

**Village Board  
Meeting Minutes of  
January 5, 2016**

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

Absent: Trustee Gates

Guests: Recreation Director, Tom Venniro, Ed Wilt, Craig Burritt, several  
members of Carl Johnson's family

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

**Recreation Report**

No report given.

**Code Enforcement Report**

313 Parma View Drive: Mike Lissow explained the homeowner is in compliance with Village Codes regarding the construction of a shed on this property. There is still an unlicensed car in the rear yard, Mike has agreed to wait for a hard freeze, however, it has not been removed. This will be an ongoing issue.

Security: Mike Lissow will be meeting with the owner of the Hilton Community Childcare on January 19<sup>th</sup>. Trustee Zabelny will also be in attendance to discuss security measures within the building.

Hazard Mitigation Plan: The next meeting is scheduled in February. Mike Lissow explained he will be receiving an annex specific to the Village. This will be shared with the Village Board and will require adoption.

Vacation: Mike Lissow will be on out of the office January 25<sup>th</sup> through January 29<sup>th</sup>. He will be attending the State Fire Academy and will be available by phone.

Building Permits: There are only five building lots left in Village including two on Turtle Creek Lane and three in the Unionville subdivision. The total number of permits for the year is down and most applications are for remodeling.

### **Treasurer Report**

**Resolution:** In accordance with Section 802 (A) (4) of the Employee Handbook for health insurance, the Village Board hereby establishes that for calendar year 2016, the Village of Hilton will contribute 80% of the annual deductible amount for active full time employees and 100% for eligible retired employees. The Treasurer is authorized to deposit the Village's share into the employee's health saving accounts according to the following schedule: Within the first week of January the employees shall receive a pro-rated share for the months of January through May 31st; within the first week of June, the employees shall receive the balance of the Village's contribution. Motion made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously, 4-0.

Fuel Tanks: At the December meeting, DPW Superintendent, Mike McHenry, reported the sale of two fuel tanks. At that time it was required that documentation be received to certify new requirements have been met as set forth by the DEC, which were met. This week the tanks were delivered to the buyer in Watertown, NY where a vacuum test was performed; the tanks failed to pass. Payment of the agreed upon price of \$13,090 has been received. The buyer has offered to pay a total of \$2,000 for both tanks. Mr. McHenry recommends the Village returns \$11,090 to the buyer.

**Resolution** to accept \$2000 for fuel tanks due to DEC regulation changes. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried Unanimously 4-0.

**Resolution** to authorize the Treasurer to deposit \$2000 into the DPW equipment reserve account, motion made by Trustee Fowler, seconded by Trustee Zabelny 4-0.

### **Superintendent Report**

Community Center: Mike McHenry reported we have received approval for the 2014 Community Center grant, including the canopy over the north ramp and the automatic handicap doors. Keith Brown is obtaining new quotes as the existing quotes are outdated.

Homeland Security meeting: Mike McHenry is interested in attending a two day class pertaining to event security planning for Public Officials. At this time the class is full, but Mike will attempt to register.

High School Traffic: There are traffic concerns during arrival and dismissal in front of 400 East Avenue. Mike McHenry and Mike Lissow have met with school officials, Mark Edwards, Kevin Dornan, Joe LaMarca and Joe Ennis. Mr. McHenry has contacted Monroe County Traffic Engineering Department with a recommendation to make the speed limit 20 mph during arrival and dismissal times. A letter is needed from the Mayor and Town Supervisor to request an investigation from the County.

Street Lighting: Livingston Light and Power Company provided the lowest bid to provide service to the Village for the next 3 years. There has been an increase of 4% over a 3 year period. Mike McHenry noted he has been pleased with their service and is requesting approval to continue this contract.

**Resolution** to authorize the DPW Superintendent to accept the street lighting contract bid from Livingston Light and Power for 3 years. Motion made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously 4-0.

