

Minutes of the Town Board for February 16, 2021

**TOWN OF PITTSFORD  
TOWN BOARD  
FEBRUARY 16, 2021**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, February 16, 2021 at 6:00 P.M. local time via Zoom.

**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: Kelly Cline, Fire Marshal, Amanda Madigan, Library Director; Shelley O'Brien, Communications Director; Jessie Hollenbeck, Recreation Director; Cheryl Fleming, Personnel Director; Paul J. Schenkel, Commissioner of Public Works; Brian Luke, Finance Director; Robert B. Koegel, Town Attorney; Linda M. Dillon, Town Clerk, and Spencer Bernard, Chief of Staff.

**ATTENDANCE:** There were seventy-eight (78) members of the public in attendance, as well as an interpreter.

Supervisor Smith called the Town Board meeting to order at 6:00 P.M. The Town Clerk noted all board members present and Supervisor Smith lead in the Pledge to Flag.

The Supervisor noted that the Board will be considering the agenda items regarding Financial Matters out of order, hearing them now, as the first agenda item(s).

**FINANCIAL MATTERS  
PUBLIC COMMENTS**

No comments were offered regarding Financial Matters.

**LIBRARY FURNITURE PROJECT APPROVED**

Library Director, Amanda Madigan, gave a brief history and explanation for the proposed library furniture replacement project. Thereafter, upon the recommendation of the Finance Director, a Resolution for approval to proceed with the Library Furniture Project was offered by Councilmember Townsend, 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 Director of Finance is authorized to make the transfer and budget amendment necessary to proceed with the Library Furniture Project.

**BUDGET TRANSFERS AND AMENDMENT APPROVED**

Finance Director Brian Luke confirmed and explained the two (2) proposed Budget Transfers. Thereafter a Resolution to approve the Budget Transfers and Amendment was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, 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 the following budget transfers and amendment are approved:

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- That \$21,000.00 be transferred from 1.9950.9000.1.1 (WT – Transfer for Capital Improvement) to the Library Fund 3.35031 (Library – Interfund Revenue) and that these funds then be expended from 3.7410.2002.1.3 (Library – Office Equipment).
- That \$9,000.00 be transferred from 1.9950.9000.1.1 (WT – Transfer for Capital Improvement) to the Turf Maintenance Capital Reserve Fund per the contract agreement with Pittsford Central School District.

### **FEBRUARY VOUCHERS APPROVED**

Following clarification given to Councilmember Koshykar regarding a few items on the list of vouchers, a Resolution to approve the proposed vouchers was offered by Supervisor Smith, 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 February 2021 vouchers No. 150042 through 150374 in the amount of \$3,618,989.97 are approved for payment.

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

The Resolution was declared carried as follows:

**RESOLVED**, that the following equipment items be declared surplus/junk and be removed from the Town's inventory.

<u>Asset #</u>	<u>Year</u>	<u>Description</u>	<u>Department</u>	<u>Cost</u>	<u>Disposition</u>
13788	1999	Pressure washer	Sewer	\$2,799.00	Auction
15986	2009	Scout locator	Sewer	\$1,161.69	Auction
15987	2009	See snake w/monitor	Sewer	\$8,845.00	Auction
14056	2003	Pipe Locator	Sewer	\$2,205.00	Auction
17253	2013	12" Chain saw	Sewer	\$286.59	Auction
13593	1994	FLYGT pump	Sewer	\$299.00	Auction
13729	1998	4" Multiquip pump	Sewer	\$2,665.00	Auction
13821	2000	10" Contractor saw	Sewer	\$862.00	Trf to Maint.
14220	2005	Grease gun	Sewer	\$199.00	Auction
15941	2007	Backpack blower	Parks	\$344.00	Junk
14217	2005	Field marker	Parks	\$4,435.00	Junk
17261	2013	Push mower	Parks	\$499.00	Junk
12892	2002	Chair	Parks	\$194.00	Junk
12897	2002	Chair	Parks	\$194.00	Junk
12904	2002	Chair	Parks	\$194.00	Junk
12902	2002	Chair	Parks	\$194.00	Junk
12893	2002	Chair	Parks	\$194.00	Junk
12901	2002	Chair	Parks	\$194.00	Junk
12903	2002	Chair	Parks	\$194.00	Junk

