Minutes of the Town Board for July 17 2007

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, July 17 2007 at 7:00 P.M. local time in Pittsford Town Hall.

PRESENT: Supervisor William A. Carpenter and Councilpersons Sandra F. Zutes, John J. Higgins, Jr., Karen W. Green, and John E. Bernacki, Jr.
ABSENT: There were no Town Board members absent.
ALSO PRESENT: Staff Members: Paul J. Schenkel, Commissioner of Public Works; Gregory J. Duane, Finance Director; Paul W. Wilson, Director of Recreation & Technology; Richard T. Williams II, Town Attorney; Patricia E. Chuhta, Town Clerk.

ATTENDANCE: Thirty-seven members of the public were in attendance.

Supervisor Carpenter called the meeting to order at 7:00 P.M. and invited everyone to stand for the Pledge of Allegiance.

PUBLIC COMMENTS
Residents Judy Braiman, Michael Slade and Gerry Minerd discussed Cable Channel 12, Town Board minutes and product safety issues with the members of the Town Board.

PUBLIC HEARING: PROPOSED LOCAL LAW #5 OF 2007 – AMENDING ARTICLE XVII ENTITLED SUPPLEMENTAL REGULATIONS OF CHAPTER 185 OF THE TOWN OF PITTSFORD MUNICIPAL CODE (SATELLITE ANTENNAS)
The Supervisor verified publication of a legal notice for this public hearing and requested that Town Attorney Rich Williams give an overview of the proposed amendment. Supervisor Carpenter then opened the public hearing to public comments. There being no public comments, the public hearing was closed.

The text of the proposed Local Law #5 of 2007 is as follows:

LOCAL LAW NO. 5 OF 2007:
THE ADOPTION OF PROPOSED LOCAL LAW
NO. 5 of 2007: AMENDING ARTICLE XVII ENTITLED SUPPLEMENTAL REGULATIONS OF CHAPTER 185 OF THE TOWN OF PITTSFORD MUNICIPAL CODE

Sec. 1 Title

This Local Law shall be known as “Local Law No. 5 of 2007: Amending Article XVII; Entitled Supplemental Regulations of Chapter 185 Of The Town Of Pittsford Municipal Code”

Sec. 2 Amendments to Existing Law

The Pittsford Town Code, Chapter 185, Article XVII, shall be amended to revise §185-127 to read as follows:

A. Findings and purpose. The Town Board of the Town of Pittsford has become concerned about appearance and impact of satellite antennas. The Board finds that unless regulated, such antennas can be installed in an aesthetically unpleasant manner with an adverse impact on surrounding properties. The intent and purpose of this section is to establish a procedure and criteria to avoid the adverse impacts of the installation of such antennas and to preserve the character, beauty and general welfare of the municipality, while complying with the restrictions imposed by the federal government in 47 CFR 104.

B. Definition. As used herein, the following terms shall have the meanings indicated:

SATELLITE ANTENNA -- An apparatus capable of receiving communications from a transmitter or transmitter relay located in geo-planetary orbit.

C. Satellite dish considered structure; requirements. No person shall cause, suffer or permit the erection and/or maintenance of any satellite antenna or device, except as set forth herein:

(1) Any such antenna shall be considered a structure for which a building permit is required.

(2) Except as provided in sub-section “F” hereof, in residential districts such antennas shall be ground-mounted only and be located in the rear yard area. In nonresidential districts such antennas may be ground-mounted or roof-mounted. In all districts such antennas must comply with applicable setback requirements.

D. Applications; permits. Applications for building permits shall be made to the Code Enforcement Officer. Plans and sketches shall be submitted by the owner of the premises only. Said plans shall show the location of all physical improvements on the subject premises and the proposed location of the antenna. Proposed new landscaping shall be depicted.

(1) No installations shall be allowed over or upon an easement.

(2) The diameter of such dish shall not exceed 12 feet. The height of such device and its installation shall not exceed 15 feet above ground level at its maximum height for ground-mounted antennas. Roof-mounted antennas extending more than three feet above the roof line shall be concealed from ground-level view by a parapet wall or by exterior architectural material.

(3) The color of such installation shall be in solid earth-tones, and said color tones shall be maintained in such character during the usage of said satellite antenna under this permit.

(4) All ground-mounted antennas shall be effectively screened on all sides that do not create an adverse picture reception by a solid fence, compact evergreen hedge, planting screen or principal structure. Satellite
antennas shall be located and designed to reduce or eliminate visibility from surrounding properties at street level and from public streets.

(5) All installations shall be in compliance with the manufacturer’s instructions and erected in a good and workmanlike manner.

(6) All antennas and the construction and installation thereof shall conform to applicable electrical, fire prevention and building codes.