Water leak: A repair was made on Hale Haven Drive on December 28, 2015. There was water leaking out of the valve box and pooling in the road way. Brockport permitted use of their equipment for detection.

Water emergency plan: Mike McHenry has completed an update to this plan. Monroe County requires it to be updated every 5 years. This report is on file at the DPW.

### **Manager's Report**

14 Main Street. Shari Pearce reported an issue regarding parking at 14 Main Street has been uncovered. In 1981, the Village took property under eminent domain. Shari located documentation that \$17,000 was bonded for this purpose; however, it appears the map was not filed with the County. Shari is working with Village Attorney, Larry Schwind, to determine the next steps to rectify this situation.

2016 HUD Grant Application: Shari Pearce, Mayor Lee and Mike McHenry met to discuss options for this grant. The deadline to apply is February 16, 2016. One suggestion is to continue slip lining the sewer system. According to HUD, low income properties within the Village have increased; this allows more opportunity for state funding.

Another suggestion was to seek funding to continue upgrading the Community Center. The board agreed since there is no other funding to maintain the building. Shari Pearce and Mike McHenry will work to obtain quotes for flooring and automatic door upgrades in the Ingham Room as it is used by the Senior Center.

Building Maintenance employee: Shari Pearce and Keith Brown have been interviewing applicants for this position. They are expecting to select someone within the next few days.

Joint meeting: The Village and Town Boards will hold a joint meeting on January 12<sup>th</sup> at 6 p.m. in the Ingham Room.

Lifequest Church: They have requested to rent room 3B for an additional cost of \$816 annually. This is currently used by the Recreation Department and Via Dance. The parties involved are in agreement to share the space. Shari Pearce requested approval to amend the lease.

**Resolution** to amend the lease with Lifequest Church for the use of room 3B at an additional cost of \$816.00 annually. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried unanimously, 4-0.

NYCOM: The Winter Legislation conference is being offered in Albany on February 7<sup>th</sup> - 9<sup>th</sup>. Shari Pearce and Maryalice Edwards are seeking approval to attend at a cost not to exceed \$900. This is budgeted.

**Resolution** to authorize Village Manager and Treasurer to attend the NYCOM Conference February 7<sup>th</sup> – 9<sup>th</sup> in Albany, at a cost not to exceed \$900. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried unanimously, 4-0.

Electric Fund: At the December meeting, Shari Pearce asked the board for their opinion on the distribution of this fund. Shari reported the electric service in the Community Center has never been upgraded. We have been notified by our electrician that this is a necessary repair in the near future. Mike McHenry stated he and Keith Brown agree this is a necessary upgrade to the building. With the size and scope of repairs likely needed, he recommends a comprehensive study by an electrical engineer. Trustee Speer suggested that there are many repairs and upgrades needed in the building overall and would like a study completed on the entire building. The Board agreed.

Election: Shari Pearce reported thus far three candidates have requested and received petitions for Village Trustee. There are two available positions. The election date is March 15, 2016 at the Community Center. This is being conducted by the Board of Elections. The Community Center, 59 Henry Street is our polling site.

**Resolution** that the next Village election shall be held on March 15, 2016, the polling place will be the Hilton Community Center, 59 Henry Street and the voting hours shall be 12:00 pm thru 9:00 pm. Be it further resolved that there shall be no Village registration day since the County of Monroe will provide a list of registered voters. Motion made by Trustee Fowler, seconded by Trustee Speer. Carried unanimously 4-0.

## Public Forum

Joe Lee declared public hearing open at 6 p.m.

Well wishes and a short reception was held for long time DPW employee, Carl Johnson, who is retiring after 33 years of service. Most employees and Carl's family were in attendance.

Lifequest Church: Rob Dickerson, Pastor, offered his congregation's assistance to anyone in need within the community. He noted the church has been within Hilton for eight years and they would like to solidify their ties with the community.

With all persons heard, the Mayor closed the forum to the public at 6:44 p.m.

