

**Village Board
Meeting Minutes
September 2, 2014**

Present: Mayor Lee, Trustees, Fowler, Gates, Speer, Zabelny
Village Manager/Clerk, Shari Pearce
Village Treasurer, Maryalice Edwards
DPW Superintendent, Mike McHenry
Code Enforcement Officer, Mike Lissow
Deputy-Clerk, Amy Harter

Guests: Kevin Hafner, Connie DeConnick, Robert & Melinda Holden,
Rev. Joseph Cantanise, Sharon Prince, Walt Horylev, Tom Rohr, Tom
Johnson, Tim Thomas, David Williams, Dominic Salamida, Maria
Salamida Martha & Russell Godshalk, Edward Lane, Maryann & Mike
Spoonhower, Frances Valente, Jody Blodgett, Kathy Patterson, Michele
Pechie, Dawn Lamparella, Don & Kay Hettig, Dave & Kathleen Amo,
Michael Weldon Sr., Carol & James Steiger, Patty Gorman, Betty Keaty,
Marilyn LeChase, Salvatore LeChase, Terry Riordan, John Corcoran, Jane
Mattle, Rosemary & Dan Childs, Ilyssa Billitier, Diana Billitier, August
Billitier, Daniel Schwind, Steve Gabriel, Janna McGlynn, Donna Salata,
Paul J. Byers, Michael H. Goth

Mayor Lee called the meeting to order at 5:00 p.m. with the pledge of allegiance to the flag followed by a moment of silence.

- Car Show: Kevin Hafner was present to share the outcome of the August 16th Main Street Car Event with the board. He explained the turnout was excellent with no issues. He is seeking Village Board permission to hold this event in 2015. The Board agreed this event was a success and was pleased with the attendance. The Board wishes to thank the DPW for their support and supports a second event for next year

Resolution to approve the use of Village streets, to be determined, on Saturday, August 15, 2015, motion made by Trustee Gates, seconded by Trustee Fowler. Carried unanimously 5-0.

Treasurers Report

- Audit: Maryalice Edwards reported auditors from Ray Wagers office are coming October 1st to review our financial data for the 2013-2014 fiscal year. The audit typically lasts up to 5 days.

Superintendent Report

- Cell Tower proposal: Mike McHenry reported there has been no update for the request of a location for a possible cell tower. He feels this matter is likely closed.
- 3 v 3 Basketball Tournament: Mike McHenry explained there was an excellent turnout for this activity. There were several teams that participated. Mayor Lee thanked Mike for his involvement for this event.
- Foodlink: Another mobile food pantry event is planned for November 8, 2014 at the Hilton DPW. Anyone in need of food is welcome to participate.
- Short Hills Traffic: Last month, two residents from Short Hills Drive approached the Village Board regarding traffic concerns. Mike McHenry reported the Smart Trailer was placed in both directions for two weeks to collect data. The findings showed there is not a speeding problem on this street. Mike will report these findings to Mrs. Melvin and Mrs. Stappenbacher.
- Sewer relining project: The contract has been signed. A start date has not yet been determined, Mike McHenry expects this to take four days to complete.
- Salt Facility update: The fence for 32 Grove Street is scheduled to be installed on September 10th.
- Sanitary Sewer Extensions: Drawings for sewer connections to 601 and 605 North Avenue have been reviewed and approved. Mike McHenry is still waiting for the easement agreement to be signed by the homeowner of 116 Rolling Meadow Circle. Work can begin thereafter.
- Shared Services: Mike reported on several ongoing shared service projects between the Village, Town and School District.
- Top Soil: Soil removed from the high school football field during their recent projects has been moved to the Town of Parma Park. It has been tested, and will be a shared resource among the Town, School District and the Village. Overall, this has saved the taxpayers \$33,000 by reusing the soil.
- Eagle Scout project: 50 fire hydrants will be re-painted this month by candidate Gavin Amos.

Managers Report

- Curfew Law: Two minors have been ticketed for breaking the curfew law. Their court date is scheduled for 9/15/14 and Village Attorney, Larry Schwind, will be present to represent the Village.
- Community Center Dance lease: Shari Pearce is recommending that lease terms be changed for the owner of the dance studio. . The board is in agreement that we update the lease to reflect the change of terms from a 12 month installment plan to 10 months. This is due to the tenant's ability to pay during the school year while her classes are in session.
- Office Staff: Shari Pearce recommended to continue staffing the office with two full time employees and one part time employee. This has been proven to work out well. The board is in favor of Shari Pearce's decision.
- Grant Writing Services: The board met with MRB Group on August 26, 2014. A written proposal for grant writing services has been received.

