

Minutes of the Town Board for September 17, 2019

**TOWN OF PITTSFORD  
TOWN BOARD  
SEPTEMBER 17, 2019**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, September 17, 2019 at 6:00 P.M. local time in Pittsford Town Hall.

**PRESENT:** Supervisor William A. Smith, Jr.; Councilpersons Kevin Beckford, Katherine B. Munzinger, Matthew J. O'Connor and Stephanie Townsend.

**ABSENT:** None.

**ALSO PRESENT:** Staff Members: Paul J. Schenkel, Commissioner of Public Works; Greg Duane, Finance Director; Linda Dillon, Town Clerk; Suzanne Reddick, Assistant to Supervisor; and Shelley O'Brien, Communications Director.

**ATTENDANCE:** There were 41 (forty-one) members of the public in attendance. There were also three (3) additional staff members present and an interpreter.

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

**SUPERVISOR'S ANNOUNCEMENTS**

Supervisor Smith noted that there will be two (2) public hearings tonight and that there is an interpreter present and available for anyone who may need those services.

**PUBLIC HEARING ON LOCAL LAW NO. 3 OF 2019 – PROHIBITED AREAS FOR THE DISCHARGE OF FIREARMS APPROVED**

Supervisor Smith explained the proposed Local Law No. 3 of 2019, which will re-emphasize the prohibited areas for the discharge of firearms in Pittsford, as well as amending the Town code to remove the town-owned Royal Coach open space area as a permitted bow-hunting area in Pittsford. Supervisor Smith then opened the public hearing for comments. No public comments were offered.

Some comments and discussion ensued among board members thereafter. Councilman Beckford confirmed with a Turtle Creek resident that was present that they were comfortable with this amendment in our Town Code. Councilwoman Townsend commented that she was not convinced that this was the solution to the problem that was raised last year and felt that it should be more comprehensive. Supervisor Smith indicated that although the amendment could be more comprehensive, it could be expanded in future as needed; that it targets a specific problem brought to the Town's attention. Supervisor Smith recommended proceeding and if more is needed, additional measures could be taken. There was also discussion and confirmation that additional signage could be added to problem areas, like Turtle Creek, as well as additional public communication to residents. Supervisor Smith also indicated that the Town can consult with the DEC (Department of Environmental Conservation) for advice on enforcement. Councilman O'Connor and Deputy Supervisor Munzinger confirmed that they are in agreement with the proposed Resolution, though Councilman O'Connor did point out that the local law does not address the real underlying root issue, deer overpopulation that cannot be solved with signage and enforcement of firearm discharge prohibitions. He challenged future Boards to look to the Cornell College of Agriculture and Life Sciences for solutions based on research on the Ithaca campus, which could involve periodic controlled hunts and use of contraception to thin the herd.

Thereafter, a Resolution to adopt Local Law No. 3 of 2019: Amending §83-3 and §§109-8 and 109-10 of Pittsford Municipal Code, was offered by Deputy Supervisor Munzinger, seconded by Supervisor Smith, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

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The following Resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 3 of 2019, amending §83-3 and §§109-8 and 109-10 of Pittsford Municipal Code, relating to prohibited areas for the discharge of firearms and to bow hunting in the Royal Coach Open Space, 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 17th day of September, 2019; 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 17th day of September, 2019, at 6:00 P.M., Local Time, at the Town Hall, 11 South Main Street, Pittsford, New York, on said Local Law No. 3 of 2019; and

WHEREAS, the said public hearing was duly held on the 17th day of September, 2019, at 6:00 P.M., Local Time, at the Town Hall, 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 2019; and

WHEREAS, the adoption of Local Law No. 3 of 2019 relating to prohibited areas for the discharge of firearms and to bow hunting in the Royal Coach Open Space is essentially a safety regulation and is not an "action" which may affect the "environment" as those terms are defined under 6 NYCRR § 617.2(b) & (l), or alternatively, is a Type II action not subject to review under SEQRA pursuant to 6 NYCRR § 617.5(c)(21), (26), & (33); 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 2019; and

WHEREAS, it was the decision of the Town Board that said Local Law No. 3 of 2019 should be adopted;

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

**RESOLVED**, that Local Law No. 3 of 2019: Amending §83-3 and §§109-8 and 109-10 of the 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 September, 2019, there shall be filed with the Secretary of State one certified copy of said Local Law No. 3 of 2019.