Holiday schedule: Shari Pearce presented a copy of the 2016 Holiday schedule. Resolution to approve the 2016 Holiday schedule as presented. Trustee Speer made the motion, seconded by Trustee Fowler, carried unanimously 4-0.

## Holidays 2016

Holiday	All Departments Closed	Refuse & Recycling
New Year's Day	Friday January 1 <sup>st</sup>	Not Applicable
Martin L. King	Monday January 18 <sup>th</sup>	Tuesday January 19 <sup>th</sup>
Presidents Day	Monday February 15 <sup>th</sup>	Tuesday February 16 <sup>th</sup>
Good Friday	Friday March 25 <sup>th</sup>	Not Applicable
Memorial Day	Monday May 30 <sup>th</sup>	Tuesday May 31 <sup>st</sup>
Independence Day	Friday July 1 <sup>st</sup>	Not Applicable
	Monday July 4 <sup>th</sup>	Tuesday July 5 <sup>th</sup>
Labor Day	Monday September 5 <sup>th</sup>	Tuesday September 6 <sup>th</sup>
Columbus Day	Monday October 10 <sup>th</sup>	Tuesday October 11 <sup>th</sup>
Veterans Day	Friday November 11 <sup>th</sup>	Not Applicable
Thanksgiving	Thursday November 24 <sup>th</sup>	Wednesday Nov. 23 <sup>rd</sup>
	Friday November 25 <sup>th</sup>	Not Applicable
Christmas	Monday December 26 <sup>th</sup>	Tuesday, December 27 <sup>th</sup>
New Year's Day 2017	Monday, January 2, 2017	Tuesday, January 3, 2017

## **Public Hearing**

Mayor Lee opened the Public Hearing at 6:00 p.m. to delete the current Peddling, Vending and Soliciting Law in its entirety and replace it with an updated law. There being no one present to discuss the Local Law, Mayor Lee closed the Public Hearing at 6:01 p.m.

**Resolution** to accept Local Law 1, 2016, Peddling, Vending and Soliciting, Trustee Fowler made the motion, seconded by Trustee Speer. Carried unanimously 4-0.

## **PEDDLING, VENDING AND SOLICITING**

### **Local Law # 1, 2016**

A Local Law peddling, vending and soliciting.

**Purpose**  
**Definitions**  
**Permit required**  
**Application information**  
**Requirements**  
**Issuance**  
**Fees**  
**Exemptions**  
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**Revocation of permit**  
**Penalties for offenses**

(History: Adopted, Hilton Village Board 2-6-84 as Local Law No. 1, 1984. Amendments noted where applicable.)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

## **Purpose**

**The merchandising and/or soliciting of goods, money or services in the Village of Hilton may subject its inhabitants to unscrupulous practice, annoyance and danger. The purpose of this chapter is to provide for the licensing and regulation of persons engaged in such activities in order that the peace, health, safety and welfare of the Village and its inhabitants shall not be endangered or unduly disturbed.**

## **Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

**Merchandising or Sale:** The selling, bartering or trading of or offering to sell, barter or trade any goods, wares, commodities or services or the taking of orders thereof.

**Peddler, Vendor and Solicitor:** Includes any person who engages in selling or offering to sell any goods or services, or solicits contributions of good or moneys, by going from house to house, place of business to place of business, or in any public street or public place, or by temporarily occupying a room, building or other premises therefor.

## **Permit required**

It shall be unlawful for any person to peddle or solicit within the Village of Hilton without having first obtained a permit as provided herein.

Upon receipt of the application and the permit fee as provided for hereinafter, if the Village Clerk is reasonably satisfied with the applicant's qualifications, he or she shall issue a permit to the applicant specifying the goods or services to be offered for sale and, if applicable, the person or entity which the applicant represents. This permit shall be nontransferable and shall be in the continuous possession of the permit holder, while acting as a peddler, vendor or solicitor. The permit shall be produced upon the request of any Village official, prospective buyer or law enforcement officer. Only photocopies of said permit, including the raised Village seal, shall be provided by the Village Clerk or Village representative, if needed.

