

**Village Board
Meeting Minutes
June 4, 2019**

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

Guests: Neil Hauser, Linda Viney, Sharon Rhodey

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

Recreation Report

Tom Venniro was unable to attend the meeting. Trustee Speer reported the new Parks Director position at the Town Park is working out well.

Code Enforcement Report

13 Upton Street: The car wash at 5 Upton Street is being sold. During the review of the property, the buyer's attorney noted the property located at 13 Upton Street is landlocked. The buyer is interested in selling a small portion of 5 Upton to the owner of 13 Upton to rectify the situation. This will require review by the Village Board and the Zoning Board of Appeals, likely in June or July. Next month there will be a dual meeting.

Tree: Flower City Tree inspected a large tree on 2 Peach Blossom Road South, per the request of Code Enforcement Officer, Mike Lissow and DPW Superintendent, Mike McHenry. Andrew Scherdin, CTSP, determined the tree is dangerous and failure is inevitable and notified the Village by letter dated March 13, 2019. The Code Enforcement Officer deemed the tree unsafe and the tree must be removed as soon as possible. Mike Lissow informed Ms. Rhodey of this information and that it would be discussed at the April 9, 2019 Village Board meeting. Ms. Rhodey was present at the April 9th meeting and it was stated in the minutes that Ms. Rhodey was told by the Board that she is responsible to have the tree removed at her expense. She explained she could not afford to have the tree removed and she gave her permission to the Village of Hilton to remove the tree. The board explained to her that the Village would not remove the tree at the cost of the taxpayers. Because she stated she could not afford to pay for the removal, the Board directed Mike Lissow to take the matter to Parma Town Court. The matter was brought before Judge Barlow on May 28th, (the original court date of May 7, 2019 was postponed due to Ms. Rhodey's illness.)

Village Manager, Shari Pearce, explained to the Village Board that she spoke with Village Attorney, Larry Schwind and gave Shari the following legal advice: The tree has been deemed dangerous and it must be removed. Being that the Village has been made aware of the dangerous situation; the Village is obligated by the Hilton Code to rectify the situation. Ms. Rhodey has been given the option to hire a contractor to have tree cut to a safe level, or the Village hires a tree surgeon to have the tree cut to a safe level, and a lien for the cost of the work can be placed on her home. The Board agreed with the information brought forth by Shari. Ms. Rhodey is expected to come before the Board this evening during the Public Forum.

Public Hearing 6:00 p.m.

Mayor Lee opened the public forum at 6:00 p.m.

Sharon Rhodey, 2 Peach Blossom Road South. Mrs. Rhodey explained that her experience at Parma Town Court was a surprise, she stated she was expecting a "round table type meeting" and not to be asked to enter a plea of guilty or not guilty. Shari Pearce provided a brief explanation because the Village pursued legal action; the issue became a court case. Shari continued to explain that a lien would be placed against her property so the Village may recoup for the costs of the tree removal, and would include court costs and attorney fees. Ms. Rhodey asked for legal paperwork to be drawn up that she and a family member could review. She noted she will agree to have the tree removed. Shari Pearce further explained the least expensive option is for the homeowner to hire a contractor and have it removed as soon as possible. Ms. Rhodey again explained she cannot afford to hire her own contractor. Ms. Rhodey noted she has concerns about the neighbor suing her in the event the contractor has an incident/accident. It was explained to her that the contractor (Flower City Tree) has insurance. It was also stressed to Ms. Rhodey that the decision whether or not to remove the tree is out of her hands at this point, the tree must be removed to the Village's satisfaction, as soon as possible, either by her contractor or a contractor hired by the Village.

Resolution to authorize the Code Enforcement Officer to proceed to have the tree removed at a cost not to exceed \$10,000, legal costs to be added to the lien at the time of filing. Court proceeding to be suspended as long as the property owner follows through. Mike Lissow will work with the neighbors of this property for access and the associated costs are to come from the Contingency Fund. Motion made by Trustee Gates, seconded by Trustee Zabelny. Carried unanimously, 5-0.

With all persons being heard, Mayor Lee closed Public Forum at 6:36 p.m.

Treasurer's Report beginning

Resolution: That pursuant to the existing franchise agreement and per Section 626 (1) of the Real Property Tax Law, a tax credit of \$262.41 is hereby granted to Time -Warner Cable for fiscal year 2019-20. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried unanimously 5-0.

The village received a check for sales tax in the amount of \$329,622. The total sales tax collected for fiscal year 2018-2019 is \$1,386,778. This is an increase of \$5,000 compared to 2017-2018.

Resolution to authorize the Treasurer to deposit \$2,245.00 into the DPW Equipment reserve fund for the sale of steel dump body assembly. Motion made by Trustee Zabelny, seconded by Trustee Speer. Carried unanimously 5-0.

CD: Maryalice Edwards is recommending to renew the CD for 3 months with Canandaigua National Bank at 2.1% interest.

Resolution to authorize the Treasurer to renew the 90 day CD with Canandaigua Bank at an interest rate of 2.1% interest. Motion made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously, 5-0.

Sewer Bill correction: Maryalice reported the tax bill for 20 South included a charge for a sanitary sewer connection, which is no longer on the site due to the house being razed in 2016. She is seeking approval to credit this bill \$300.00

Resolution to authorize the Treasurer to credit the tax bill for 20 South Avenue \$300.00. Motion made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously, 5-0.