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### LEGAL MATTERS

#### PUBLIC COMMENTS

The following people commented: Sadie Szrama, Tharaha Thavakumar, Annalise Johnson-Smith, David Ferris, Natalie Maley, Catherine Doyle, Ron Bajorek, Jeff Luellen, Pearl Brunt, Ginger Sacco, Mary Moore, Carolyn Gauvin and Colleen Deuel.

### DISCUSSION OF QUESTIONS AND PROPOSALS FROM COUNCILMEMBER KOSHYKAR

*As this discussion had significant detail, the Town Clerk included a summary of the discussion within these Minutes, as written below:*

The Supervisor noted that Councilmember Koshykar had presented to the Board a memorandum requesting changes to the Board's Rules of Procedure and requested public Board discussion about it. He invited Councilmember Koshykar to address the Board regarding her requested changes.

Councilmember Koshykar proposed, as an alternative to a public Board discussion, creating a committee to study the issue and advise the Board, and offered a motion to that effect that then was seconded by Councilman Beckford. The Supervisor noted that to be considered at this meeting the proposed resolution would have had to be submitted for consideration by the Friday before this meeting. Councilmember Koshykar expressed concern about the length of public Board discussion that would take place about her proposals. Councilmember Townsend stated that she would like to have open discussion on these topics, noting that such discussion would be helpful, and would be helpful if, following Board consideration, it was found necessary to use a committee. After further discussion the Supervisor asked Councilmember Koshykar whether, since her memorandum was on the Agenda for public discussion at her repeated request, she wished to proceed with that discussion. She agreed to move forward with discussion.

1. Formalization of Rules. It was agreed to post the Rules of Procedure on the Town's website, accessible from the Town Board page.

#### 2. Requiring Non-Resident Comments

Councilmember Koshykar requested that non-residents of Pittsford should be able to comment at Pittsford Town Board meetings at opportunities for "Public Comment" and referred to her memorandum's summary of the law on this subject. Town Attorney Koegel noted that the Town Board is fully compliant with applicable law in determining those permitted to comment at Board meetings. He continued that these include, as defined by opinions of the State Attorney General and the State Committee on Open Government:

- Residents of Pittsford;
- Owners of property in the Town who pay Town taxes;
- Owners of businesses in the Town
- An attorney or agent designated by a resident to speak on the resident's behalf

The Town Attorney noted that people in all of these categories are permitted to offer public comments at Pittsford Town Board meetings. He advised the Supervisor to state this clearly at each meeting and the Supervisor agreed. The Town Attorney also noted that Town staff members have always been able to speak at Board meetings, without time limit.

Councilmember Beckford stated that we should allow non-residents to comment who have a "vested interest." Deputy Supervisor Munzinger strongly believes that the comment time should be for residents and Town of Pittsford taxpayers and business owners only. Councilmember Townsend believes the definition of our community encompasses many people, because Town lines do not correspond with mailing addresses, nor do they correspond with School District lines. She suggested that, if the Board allowed comments from those outside the permitted categories, it will be important to continue to ask each commenter for their name and address, to weigh their comment in light of the matter being discussed. Supervisor Smith noted the State Committee on Open Government has defined those having a "vested interest" for purposes of being able to comment by the points just summarized by the Town Attorney, that he agrees with its definition and that this is the standard we use in Pittsford. He noted that people who live in other Towns, even if within the Pittsford School District, have their own Town Boards, and that the duty of Pittsford elected officials is to the people of Pittsford.