(7) Antennas shall meet manufacturer specifications, be of noncombustible and corrosive-resistant material and be erected in a secure, wind-resistant manner.

(8) Every antenna must be adequately grounded for protection against a direct strike of lightning.

(9) The Code Enforcement Officer, when he deems it necessary, may require the owner to provide certification by a licensed architect or professional engineer as to the safety of the installation and, in the case of roof-mounted antennas, as to the appropriate load-bearing capacity of the roof.

E. Permit fee. An application for a building permit pursuant to this section shall be accompanied by such fee as is specified for the same by resolution of the Town Board.

F. Exemption for small antennas. A satellite antenna which is 40” or less in diameter may be installed without the necessity of obtaining a building permit and not subject to the requirements of paragraph C (2) hereof; provided that such antenna is installed behind the front façade of the main structure, does not extend above the roofline of the main structure and complies with the provisions of paragraphs D (3) through and including (9) of this section.

G. Relief from provisions. Upon application to the Zoning Board of Appeals, relief from the provisions of this section may be granted in the event that the Zoning Board of Appeals finds that full compliance would impair installation, maintenance or use by reason of:

(1) Unreasonable delay;

(2) Unreasonable increase the cost; or

(3) Preclusion of reception or transmission of a reasonably acceptable quality signal.

Sec. 3 Severability
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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.

SEQRA PROCEEDINGS: PROPOSED LOCAL LAW #5 OF 2007 – AMENDING ARTICLE XVII ENTITLED SUPPLEMENTAL REGULATIONS OF CHAPTER 185 OF THE TOWN OF PITTSFORD MUNICIPAL CODE (SATELLITE ANTENNAS)

The following Resolution was offered by Councilwoman Zutes, and seconded by Councilwoman Green,

RESOLVED, that the Pittsford Town Board, upon consideration of all written and oral submissions, public comment, comment from appropriate agencies, as well as the Short Form Environmental Assessment Form, and upon having given this matter due deliberation and consideration, finds that the proposed amendment to Article XVII of the Town of Pittsford Municipal Code will have no significant adverse impact on the environment; and be it further RESOLVED, that the Town Board issues a Negative Declaration for the adoption of proposed Local Law No. 5 of 2007.


PROPOSED LOCAL LAW #5 OF 2007 - AMENDING ARTICLE XVII ENTITLED SUPPLEMENTAL REGULATIONS OF CHAPTER 185 OF THE TOWN OF PITTSFORD MUNICIPAL CODE (SATELLITE ANTENNAS) APPROVED

The following Resolution was offered by Supervisor Carpenter, and seconded by Councilman Bernacki,

RESOLVED, that Local Law No. 5 of 2007: Amending Article XVII; Entitled Supplemental Regulations, of Chapter 185 Of The Town Of Pittsford Municipal Code, 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 17th day of July, 2007, there shall be filed with the Secretary of State one certified copy of said Local Law No. 5 of 2007.


SUPERVISOR’S COMMENTS

- Supervisor Carpenter noted that the historic Erie Canal Schooner, Lois McClure, is moored at the Port of Pittsford Park for a three-day layover through July 18th. He said that there are many activities planned around the visit including free tours, exhibits, band concerts and lectures.
MINUTES OF JUNE 19 2007 APPROVED
The following Resolution was offered by Councilman Bernacki, and seconded by Councilwoman Green,
RESOLVED, that the minutes of June 19 2007 Town Board meeting are approved as written.

RESOLUTION OF COMMENDATION: ELDERBERRY EXPRESS 20TH ANNIVERSARY
The following Resolution was offered by Supervisor Carpenter, and seconded by Councilman Higgins,
RESOLVED that the Town Board of the Town of Pittsford presents Elderberry Express with a signed and sealed Resolution of Commendation in recognition and appreciation of this occasion of their 20th Anniversary, honoring the organization and its volunteers for their continued dedication and service to our senior residents.

DISCUSSION: PROPOSED PITTSFORD CELEBRATES BANNERS
The Town Board discussed the proposed new Pittsford Celebrates banners.

2007 FALL RECREATION PROGRAMS AUTHORIZED
The following Resolution was offered by Councilman Bernacki, and seconded by Councilwoman Zutes,
RESOLVED, that the Town Board approves the 2007 Fall Recreation program schedule, as amended, and the Supervisor is authorized to sign vendor contracts as required.

JUSTICE COURT AUDIT ACKNOWLEDGED
The following Resolution was offered by Councilman Higgins, and seconded by Councilwoman Zutes,
RESOLVED, that the Town Board acknowledges that the required Justice Court Audit, per Section 2019-a of the Uniform Justice Court Act, has been conducted and filed with the Town Clerk.