## **Application for Permit**

Every applicant for a permit is required to submit to the Village Clerk a written application stating, under oath, the following:

- The name and age of the applicant.
- The applicant's permanent home address.
- The applicant's local address, if different.
- The name and address of the person or entity represented, if any.
- The length of time for which the permit is requested.

- A description of the goods or services to be offered for sale.
- The specific location within the Village of Hilton where the applicant's activity will take place.
- All felonies or misdemeanors with which the applicant has been convicted, and the disposition of each such conviction, the place and the date of such conviction.
- A certificate of insurance listing the Village of Hilton as certificate holder including General Liability in the amount of \$ 1,000,000.00, Workers Compensation and Disability per NYS law.
- A copy of Monroe County Health Department permit if preparing food.

### **Requirements**

A peddler, vendor or solicitor, whether granted a permit or exempt from the requirements of a permit pursuant to the provisions of this chapter shall:

- A. Not knowingly misstate the quality or quantity of any article or service offered for sale.
- B. Not knowingly offer for sale any article of a defective nature.
- C. Not call attention to his goods or services by blowing a horn, shouting or issuing any loud or unusual noise.
- D. Keep the vehicle and/or receptacles used in furtherance of the use of any granted permit, in a clean and sanitary condition.
- E. Keep all edible articles offered for sale well-protected from dirt, dust and insects and shall at all times comply with all applicable laws, rules and regulations regarding health and safety.
- F. Not stand, peddle or solicit on the premises of any business establishment, or shopping center without the written consent of the owner or his agent. Such written consent must be attached to the permit application.
- G. Not peddle, sell or solicit within 250 yards of any school property between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- H. Not enter upon private property for the purpose of peddling, selling or soliciting before the hour of 10:00 a.m. or after 7:00 p.m. of any day, except upon the invitation of the occupant.
- I. Not attempt to sell at any building or location whereon there is a sign purporting to prohibit peddling or soliciting on the premises.
- J. Not conduct or carry on any occupation or activity for which a permit is required herein on property owned by the Village of Hilton, or on any of the public streets within the Village of Hilton.
- K. Not conduct any peddling, selling or soliciting on Sunday under any circumstances.
- L. Not offer for sale any item or service prohibited by law.



## **Fees**

The fees for each permit shall be established by resolution of the Village Board from time to time and shall be part of the Village's fee schedule. The fees schedule is on file in the Village Office.

## **Exemptions**

The provisions of this chapter shall not apply to the following;

- (1) Persons soliciting on behalf of any public or private school or any voluntary firemen's association, veterans' organization, fraternal organization, service group or other nonprofit organization or association which maintains a chapter or local organization within the Village of Hilton, Town of Parma or Hilton Central School District.
- (2) Auction sales held by a Sheriff or a person authorized by.
- (3) Any person engaged in the delivery of goods, such as bread, milk or newspapers, in the regular course of business to the premises of those who had previously ordered the same.
- (4) Sidewalk or outdoor sales conducted by local businesses on property owned or leased by such business.
- (5) Accumulation sales of used household goods, by individuals at their own private residence, otherwise known as "garage sales."
- (6) The sale of daily newspapers.

## **Expiration of Permit**

Each permit shall expire in accordance with the terms of issuance and the expiration date shown thereon, but in any event all permits expire on the 31<sup>st</sup> day of December following the date of issuance.

## **Denial of Permit**

A permit or registration may be denied if the applicant shall have been convicted of a misdemeanor or felony which in the judgment of the Village Clerk renders the applicant unfit, or undesirable to carry on the trade or occupation of peddler or solicitor. The Village Clerk may also deny a permit to any person who, in his or her judgment, shall be an undesirable person or incapable of properly conducting such occupation. In addition, the Village Clerk, where applicable, may revoke any such permit upon his or her determination that the regulations and rules herein have been violated. The Village Clerk shall make a determination on any permit

application within 5 days of receipt and will notify the applicant in writing of any determination, including the reasons for any denial. Any applicant who has been refused a permit by the Village Clerk may appeal to the Village Board therefor, and the same may be granted or denied by the Village Board.

