being proposed, RESOLVED, that the Town Board approves the appointment for the following employee(s):

Name	Position	Reason for Change	Salary	Effective Date
John Young	GEO II	Promotion - replacement	\$24.74/hr	12/06/2021

OTHER BUSINESS

Councilmember Beckford advised board members on work of the Equity Advisory Committee. He expressed thanks to Chief of Staff Spencer Bernard for his work as a member of the Committee. Councilmember Beckford noted that the Martin Luther King, Jr. Living the Dream series will be presented on Tuesdays in January, with events including movie nights, panel discussions and a performance by the MLK Youth Choir. Registration is live for the MLK Youth Choir event on the Town's library website. Councilmember Beckford asked for data on the cost of 100% renewable electricity compared to the RG&E rate and the Supervisor undertook to obtain this information. Councilmember Townsend recommended determining now what members of Volunteers Boards with terms expiring seek reappointment, to enable volunteer board appointments earlier in 2022 than in 2021.

PUBLIC COMMENTS

Kathleen Cristman offered a comment.

With no further business, the meeting adjourned at 7:27 p.m.

Respectfully submitted,

Renee McQuillen
Town Clerk