Resolution to authorize the Village Manager to hire MRB Group for grant research services at a cost not to exceed \$4,800.00 for a one year period. Motion made by Trustee Speer, , seconded by Trustee Zabelny. The funds will be taken from the contingency fund. Carried unanimously 5-0.

- Special Police: Trustee Speer reported that he spoke with Special Police Chief, Michael DiCataldo, from the Greece department. Trustee Speer reported the chief will be attending the meetings at some point to provide his knowledge and insight; he will be a great resource. . A copy of a Power Point presentation was provided to the board illustrating the functions, responsibilities and training requirements for their department. Shari Pearce noted that a meeting has been scheduled for September with the team and tasks will be assigned to outline the project.
- Solar Panels: Shari Pearce noted that no information or a proposal has been received from Monolith Company to date. Shari has reached out to the Camden Group for a proposal for solar panels for the Community Center and DPW building.
- South Avenue parking lot leases: At the August 26th meeting, the board passed a resolution to terminate the parking lot leases associated with the entire parking lot. Village Attorney, Larry Schwind, prepared the legal documents that were sent by certified mail. Shari Pearce anticipates hearing from the owners in the coming week. Electric program: Shari Pearce is scheduling an electric team meeting this month and is asking the board for a decision to be made by October to dissolve the program. Shari reported that the number of outstanding accounts is down to 13 customers for a total due of approximately \$2100.

- Employee Handbook: Shari Pearce, Mike McHenry, Amy Harter and Larry Schwind had a meeting to review the amended language in the handbook for the health care changes we implemented earlier this year. The final revision should be completed by year end.
- Parking tickets: Shari Pearce reported that she has spoken to Larry Schwind regarding this issue. His recommendation is that due to the amount of tickets issued and the fines collected, the current process is working. Shari shared this information with Mike Lissow and Amy Harter. Mike Lissow offered to review Spencerport's policy as they use the Ogden Police. Mike Lissow will report back to the team for discussion and a recommendation to the board. This item will be tabled.
- HDK: Shari Pearce reported that she has received an amended easement agreement from Harald Juergen's attorney via email. The agreement will be sent to Ken Sixt for his approval. Shari will work with both Harald and Ken to try to gather a consensus. The Village is ready to close; however, since HDK will not sign with the Village until Mr. Sixt is ready, we are at an impasse.

Code Enforcement Report

- NYSERDA Seminar: Mike Lissow is seeking authorization to attend a one-day solar heating seminar conducted by NYSERDA on October 23, 2014.

Resolution to authorize Code Enforcement Office, Mike Lissow, to attend a one-day seminar conducted by NYSERDA on October 23, 2014 at a cost of \$50. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried unanimously, 5-0.

- 42 Peach Blossom South: The house is currently being demolished by hand; the construction company is recycling some of the components.
- 62 East Avenue: In 2007, the Village Board approved installation of a handicap ramp on Village property located on the west side of 73 Railroad Avenue. This was due to the location of the ramp and the need for the landing to be large enough to safely use a wheelchair. Recently, Mrs. Ciccotti, has moved out and Mike Lissow would like to send her a letter stating the ramp must be removed. Trustee Speer made the motion to terminate the agreement to allow the handicap ramp on Village property; the ramp must be removed within 60 days. Motion seconded by Trustee Zabelny. Carried unanimously, 5-0.

At this time the Board adjourned to the Ingham Room to accommodate the group of people attending the public forum. Motion made by Mayor Lee, seconded by Trustee Fowler. Carried unanimously, 5-0.

The meeting reconvened at 6:00 p.m. in the Ingham Room and Mike Lissow continued to give his report.

- St. Leo's Church: Mike Lissow explained that after a formal complaint was received from Mr. & Mrs. Robert Holden, 27 Peach Blossom Road South, stating there is too much intense light that shines into the back of his home. This light is spillover from the parking lot at St. Leo's Church, 167 Lake Avenue.

Mr. Lissow explained that after reviewing the code and much discussion with Village Attorney, Larry Schwind, it is his opinion that there is a violation of Section 24-601, I2 of the Village Zoning Code.