*The following is an exact copy of Local Law No. 3 of 2019 – Amending §83-3 and §§109-8 and 109-10 of the Pittsford Municipal Code.*

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

**LOCAL LAW NO. 3 OF 2019:  
AMENDING §83-3 AND §§109-8 AND 109-10 OF THE PITTSFORD  
MUNICIPAL CODE RELATING TO PROHIBITED AREAS FOR  
THE DISCHARGE OF FIREARMS AND BOW HUNTING IN THE  
ROYAL COACH OPEN SPACE**

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Sec. 1 Title

This Local Law shall be known as “Local Law No. 3 of 2019: Amending §83-3 and §§109-8 and 109-10 of The Pittsford Municipal Code Relating to Prohibited Areas for the Discharge of Firearms and Bow Hunting in the Royal Coach Open Space.”

Sec. 2 Amendment #1 to Existing Law

The Pittsford Town Code, Chapter 83, shall be amended to revise §83-3 to read as follows:

**§83-3. Prohibited areas.**

The areas described below are hereby designated as areas wherein the discharge of a firearm is deemed hazardous to the general public or nearby residents and, therefore, is declared to be unlawful and prohibited subject to the penalties hereinafter specified:

- A. Area 1. Bounded on the south by West Jefferson Road and East Jefferson Road; on the west by the Pittsford-Henrietta town line and the Pittsford-Brighton town line; on the north by the Pittsford-Brighton town line and the Pittsford-Penfield town line; and on the east by the Pittsford-Perinton town line; excepting the lands which are within the corporation limits of the Village of Pittsford.
- B. Area 2. Bounded on west by Mendon Road; on the north by Van Voorhis Road; on the east by Mill Creek; and on the south by the northern boundaries of Town-owned tax parcels nos. 192-01-1-18.111 and 192.02-3-42.

Sec. 3 Amendment #2 to Existing Law

The Pittsford Town Code, Chapter 109, shall be amended to revise §109-8 to read as follows:

**§109-8. Firearms.**

No person shall possess or discharge any firearm, spring or air gun, or bow and arrow or any concealed weapon within such parks or areas, except as part of an organized Parks and Recreation Department program. Members of authorized law enforcement agencies in the course of their duties and Animal Control Officers appointed by the Town while in the exercise of their duties pursuant to Article III of Chapter 58 of this Code are exempted from such prohibition.

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Sec. 4 Amendment #3 to Existing Law

The Pittsford Town Code, Chapter 109, shall be amended to revise § 109-10 to read as follows:

**§109-10. Hunting; trapping; fishing.**

No person shall be permitted to engage in hunting, trapping or fishing in parks and recreational areas which are posted to restrict these activities, except as authorized by the Director of Parks and Recreation.

Sec. 5 Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

Sec. 6 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

**PUBLIC HEARING ON TOWN COMPREHENSIVE PLAN UPDATE 2019**

Supervisor Smith opened the Public Hearing on the Town Comprehensive Plan, which continued a hearing from the September 3rd meeting.

Supervisor Smith thanked the volunteers who served on the citizens' Steering Committee for over four years, to help to develop this Comprehensive Plan Update, most of whom were present at the meeting:

- Mayor Bob Corby
- Jeff Donlon
- George Dounce
- Mark Greene
- John Halldow
- Paula Liebschutz
- Alysa Plummer
- Joe Ryan
- Bonnie Salem
- Lloyd Theiss
- Jeff Wright
- William Smith, Jr.

He introduced Bergmann Associates representative, Kimberly Baptiste, the Town's consultant for the plan, to make a presentation on the Comprehensive Plan and the planning process. Ms. Baptiste reviewed the

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community engagement, the draft plan's framework with the vision statement and goals, and the process followed since the beginning of the Comprehensive Plan update.

Following the presentation, Supervisor Smith opened the Public Hearing for public comments.