Superintendent's Report

Generator: Mike McHenry reported bids are to be opened on June 25th for the purchase and installation of a standby generator at the DPW garage.

St. Paul School: On June 5 - 6th, the DPW will be bringing equipment to their Touch a Truck event. Mike McHenry will speak to the students about the importance of recycling.

Summer Employees: Two employees, Curtis Acker and Tyler Robertson have begun working with the DPW for the season.

Safety Training: Mike Lissow will be presenting a safety class to the DPW employees on June 10th & 11th. This is being offered through UNYMCWCP.

Cardboard: Monroe County has begun billing \$10/ton when cardboard is delivered to the recycling plant. In the past, we received payment for recycling cardboard.

Leaf Machine: Mike McHenry is seeking authorization to purchase one ODB Xtreme Vac at a cost of \$48,462.87. This is a budgeted item.

Resolution to authorize the DPW Superintendent to purchase an ODB Xtreme Vac, model LCT650 at a cost not to exceed \$48,462.87, motion made by Trustee Speer, seconded by Trustee Gates. Carried unanimously, 5-0.

11 Hilton Drive: In May, a resident requested a three-way stop sign at Hilton Drive and Rolling Meadow Drive. The board asked Mike McHenry to work with Mr. Parsons for a suitable solution to his traffic concerns. The Monroe County Sheriff's Department will patrol the area in attempt to slow traffic down.

Sanitary Sewers: There will be a bid opening on June 25th at 2 p.m. for the 2019-2020 sewer relining project.

Shared Services:

- The skid steer was lent to the Town of Parma for sandbag transportation for lakeshore residents.
- Parma's excavator was utilized to move our equipment that was stuck in the mud.
- The DPW will perform blacktop work the the School District and at the Town Park.
- Equipment will be lent to Spencerport for milling on June 3rd - 4th.
- Storm sewer investigative work will be done for the county on East Avenue in preparation for the traffic light installation in 2020 at the intersection of Wilder and Bennett Roads.

Streetlights: 75 streetlights will be ordered to be installed in the northeast quadrant of the Village. This is year 5 of the 10- year project to replace all village owned streetlights to LED. The cost will not exceed \$28,000 that has been budgeted for the project.

Managers' Report

Tenant: Shari Pearce gave a status update regarding rent payments.

Dance Studio: Shari updated the Board on the progress of the upgrades in the room for a new tenant that will be moving in August 1st. It is currently being painted, and electric outlets will need to be installed in the office area and a quote of \$3100 to refinish the floors. A budget for renovations was not created; Shari is seeking authorization for these costs to be taken from the contingency fund.

Resolution to authorize the Village Manager to expend up to \$5,000 for upgrades to Rooms 206 and 213 prior to August 1st for a new tenant. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried unanimously, 5-0.

Security: The cost to install film on the window and doors is less expensive than expected. Shari is working with the School District to obtain a quote for the Community Center.

Worker's Comp: Shari Pearce reported the Village has received a refund for \$12,977 for the administrative side of the program. The board agreed this check should be deposited into the General Fund.

Resolution to authorize the Treasurer to deposit the refund of \$12,977 from the worker's comp program into the general fund. Motion made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 5-0.

Comprehensive Plan: The team has agreed to mail a flyer explaining that a survey will be available to all residents regarding the Comprehensive Plan and announcing the first public meeting which is on June 27th. The Village will be absorbing the cost of postage. The survey is available online and hard copies can be picked up at the Village & Town Offices, TOPS Market and the Hilton Family Pharmacy.

Resolution to authorize the Village Manager to expend up to \$1500 from the Contingency Fund for the purpose of mailing a flyer to each Village resident for the Comprehensive Plan. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried unanimously, 5-0.

Vendors Permit: In 2018, the Village Board revoked a permit for soliciting for Renewal by Anderson after receiving several complaints from our residents. Shari recently receiving a phone call from a manager of the company seeking a second chance to canvas the Village again. Calls were made to other Towns in Monroe County, asking if anyone has had issues with them over the past year, since there were no records of additional problems the board agreed to allow them to obtain a permit.

Resolution to authorize the Village Manager to issue a vendor's permit for 6 days to Renewal by Anderson, motion made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously, 5-0.

Small Cell: Shari Pearce reported another conversation she had recently with an attorney from NYCOM to discuss health concerns surrounding the installation of small cells. She was told the Federal Government completely regulates this area and there is no local

control. It was mentioned that if public concern gains enough publicity, the government may be forced to revisit the topic.

Vouchers

Motion to approve the vouchers with the additions: Cintas \$165.48, Cook Iron \$66.00, Grainger \$41.83 WB Mason \$218.02, Parma Awards \$6.00, Regional Dist. \$540.42, made by Trustee Speer, seconded by Trustee Zabelny. Carried unanimously, 5-0.

Prepaid	\$ 6,089.73
T&A	\$26,332.18
General	\$43,911.74
Water	\$33,449.05
Sewer	<u>\$ 2,192.87</u>
Total	\$112,189.78

Minutes

Resolution to approve the meeting minutes of May 7, 2019, motion made by Trustee Speer, seconded by Trustee Gates. Carried 5-0.

Adjournment

There being no further business, Trustee Speer motioned to adjourn the meeting at 7:50 p.m. was made and seconded by Trustee Zabelny. Carried unanimously 5-0.

Respectfully Submitted,

Amy Harter, Deputy Clerk