Public Forum

Mayor Lee opened the meeting to public comment at 6:01 p.m. He asked that those wishing to make comments to state their name and address for the record and to keep their comments to 3 minutes or less.

Rev. Joseph Catanise, St Leo's Church, began saying if the board has already made their decision, he would have saved his congregation time from coming to this meeting. Shari Pearce explained the board has the right to either accept Mike Lissow's opinion or not. The board will be hearing from those in attendance tonight, their decision has not yet been made. Rev. Catanise handed out information to the board members. *A copy is included at the end of this record.*

Rev. Catanise reported there have been several break-ins, vandalism, theft, slashed car tires and loitering. Obscenities have been scratched onto sacred objects. Additional lights were installed based on the church's insurance company recommendation based on the number of these occurrences. An electrical company was hired and recommended installation of six poles; however, they chose to install two. Rev. Catanise stated since these lights have been installed the number of incidences has dropped to nearly zero. Mr. Rice, 25 Peach Blossom Road South, submitted a letter in support of the lights, which was read by Rev. Catanise. *A copy is included at the end of this record.*

Rev. Catanise explained he visited other Village residential areas where properties are illuminated. He asked the board if he has the right to defend our property? Since only one family is complaining, he said the board should balance the needs and desires of the 970 families within his church over one family.

Trustee Gates asked Rev. Catanise to clarify the decision to only install two poles instead of the recommendation of six light poles? He responded it was due to the cost. He further stated if the board is asking to install more, he will do so and let the Holden's pay for them.

Robert Holden, 27 Peach Blossom, explained his complaint that there are two poles only instead of the suggested six poles which would have allowed the light to be spread out. He explained that he is asking for a compromise from the church to turn off one highly intense light that shines directly into his home only when the church is not hosting an event. Mr.

Holden claimed that he has requested a meeting with the church but they declined. Mr. Holden said he and his wife attend another church and that church is important to them. Mr. Holden is asking that they focus light onto the church property, not theirs. He asked that they work together to work out a solution.

Tom Johnson, 485 Bennett Road, stated he formerly resided on Fraser Drive and had intense lights on his home from the high school but he could live with it.

Mike Goth, 98 Rolling Meadow Drive, asked if the board can recommend solution so the church will not be in violation? Trustee Speer answered the members are not electrical engineers. Trustee Speer explained the location of his home is surrounding by three properties that have intense lighting but those properties have illuminated their properties in such a manner as not to disturb him. He feels strongly there is a way to accomplish this goal in this situation and stated the Holden's request is not unreasonable. He further said he would have preferred a compromise before this came about.

Tom Rohr, 355 Jacobs Road, Hamlin, explained he is a lawyer, and defends these cases, asked if a building permit is required? Mike Lissow replied there is no requirement for a permit. Mr. Rohr expressed that the cost to change the lights is significant. Mr. Rohr suggested venetian blinds be installed and they he would buy one for the Holden's.

Dominic Salamida, 300 Applewood Lane, asked if there is a proposal to turn the light off after services and if is there a shade on light?

Sharon Prince, 99 Hazen Street, stated her home is near a car wash and their lights shine into her bedroom window. She installed blinds and the lights aren't a problem. Mr. Holden replied that he does not want blinds because he enjoys a southerly view and breezes that come through their windows. He further expressed that he is looking for a solution that everyone can agree to.

Walt Horylev, 73 East Avenue, asked if the board members have visited the site. Trustee Gates answered, yes they have each been there and the lighting is very bright. Mr. Horylev suggested the board considers a balance test based on the circumstances.

Trustee Zabelny stated that both sides have valid concerns; the church has safety obligations to their parishioners and employees. The homeowners have the right to enjoy their home; there should be a way to compromise. She stated the lights are bright but wants protection for all involved.

Village Manager, Shari Pearce, said there have been many opportunities to negotiate between the two parties however, the church declined to meet with the Holden's.

Rev. Catanise stated this has been the only complaint made by any of the neighbors. Mike Lissow responded that each and every complaint is investigated.

Maryann Spoonhower, 62 Leith Lane, stated there are lights behind her home and no one is complaining about those.

Mr. Holden commented that in regard to the other neighbors, the layouts of the houses are different and the proximity of the lights causes them to shine directly on his house. He is asking to darken the one pole that directly affects him and to turn the lights so they shine onto the church itself.