3. Board Members' use of Cellphones and Devices during meetings

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Councilmember Koshykar stated that that Open Meetings Law considerations that prevent Board members from accessing cellphones during Board meetings should also apply to other devices capable of internet connectivity. She also asked about applying the ban on cell phone use to the Town's various volunteer boards.

Town Attorney Koegel responded that cellphone use during meetings had only been an issue at the Town Board, not on any of the volunteer boards subject to the Open Meetings Law applies. Councilmember Townsend indicated that laptops should be permitted, because of the amount of paper used if all Board members were limited to printed material. Supervisor Smith and Deputy Supervisor Munzinger both agreed that cell phones should not be visible to town Board members during meetings, but laptops should not be prohibited. Councilmember Beckford agreed that cell phone should not be visible to Town Board members during Board meetings, but laptops and iPads should be permitted.

### 4. Application of Rules

Councilmember Koshykar stated that the Supervisor does not apply the Rules uniformly, particularly regarding people speaking at meetings. Town Attorney Koegel disagreed. He noted that the Presiding Officer at Board meetings has authority to liberally interpret the rules to facilitate the conducting of business. Supervisor Smith noted that he tries to not "stand on ceremony" and tries to allow people leeway to speak when possible, without regard to their point of view or political affiliation, citing an example of allowing a vocal opponent of the Town Administration to speak for 15 minutes instead of 2. He noted that Staff members are not subject to time limits or other limits in speaking at Town Board meetings, nor should they be. Councilmember Townsend said that they all, as Board members, should try to make sure the consistency is present. She added, in particular, that board members should refrain from questioning or engaging in dialogue with public commenters after they have spoken. The Board member could follow-up separately with the commenter after the meeting. Councilmember Townsend noted that the rules state that board discussion of a resolution should follow a resolution being moved and seconded, rather than the other way around, as often occurs; that to be as consistent as possible might require some simplification of the existing rules.

### 5. Calling Special Meetings

Councilmember Koshykar noted that the Rules authorize the Supervisor to call special meetings of the Board and asked that a majority of the Board be given this power as well. The Town Attorney noted that the Board already has the power by majority vote to call a special meeting, pursuant to State law, and that this is referenced in the Town's rule on Special Meetings. Councilmember Townsend suggested that it should be stated in our own rule, instead of just referring to the State law.

### 6. Format of Board Discussion

The Rules call for the Presiding Officer to recognize Board members in an alternating pattern between those who oppose a resolution and those who support it. This has never been followed. All Board members agreed to remove this rule.

### 7. Placing Items on Agenda for Town Board meetings

Councilmember Koshykar noted that authority to list items on the Agenda for Board meetings is held by the Supervisor. She stated that the current ability of all Board members to bring up any subject under the "Other Matters" portion of the Agenda is not sufficient, because it does not give advance notice of what will be discussed. Town Attorney Koegel explained the importance of the need to review matters prior to placing an item on the agenda, including the work and input that is given to matters from staff that may have extensive knowledge regarding such matters. He said that to do otherwise would not allow time for study and review, could mislead the public into thinking that something could be done that might be pre-empted by State law or by cost or by practical considerations, and would be conducive to creating chaos. Supervisor Smith confirmed and agreed with the Town Attorney's analysis. Councilmember Townsend observed that she was not firmly resolved on this matter and would like more time to think about it, its different levels and the consequences of changing the current Rule. Deputy Supervisor Munzinger agreed with the Town Attorney, noting that does not seem to be a Board consensus on this item at this point. Councilmember Beckford expressed support for Councilmember Koshykar's proposal. He noted his frustration in trying to get on the agenda a 30-minute presentation by Annelise Johnson-Smith on the use of pronouns.