1. Mary Moore, a resident, complimented the committee, noting that the Comprehensive Plan Update looks fabulous. She commented that she would like the Town to consider measures to maintain and enhance insect species' habitats, such as monarch butterflies and other insects. She suggested possible mini nature preserves in some of these areas of open space, including planting more trees. She also noted desirability of sidewalks along Clover Street and said developers should be required to install them. Finally, she noted that with regard to Community Character, the Town needs to focus on affordable housing for all.
2. Jim Pond, a resident, commented that this is a good plan, but noted that the trails are missing for the Greystone development. He also noted that in 2010 there was a plan to construct an 8-foot multi-use trail on the south side of Stone Road, and hoped that this would remain part of the Town's planning.
3. Mayor Bob Corby complimented the Town on the completion of the draft Plan, noting that he was proud of the focus that was given to the environment, farmland and traffic for the future, once the Town is fully developed. The mix of these things supports wildlife. He congratulated the steering committee on their hard work and commitment to this project.
4. Michael Simons indicated support for the plan, but is concerns about athletic field lights at Thornell Farm Park and potential impacts on trees and vegetation due to climate change. He recommended changing a stock photograph in the draft plan used by the Town's consultants.
5. Julie Marcellus – Environmental Board member offered recommendations on behalf of the Environmental Board, reading and submitting a letter from the Environmental Board.
6. Ellen Chea commented that she would have liked to see more information regarding affordable housing for the 55 and older community.
7. Kyle Legg, a resident, commented that it was a great plan. He suggested that there be additional focus on sidewalks and trails and crossing paths in the Village, noting that the snowbanks in the village are dangerous.

Having no further public comments to be offered, the Supervisor closed the Public Hearing at 6:58 P.M.

Thereafter, the following additional comments and amendments were suggested by Town Board members as follows:

It is noted here that, following Board discussion, the Board members proposed to submit proposed amendments in writing, for consideration at the next meeting prior to voting on the Plan. Those proposed amendments will be included in their entirety in the minutes of the next meeting of the Town Board. The following provides a general summary of Board members' suggestions.

### Amendment Recommendations:

Supervisor Smith proposed to add additional detail to the portion of the plan calling for attention to housing styles preferred by people in their retirement years and at a broader range of prices than currently available, in addition to certain technical amendments.

Deputy Supervisor Munzinger proposed to add to the Plan consideration for expanding transportation alternatives and service to persons with disabilities, and to replace stock photographs supplied by the consultants with photos of actual sites in Pittsford, in addition to technical amendments.

Councilwoman Townsend proposed specific additional recommendations for providing for housing for people 55 and older, including review of code provisions for "in-law" suites, partnerships involving the Town and other

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means. She recommended providing for a code change for review of demolition applications, to consider waste management techniques and strengthening use of clean energy technologies, including solar technologies, and pursuing a town-wide traffic safety assessment

Councilman Beckford recommended adding condominiums to the list of housing types to be considered for future development and recommended changing provisions for seeking more affordable pricing for housing for people 55 and older, to include lower-priced housing for people at any age. He added that he envisioned adding new housing stock available to young families on an income of \$35,000 per year.

In discussion, Councilwoman Townsend noted potential negative tax implications of including condominiums. Supervisor Smith discussed data showing availability of housing at different price ranges of prices in Pittsford, and referred to affordability in the immediate region generally. He noted that a Comprehensive Plan cannot command any particular outcome but can make recommendations. Deputy Supervisor Munzinger and Councilwoman Townsend were both open to studying viability and implications of additional condominiums.

The Town Attorney noted that he would review the recommended amendments to determine whether additional published notice would be needed prior to the Board's consideration of them. Board members committed to furnishing the Town Attorney with each of their proposed amendments in writing, in anticipation of voting on them and the Comprehensive Plan at the next Board meeting.

### **MINUTES**

#### **PUBLIC COMMENTS**

No public comments were offered regarding the Minutes of the September 3, 2019 Town Board meeting.

#### **MINUTES OF THE SEPTEMBER 3, 2019 MINUTES APPROVED**

A Resolution to approve the Meeting Minutes of the September 3, 2019 meeting was offered by Councilman O'Connor, seconded by Councilwoman Townsend, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Meeting Minutes of September 3, 2019 Town Board meetings are approved as written.