Tim Thomas, 294 Dunbar Road, asked if this issue is specifically addressed in the Village Code? Mike Lissow explained light cannot shine on neighboring property. Mr. Thomas asked if there is a calculation of light spillage allowed? Mike Lissow said there is not. Mr. Thomas asked if they have the right to challenge this violation? Mike Lissow answered that all property owners need to follow our Code.

Melinda Holden stated the light is very obtrusive, she cannot sleep and the light physically hurts her eyes. She stated she is just asking for one light to be turned off.

Martha Godshalk, 41 Timberwood Drive, stated the Village does not require a permit, and is reacting to the problem; the Village needs to consider adding permit requirements to the Code.

Rev. Catanise stated they are being punished after the fact. Mike Lissow responded that without our office being notified, it is not possible to prevent other people's actions.

David Williams, 43 Parkwood Lane, questioned if the Village Code is available to the public? Shari Pearce explained that it is available on line and in our office. She noted that it is being amend in the near future.

Someone in the audience loudly suggested the Holden's install window blinds. Mr. Holden replied that blinds block airflow and that he is only requested one light be shut off and to redirect the spot light while there are no church activities.

Trustee Zabelny added that the problem is the intensity and direction of one light.

Trustee Speer asked Rev. Catanise to clarify the electrician's original plan. Rev. Catanise stated yes, they went with a cheaper option of two poles instead of six.

Mr. Holden explained that he purchased a lumens meter and per the internet sites he visited, the church lighting is one hundred times higher than recommended.

Rev. Catanise responded that the church has been vandalized daily and suggested that Mr. Holden pay \$1500 to have another light installed at the church.

Tom Rohr, 355 Jacobs Road, Hamlin, told the board that their minds are already made up.

Terry Riordon, 41 Shirleen Drive, stated the Village is at fault and should pay the cost to change the lighting.

The public portion of the meeting was closed at 7:50 p.m.

Vouchers

Trustee Fowler made the motion to approve the vouchers, including an additional abstract provided at the meeting totaling \$ 17,838.30 and \$5.00 Walt Horylev, seconded by Trustee Gates. Carried unanimously 5-0.

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|---------|--------------------|
| Prepaid | \$17,686.50 |
| T&A | \$17,849.35 |
| General | \$45,406.01 |
| Water | \$30,606.10 |
| Sewer | \$10,197.55 |
| G&E | <u>\$ 2,400.00</u> |
| | \$124,145.51 |

Minutes

Trustee Fowler made the Motion to approve the August 5, 2014 meeting minutes as presented, seconded by Trustee Gates. Motion carried 5-0.

Adjournment

There being no further business, Trustee Speer mad a motion to adjournment the meeting at 8:02 p.m., seconded by Trustee Zabelny. Motion carried 5-0.

Respectfully Submitted,

Amy Harter, Recording Secretary

VANDALISM HERE AT ST. LEO'S

INCIDENT: BREAK THROUGH PARISH OFFICE SECRETARY'S WINDOW. WENT INTO PRIESTS QUARTERS, RANSACKED HIS BEDROOM. STOLE MONEY, AND COIN COLLECTION, STOLEN: 40 CANS OF TUNA FISH, 17-3 LB. CONTAINERS OF COFFEE.

ACTION: POLICE REPORT

OUTCOME: NO ONE CAUGHT

INCIDENT: ROCKS THROWN THROUGH WHITE BARRIER FENCE NEAR RECTORY.

ACTION: REPAIRS MADE BY PARISHIONERS

OUTCOME: NO ONE CAUGHT

INCIDENT: TRAILER WITH CHRISTMAS TREES WAS PARKED IN THE EXIT DRIVEWAY.

OUTCOME: TURNED OUT TO BE STOLEN

INCIDENT: STOLEN CAR LEFT IN PARKING LOT.

OUTCOME: VANDALS CAUGHT IN THE PARKING LOT. WERE USING DRUGS AND ALCOHOL.

INCIDENT: OUT AT SHRINE - AT DIFFERENT TIMES
SOME LIQUID SPRAYED OR THROWN ON GLASS WINDOW CASE WHERE BLESSED MOTHER'S STATUE IS PLACED.

OBSENITY SCRATCHED INTO GLASS, COVERING BLESSED MARY STATUE.

SOMEONE OPENED THE GATES TO GROTTA AND MOVED NATIVITY SCENE AROUND, LEFT CIGARETTE BUTTS AND BEER CANS INSIDE ON THE ALTAR.