Further discussion ensued regarding the purpose of a Town Board meeting and the role of Town Board as a legislative body, rather than a college seminar, book club or discussion group. Councilmember Townsend

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suggested that Town Board meetings are not the appropriate venue for educational presentations, but that these may be offered by their presenters in a separate public presentation. Deputy Supervisor Munzinger agreed, Supervisor Smith reminded members that the purpose of Town Board meetings is to consider in an orderly and reasonable manner issues that are germane to municipal government and to providing services to the residents of Pittsford, which he said is why the Town Board exists.

### 8. Two Year Cycle

The rule restricting introducing of a resolution, other than for routine operational matters, more than once in any two year cycle, was discussed. It was explained that this does not limit introduction of a resolution to once every two years, but rather to once in each "cycle," where a "cycle" consists of each even-numbered calendar year and the next odd-numbered calendar year.

### 9. Pronouns in the Rules

Councilmember Koshykar objected to the use of the language "his or her" in two places in the Rules. No Board member objected to changing these references.

Noting the hour, the Board agreed to defer until the next meeting discussion requested by Councilmember Koshykar in her memorandum about social media use by elected officials.

## **MINUTES OF THE FEBRUARY 2, 2021 MEETING APPROVED AS AMENDED**

Following a proposed amendment/addition – inserting the name of "Impact Earth" on Page 7, where indicated, a Resolution to approve the Minutes of the February 2, 2021 meeting as amended was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

**RESOLVED**, that the Meeting Minutes of the February 2, 2021 meeting are approved as amended.

## **OPERATIONAL MATTERS**

### **PUBLIC COMMENTS**

No comments were offered.

## **AMENDMENT OF RESOLUTION CREATING EQUITY ADVISORY COMMITTEE APPROVED**

An Amendment to the Resolution of January 19 Creating the Equity Advisory Committee was offered by Councilmember Townsend, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the resolution of the Town Board to create an Equity Advisory Committee, as memorialized in the approved minutes for the meeting of January 19, 2021, be and hereby is amended to read in its entirety as follows:

**RESOLVED**, that there is hereby created an Equity Advisory Committee. The Committee will be comprised of nine (9) members, each of whom will be approved by a majority vote of the Town Board. Applications will be publicly solicited. Applicants will be interviewed in the manner of candidates for Town volunteer boards. Two (2) Committee members will be Town Board members, 1 Democrat and 1 Republican. Three (3) members will be Town staff employees. Four (4) members will be Town non-employee residents. The Committee will have a duration of six (6) months, measured from the date it is first fully-constituted. The purpose of the Committee will be to do as follows:

1) Identify multiple options for a long-term structure that advises the Board on matters related to equity, diversity and inclusion;

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- 2) assess the potential advantages and disadvantages of each option;
- 3) rate the potential effectiveness and applicability of each option for our community;
- 4) recommend considerations for membership on such structure; and
- 5) report the Committee's conclusions to the Town Board in writing and by presentation.

### PERSONNEL MATTERS

#### PUBLIC COMMENTS

No public comments were offered regarding Personnel Matters.

### HIRING RESOLUTION APPROVED

A Resolution to approve the proposed recommendations for a new hire, based on the recommendation of the Functional Coordinator for the Recreation Director, 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 following personnel be and hereby is approved for the date of hire as recommended.

<b>Name</b>	<b>Dept</b>	<b>Position</b>	<b>Salary</b>	<b>Effective Date</b>
Sierra Welker	Rec	Rec Assistant III – PT	\$14.15/hr	02/22/2021

### OTHER BUSINESS

Supervisor Smith reminded the Board that the Town will be conducting interviews for open positions on the Volunteer Boards. The Supervisor noted that all volunteer board members whose term of office is expiring have been contacted and have all indicated a desire to remain on their respective boards. The Supervisor requested that all members respond to his inquiry regarding the candidates for these volunteer board positions.

No other business was discussed.

### PUBLIC COMMENT

Tharaha Thavakumar offered a comment.

Having no further business to discuss, the Supervisor adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Linda M. Dillon  
Town Clerk