2007/2008 INSURANCE CONTRACT AWARDED
The following Resolution was offered by Councilwoman Zutes, and seconded by Councilman Higgins,
RESOLVED, that based upon the recommendation of Timothy McNelly, the town’s insurance consultant, the Town of Pittsford’s insurance coverage is awarded to First Niagara Risk Management for a three-year contract, renewable annually, with a 2007-2008 premium not to exceed $114,041.00.
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**DISCUSSION: DOG CARE FACILITIES**
The Town Board discussed two requests from companies that would like to provide dog-sitting services in the town of Pittsford. Town Attorney Williams will research this issue for future Town Board consideration.

**ACTUARIAL SERVICES FOR POST RETIREMENT BENEFITS AUTHORIZED**
The following Resolution was offered by Councilman Bernacki, and seconded by Councilwoman Zutes,

**RESOLVED**, that the Supervisor is authorized to sign an agreement with Brown & Brown Consulting for GASB45 Actuarial Services at a cost not to exceed $5,000.00.


**RPO CONCERT GRANT APPLICATION AUTHORIZED**
The following Resolution was offered by Councilman Higgins, and seconded by Councilwoman Green,

**RESOLVED**, that the Supervisor is authorized to sign a grant agreement with New York State Office of Parks, Recreation and Historic Preservation for $15,000.00 to offset costs associated with the Rochester Philharmonic Orchestra (RPO) concert on the Erie Canal.


**THINK CIVIC WEB SITE DEVELOPMENT CONTRACT AMENDMENT AUTHORIZED**
The following Resolution was offered by Supervisor Carpenter, and seconded by Councilwoman Zutes,

**RESOLVED**, that the Town Board amends their Resolution of June 5 2007 and accepts the proposal from Think Civic for web site redevelopment and authorizes the Supervisor to sign contracts as necessary at a price not to exceed $42,980.00; the source of the fund will be the “Web Site Capital Fund”.


**JULY 2007 VOUCHERS APPROVED**
The following Resolution was offered by Councilman Higgins, and seconded by Councilwoman Zutes,

**RESOLVED**, that July 2007 vouchers No. 78531 through No. 78940 in the amount of $697,511.13 are approved for payment.


**JULY 2007 BUDGET TRANSFERS AND AMENDMENTS APPROVED**
The following Resolution was offered by Councilwoman Green, and seconded by Supervisor Carpenter,

**RESOLVED**, that the following budget transfer is approved: that $2,582.00 be transferred from 001-7550-4018-11-1 (Buffalo Bills Event- Expense) to 001-7270-4000-11-21 (Concert – Expense) to cover costs associated with the RPO concert.
RESOLVED, that the following budget amendment is approved: that the line item 341-5182-4111 (1-2 Pole District – Materials) be increased by $5,198 and line item 341-5182-4202 (1-2 Pole District – RG&E Expense) be increased by $257 to cover the costs associated with installation of lights in the Greythorne Hill Subdivision. The source of these funds will be monies collected as part of the district extension.

It is further RESOLVED, that the Director of Finance make the appropriate budget entries.


DISCUSSION: 2008 BUDGET PROCESS
Supervisor Carpenter discussed the 2008 budget schedule and noted that Budget Request Forms have been distributed to Town department heads so that they may begin working on their budget requests and submit them to him by August 3rd. Supervisor Carpenter indicated that he expects to submit his budget proposals by the end of August and that budget workshop sessions will begin in September and will be held at the conclusion of the regularly scheduled Town Board meetings. He noted that a Tentative Budget will be filed with the Town Clerk by September 30th, and the budget is expected to be adopted at the November 6th Town Board meeting.

EXECUTIVE SESSION CALLED
The following Resolution was offered by Supervisor Carpenter, and seconded by Councilwoman Zutes,

RESOLVED, that the Town Board will go into executive session to discuss a personnel issue.


This portion of the meeting was adjourned at 7:54 P.M.

Respectfully submitted,

Patricia E. Chuhta
Town Clerk

RETURN TO REGULAR SESSION
The following Resolution was offered by Supervisor Carpenter, and seconded by Councilman Bernacki,

RESOLVED, that the Town Board will leave Executive Session and return to regular session.


REVISED ADMINISTRATIVE SALARY STRUCTURE ADOPTED
The following Resolution was offered by Councilwoman Green, and seconded by Councilman Higgins,
RESOLVED, that the Town Board approves the recommendation of the Director of Personnel to increase the salary of Jessie Hollenbeck to reflect a market adjustment in accordance with the Administrative Salary Program. 

As there was no further business, the Supervisor adjourned the meeting.

Respectfully submitted,

William A. Carpenter  
Supervisor