

**Village Board  
Meeting Minutes of  
May 26, 2015**

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: Valerie Ciciotti, Viola Ciciotti

Mayor Lee called the meeting to order at 4 p.m. with the pledge followed by a moment of silence.

**62 East Avenue**

Valerie Ciciotti, 104 East Avenue, Brockport, addressed the board regarding her mother's home at 62 East Avenue, Hilton. The property line is approximately 18" from their building. To mitigate liability issues for the Village of Hilton, the board agreed to sell a small portion of land to Mrs. Ciciotti from the parcel located at 73 Railroad Avenue.

Valerie explained that over the years, the area has changed. The railroad tracks were removed and the grade had changed at East Avenue. She stated an agreement was made with the Village at that time to allow a walkout. She further explained that an easement was provided for a walkout and for parking. After a fire about 10 years ago the building was remodeled. A door was added along the north side of the building with a handicap ramp for Mr. Ciciotti with the Village's permission, through an annual lease.

Valerie explained her mother wants to sell her property. She began conversing with Mike Lissow in January, as he was liaison between the board and the Ciciotti's. Valerie noted that the February 3, 2015 board meeting minutes stated in part; ***"Trustee Speer noted that costs associated with any action should be paid by the owner, Mrs. Ciciotti, as these issues were not caused by the Village. Trustee Zabelny feels there should be no cost to the Village. Trustee Fowler agreed. Mike Lissow will inform Mrs. Ciciotti of the board's consensus"***. Valerie feels she was never given the information that there would be any additional cost for the property, other than the cost associated with the transfer of property which was survey, attorney and filing fees. She

read a letter from her attorney, Linda Vandenberg. A copy was not provided for the record.

Mayor Lee responded that the Village cannot give away property at no cost, this is taxpayers money. Valerie stated in her experience as a Trustee in Brockport, she has been involved with transactions with the ambulance corps and the Fire Department and there is not always a true value of the transaction. She stated she understands the fees from the attorney, surveyor and for the filing. She said that the cost of the property itself was not discussed.

Trustee Fowler stated the comment that this transaction would be “at no cost to the Village” is reflected in the minutes. He said that she may have confused “at cost” with “at no cost to the Village”. Valerie replied the sale of the property is the cost of doing business and she was assured there were no other fees involved.

Trustee Speer explained there was nothing in writing and Mike Lissow has no authority to make a deal regarding property. He explained the board had to decide whether or not to keep the process moving and it would have been more appropriate for the Ciciotti’s to approach the Village with the amount of property desired.

Viola Ciciotti, stated she was told by Mike Lissow that she had to remove the handicap ramp. She said she asked why, but didn’t get a clear answer. She said then Mike Lissow came to them and explained the Village would get a survey done from the end of the parking lot to end of the building. She was told she would be responsible to pay for the surveyor. Mrs. Ciciotti said she is willing to pay for the land, she needs a figure.

Mike Lissow said he received information that the property would be selling. The agreement regarding the handicap ramp states the ramp would remain in place until it was no longer needed. Therefore, while following up on the ramp issue, Viola Ciciotti asked if the landing and steps could be kept. Mike Lissow spoke to the board about selling some property to mitigate three liability issues that affect Village owned property, the handicap ramp, the air conditioner and the walkout basement. The board agreed to have the property surveyed to determine the area of property to sell, and to clarify the sewer access and to determine snow placement.

Trustee Speer stated the map was just given to to the board at the May 5<sup>th</sup> meeting. After the map was reviewed, Trustee Speer felt it was worth \$2,000. The board agreed, and a resolution was passed that the cost would be \$2,000 plus all related expenses.

Valerie stated as a Trustee, she could not live with herself if she made these comments to a resident as a liaison and then change her mind. Her parents bought the building that was in terrible shape and made a viable business which made a profit and served our community. She asked if the board was going to make a decision this evening, Mayor Lee answered they need to further discuss it and someone will contact her.

Viola Ciciotti again stated she would gladly pay for the land and the costs associated.

After much discussion, the board agreed the resolution passed at the May 5, 2015 meeting stands. Shari Pearce will inform the Ciciotti's of this.

### **Refuse/Recycling**

Mayor Lee asked the board members if they have reviewed the attorney's comments regarding refuse and recycling. The board has recently considered policy changes.

Trustee Zabelny stated after reviewing the comments, she feels the employees should stop all picking through trash and recycling immediately. She agreed with Mr. Schwind's comments, specifically "Notwithstanding the laudable altruistic intent, I am concerned with the Village Board allowing this practice to continue".

Trustee Fowler explained after reading through the provided packet, Mr. Schwind made it quite clear he is against the practice of collecting and donating the items that were discarded.

Trustee Speer, stated that the information provided from Monroe County's policy refers to collection on their property, and they don't offer their service here. He does not have a problem with what the Village employees are doing.

Shari Pearce stated we recycle under the Monroe County policy. The Village receives income from them for cardboard, paper and tin. Since January 2015, we have received \$1204 for paper, \$112 for tin, and \$1400 for metal.

Trustee Gates said he respects Larry Schwind's opinion but feels he has overstepped his bounds by giving his personal opinion in this matter. Mr. Gates thought the decision made by the board was to continue the current process for 6 months and then review. He stated he is comfortable with the decision made at the May 12<sup>th</sup> meeting. (This was a joint meeting held at the Town of Parma.)

Mayor Lee stated his opinion is what goes on the truck, stays on the truck. Employees are paid good wages and he doesn't think this is right.

Trustee Zabelny commented with the receipt of Larry Schwind's letter, his comprehensive reasoning, swayed her decision. She stated that society is complicated and we pay for a legal opinion and we should take his opinion. Mr. Schwind's opinion was substantial, he knows the law better than we do and he has seen when there is gray area.

Trustee Fowler made a motion to adopt a policy for the handbook as recommended by the Village attorney regarding refuse and recycling collection. The motion was seconded by Trustee Zabelny. Motion carried 3-2, Trustees Speer and Gates opposed.

Meeting Date change: Shari Pearce asked the board if they would prefer to change the July 7<sup>th</sup> meeting to June 30<sup>th</sup>. The reason is due to our insurance carrier may change. Those bids are expected by July 1<sup>st</sup>. This would allow all vouchers to be paid prior to the holiday including insurance premiums. The board agreed.

**Resolution** to hold the board meeting on June 30, 2015 instead of July 7<sup>th</sup>, Trustee Fowler made the motion, seconded by Trustee Zabelny. Carried unanimously 5-0

Discussion took place regarding changing the Village Board meeting time for the summer months. Trustee Fowler agreed that a 4 p.m. start time would be acceptable. Trustee Gates was not in favor of the change, he feels 5 p.m. is early for residents that may want to attend but also work. After some discussion it was agreed to maintain the meeting start time at 5 p.m.

### **Adjournment**

There being no further business, a motion was made by Trustee Gates, seconded by Trustee Speer to adjourn the meeting at 4:55 p.m.

Respectfully Submitted,

Amy Harter, Deputy Clerk