#### Appeals

Any person aggrieved by the action of the Village Clerk by the denial of the application for a permit shall have the right to appeal to the Village Board of the Village of Hilton. Such appeal shall be taken by filing a written statement with the Village Clerk, setting forth fully the grounds for the appeal. Such statement shall be filed within 14 days after notice of denial has been mailed to the applicant at the address recited in the application. The Village Board shall set a time and place for a hearing on the appeal and notice of the hearing shall be mailed to the applicant at the address recited in the application, or at such other address directed in the filed statement of appeal at least five days prior to the date set for the hearing.

#### **Revocation of permits**

- A. Any permit issued under the provisions of this local law may be revoked by the Village Board of the Village of Hilton after notice and hearing for any of the following causes:
  1. Fraud, misrepresentation of any false statement contained in the permit application.
  2. Fraud, misrepresentation or any false statement made in the course of carrying on the business pursuant to such permit.
  3. Any violation of this local law.
  4. Conviction of any crime or misdemeanor during the period of the permit.
  5. Conducting the business of peddling, vending or soliciting in an unlawful manner, or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
- B. The Village Clerk and/or Code Enforcement Officer may temporarily suspend the permit of any peddler, vendor or solicitor whenever the Village Clerk or Code Enforcement Officer has reasonable cause to believe that the holder of the permit has violated any provision of this chapter, including complaints from Village residents. A hearing shall be held by the Village Board within 10 days of any such suspension and such suspension shall continue until a hearing is held by the Village Board and the Board has issued its determination thereon, which shall be made within 3 days of the date of the hearing.
- C. Notice of hearing for revocation of a permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notices shall be mailed to the permit holder at the address recited in the permit application at least five days prior to the date set for the hearing.

**Records**

The Village Clerk shall keep a record of the applicants, the determinations thereon and of all permits issued in accordance with this local law. The record shall contain all the information provided in the application for the permit, the amount of the permit fee paid and the date of revocation, expiration or termination.

**Enforcing Official**

The Code Enforcement Officer of the Village of Hilton will be responsible for enforcing this chapter.

**Penalties for offenses**

Any person found in violation of this chapter shall be considered a violation and punishable by a maximum fine not to exceed \$250.00 or imprisonment for not more than 15) days or both. Each day on which such violation continues shall constitute a separate offense.

Apple Fest: The committee requests the use of the Community Center building and grounds on October 1 – 2, 2016. Trustee Speer asked to include the grounds located at 137 South Avenue. Trustee Fowler made the motion, seconded by Trustee Zabelny. Carried unanimously 4-0.

**Vouchers**

Trustee Speer made the motion to approve the vouchers including the following addition: \$206.41 Carol Gursslin, seconded by Trustee Zabelny. Carried unanimously 4-0.

Prepaid	\$ 9,794.31
T&A	\$22,606.64
General	\$47,390.26
Water	\$30,522.06
Sewer	<u>\$22,865.72</u>
Total	\$133,178.99

**Minutes**

**Resolution** to approve the meeting minutes of December 1, 2015. Motion made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously. 4-0

### **Village Board Liaison Reports**

Trustee Speer reported an election was held at the Hilton Parma Fire Department. A new president and treasurer have been elected.

Trustee Fowler reported the football field at Parma Town Park has been fenced in and a sign was installed stating "Permitted use only per the Town". This action was court ordered.

### **Adjournment**

There being no further Village business, Trustee Fowler motioned to adjourn the meeting at 6:45 pm, seconded by Trustee Zabelny. Carried unanimously 4-0.

Respectfully Submitted,  
|

Amy Harter  
Deputy Clerk