### **LEGAL MATTERS**

#### **PUBLIC COMMENTS**

No public comments were offered.

#### **INTERMUNICIPAL AGREEMENT WITH MONROE COUNTY FOR THE TOWN OF PITTSFORD DOG PARK**

Supervisor Smith stated that the Town's Dog Park will be completed soon, and will be a part of the Monroe County Dog Park system. The Monroe County legislature has approved an Intermunicipal agreement with the Town.

Thereafter, a Resolution to authorize the Supervisor to execute an Intermunicipal Agreement with the County of Monroe for the Town of Pittsford Dog Park at 34 East Street, was offered by Councilwoman Townsend, seconded by Councilman Beckford, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The following Resolution was declared carried as follows:

**RESOLVED**, THAT THE Supervisor be authorized to execute the Intermunicipal Agreement between the Town of Pittsford and the County of Monroe for a Dog Park at 34 East Street in the Town of Pittsford, in the substantial form set forth in the draft Intermunicipal Agreement submitted herewith.

### **FINANCIAL MATTERS**

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### **PUBLIC COMMENTS**

No public comments were offered.

### **PURCHASE OF NEW RADIO SYSTEM APPROVED**

Following inquiry by the Supervisor to the Commissioner of Public Works, Paul Schenkel, a brief description and explanation was given for the need to purchase a new radio system for the Town vehicles. Commissioner Schenkel indicated that the current radio system that the Town uses, is quite old and operates on a low band. It is difficult to replace parts and keep this system in working order, as it is becoming obsolete. The new system would be purchased on state contract.

A Resolution to approve the new Radio System was thereafter offered by Deputy Supervisor Munzinger, seconded by Councilman O'Connor, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that \$103,100.00 be appropriated from the Whole Town Office Equipment Capital Reserve Fund and transferred to the Department of Public Works equipment line for the purchase of a new radio system and associated costs; be it further

**RESOLVED**, that this Resolution is subject to Permissive Referendum.

### **SEPTEMBER VOUCHERS APPROVED**

A Resolution to approve the September 2019 vouchers was moved by Supervisor Smith, seconded by Councilman O'Connor, and voted on by the members as follows: Ayes: Munzinger, O'Connor, Townsend and Smith. Absent: Beckford. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the September 2019 vouchers No. 143349 through No. 143771 in the amount \$890,025.30 are approved for payment.

### **PERSONNEL MATTERS**

#### **PUBLIC COMMENTS**

No public comments were offered.

### **SALARY CHANGE APPROVED**

A Resolution to approve the recommended salary change was offered by Deputy Supervisor Munzinger, seconded by Councilwoman Townsend, and voted on by members as follows: Ayes: Beckford, Munzinger, O'Connor, Townsend and Smith. Nays: None.

The Resolution was declared carried as follows:

**RESOLVED**, that the Town Board approve the following person/employee for the recommended salary change:

<b>Name</b>	<b>Dept</b>	<b>Position</b>	<b>Reason for Change</b>	<b>Rate</b>	<b>Effective Date</b>
John Storrar	HWY	no change	Class B – CDL	\$16.22	09/09/2019

### **OTHER BUSINESS**

Deputy Supervisor Munzinger thanked the Recreation Department for the great Food Truck Event on Main Street and also the Walk for Inclusion on Sunday.

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### **PUBLIC COMMENTS**

Jack Butler commented on traffic issues and concerns on State roads. Commissioner Schenkel responded to Mr. Butler's concerns, noting that the Commissioners throughout the county meet on a regular basis and usually a representative or representatives of the NYSDOT (New York State Department of Transportation) attend these meetings. Commissioner Schenkel indicated that the relationship and communication has improved over the years, and he is hopeful that this good interaction continues.

### **ADJOURNMENT**

As there was no further business, the Supervisor adjourned the meeting at 8:07 P.M.

Respectfully submitted,

Linda M. Dillon  
Town Clerk

**OFFICIAL BOARD MINUTES ARE ON FILE IN THE OFFICE OF THE TOWN CLERK**