PEOPLE WERE HANGING OUT IN THE SCRUB BRUSH NEAR THE SHRINE - LEFT BEER CANS, BOTTLES, SOMEONE'S BRA HANGING IN THE TREE, CIGARETTE BUTTS, BROKE SOME TREE BRANCHES .

AT SHRINE AREA, BENCHES FROM THE STATIONS OF THE CROSS WERE PULLED OUT OF THEIR ANCHORING AND PULLED INTO THE TREES, A BENCH WAS DESTROYED, THREE OF THE SIGNS WERE BROKEN OFF. TWO CAN BE REPAIRED, ONE IS MISSING.

CAR TIRES WERE SLASHED DURING THE DAY WHEN THE NURSERY SCHOOL WAS IN SESSION.

A TRUCK AND A CAR WERE PARKED IN THE PARKING LOT AT DIFFERENT TIMES AND WERE REPORTED. THE TRUCK WAS STOLEN - BOYS WERE FOUND.

SEVERAL TIMES, CARS WERE IN THE PARKING LOT LATE AT NIGHT. WHAT WERE THEY DOING?

ACTION: SEVERAL REPORTS TO 911 HAVE BEEN MADE OVER TIME.

OUTCOME: NO ONE CAUGHT

INCIDENT : SOMEONE BROKE C-; TO THE THREE BAY GARAGE OUT NEAR THE SHRINE, POURED OIL ON THE JOHN DEERE TRACTOR, AND TIED CAUTION TAPE AROUND THE OUTSIDE OF THE ENTIRE BUILDING, AND LEFT THE EXTRA ROLL END ON THE GROUND. IT WAS DISCOVERED LATER THAT THEY ALSO HAD POURED FERTILIZER IN THE GAS TANK. GAS WAS SPILLED OVER THE FLOOR. COULD HAVE BEEN A BAD FIRE.
*HAPPENED A FEW DAYS BEFORE THE BREAK-1] AT THE NAPA AUTO PARTS COMPLEX UP THE STREET.

ACTION : CONTACTED -911-TWO OR THREE TIMES AND FINALLY, OFFICER SMALLWOOD CAME OUT. HE LOOKED INSIDE THE GARAGE AND SAID HE DIDN'T SEE ANY OIL. AT THAT TIME NO REPORT WAS FILLED OUT. THE SECRETARY CALLED A FEW WEEKS LATER THAT NOTHING ELSE HAS BEEN DONE. OFFICER JOE RESCH CAME OCT TO TAKE A REPORT.

OUTCOME: TRACTOR DID HAVE OIL IN THE GAS TANK. REPAIR COST ABOUT \$900. OTHER ITEMS DISCOVERED AT GARAGE

OUTSIDE- HAD BEE STOLEN FROM A HOME NEARBY- AND RETURNED TO OWNER.

INCIDENT: MAN OUTSIDE RECTORY AT NIGHT ON SEVERAL OCCASIONS. TRIED TO GET INTO CHURCH. PARISHIONERS CAME AND STAYED THE NIGHT TO WATCH THE PROPERTY.

OUTCOME: POLICE COULD NOT FIND HIM. HE WAS ALSO SEEN IN THE BACKYARD OF SEVERAL HOUSES .POLICE LOOKED FOR HIM ON SEVERAL OCCASIONS.

August 23, 2014

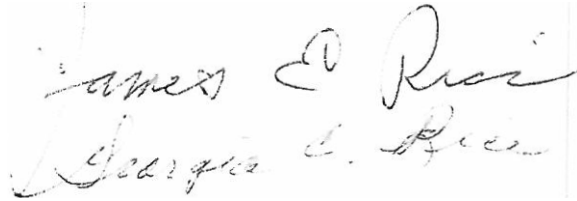
To the Village of Hilton,

My wife and I support the St. Leo Church parking lights in the parking lot. It lights up the area so you can see if there is anything going on in our back yard and in the church parking lot. We put a darkening shade in our bedroom and the light doesn't bother us at all. You would think all the neighbors would feel safer with their yards lighted.

The light is also a deterrent for any illegal activities going on in the back yards and parking lot. Please don't change the lights!

Thank you,

James e. Rice and Georgia c. Rice

Handwritten signatures of James E. Rice and Georgia C. Rice. The signatures are written in cursive and are positioned above the printed names.