

**Village Board
Meeting Minutes
January 6, 2021**

Present: Mayor Lee, Trustees Zabelny, Fowler, Speer, Farrell
Village Manager/Clerk Shari Pearce
DPW Superintendent Keith Brown
Treasurer Maryalice Edwards
Code Enforcement Officer Mark Mazzucco
Recreation Director Tom Venniro

Guests: Linda Viney, John Cahoon, Bonnie Bachman, Chuck and Becky Doell, Gary Perkins, Mr. Corzo, Robert Hatch, Jason Diabo, Zack Smallwood, Daniel Smith

Mayor Lee to call the Village Board meeting to order with the Pledge of Allegiance followed by a moment of silence. The meeting was held in the Ingham Room and made available to the public via Zoom.

Recreation Report

Tom Venniro gave his report. Tom reported a new playground facility has been approved by the Town of Parma. Discussion took place around the senior tax program, Tom is confident this program will happen this winter, but will be different because of COVID. They are still working out the details.

Resolution to re-appoint Mary Ann Smith to the Recreation Commission for a four-year term, expiring December 2024. Motion made by Trustee Speer, seconded by Trustee Farrell. Carried Unanimously 5-0.

Code Enforcement Report

Zoning Board of Appeals: Mark Mazzucco reported there was three items on the agenda for December. The formal public hearing will take place on January 26, 2021 for Providence Housing.

Building permits: Mark provided the board with the monthly report of permits issued: 6 building permits with \$245 dollars in fees collected.

Fire Marshal: Mark reported he completed two follow up inspections and did a complete inspection of the Village DPW.

Pause NY: Mark received two violations, one for McDonalds and the second for Tops.

Stormwater: Mark reported on January 4, 2021 an in-person meeting took place at one of the Unionville Stormwater Management Pond (Unionville Section-7) with Kelly Emerick from Monroe County Soil and Water District, Representatives from Unionville Homeowners Association, Village Mayor, Manager, Village DPW and Code Enforcement Officer to discuss the following issues: A full report and assessment will be completed by MC Stormwater management to the Village on their recommendations.

- Muskrats and the huts they have built
- Cattails
- Who owns or on whose property does the Stormwater Pond sit and who is ultimately responsible to maintain it.

Fire Marshal: Mark conducted his annual inspection on the Village DPW: Fire Code Violations (listed below) are in-process of being corrected.

- Emergency Lighting not being tested Monthly
- No sign posted indicating type & location of on-site standby power sources
- No Carbon Monoxide (CO) detectors/alarms installed
- Combustible storage too close to furnace

DPW Report

Training: Keith updated the board on the progress on the DPW training within his department. Jeff Pearce and Chad McManus will be attending class in February for their Class D licenses. This is a two-day class.

Water leak: There was a water leak on December 19th on Overlook, which the crew handled.

Treasurer Report

Resolution: To amend the 2020-21 budget as follows: Increase Building Dept Personnel and decrease contingency. Motion made by Trustee Zabelny, seconded by Trustee Fowler. Carried unanimously 5-0.

Increase expense A3620.10	\$26,933.24
Decrease expense A1990.40	(\$26,933.24)

Resolution: To renew the CD's for 30 days at .20 % with Canandaigua National Bank. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried unanimously 5-0.

Resolution: To put \$4,570 into the DPW Equipment reserve fund for the sale of 2001 recycle truck. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried unanimously 5-0.

Maryalice reported we received CHIPS reimbursement \$51,050.48, and \$19,689.37 for EWR and Pave NY. The \$19,689.37 was reduced by 20% per NYS, we should have received \$24,611.72. Our regular CHIPS was not reduced by the 20% because we were getting reimbursed with rollover funds.

The Village also received the \$11,016.24 for the CARES ACT reimbursement.

Manager's Report

Resolution to authorize the Hilton Fire Department to use Village streets July 15th for their annual Grand Parade beginning at 7:00 p.m. and on July 17, 2021 at 11:45 am for their annual Kiddie Parade. This resolution includes the use of 135 South Avenue parking July 14 -17, 2021. Motion made by Trustee Zabelny, seconded by Trustee Fowler, carried unanimously 5-0.

Community Center: Mark Mazzucco conducted an annual site inspection of the facility. Violations consisted of no carbon monoxide detectors in the entire building, no smoke and heat heads in several rooms. In order to be in compliance, we need our security system provider, SG Security to perform the upgrade for a cost of \$18,129.46.

Resolution to authorize the Village Manager to sign the proposal from SG Security to upgrade the Fire system to be in compliance with NYS in the amount of \$18,129.46.

Resolution to authorize the Village Manager to solicit for bids and specs for the Unionville Station and Community Center generator project. Motion made by Trustee Fowler, seconded by Trustee Zabelny, carried unanimously 5-0.

Resolution to authorize the Village Manager to solicit for bids and specs for the North side sewer upgrade project contingent on Monroe County Health Department approval and receipt of signed easement agreement from Hilton East. Motion made by Trustee Fowler, seconded by Trustee Zabelny, carried unanimously 5-0.

Local Law #3, 2021: Shari explained the board approved this for Local Law #2, 2020 and the Village attorney suggested different language. If the board agrees, we can advertise the new language for Local Law #3, 2021.

Resolution to authorize the Village Manager to advertise for a public hearing for Local Law #3, 2021, Chapter 165-7 of the Peddling, and Vending and Soliciting Law.

Resolution to advertise for the 2021 Citizen of the Year. Motion made by Trustee Fowler, seconded by Trustee Zabelny, carried unanimously 5-0.

Zoning Board Training: Shari stated she was approached from a Zoning Board member the question if the members can be compensated for training, they take. Shari is supportive of this and recommends they receive payment equal to one meeting for a training session.

Resolution to compensate Zoning Board members for a complete training session equal to one month's meeting pay. Motion made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously 5-0.

Local Law #1, 2021

Mayor Lee opened the public hearing at 6:00 p.m. to consider Local Law #1, 2021 to replace Chapter 259, Recreational Vehicles of the Hilton Code in its entirety as follows:

§ 259-1 Definitions.

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

RECREATIONAL MOTOR VEHICLE

Expressly limited to "off road" vehicles such as minibikes, trail bikes, motor scooters, dune buggies and swamp buggies and any other similar motor vehicle of the type that is normally used on land for recreation, entertainment, or pleasure. The use of the lawn mower, powered garden vehicles, other similar utilitarian domestic vehicles and vehicles required to be registered with the DMV are specifically excepted here from.

§ 259-2 Purpose.

It is the purpose of this chapter to preserve and promote the health, safety and general welfare of those inhabitants of the Village of Hilton who wish to use and operate Recreational Motor Vehicles on private property or municipal property. It is also the purpose of this chapter to prevent those inhabitants of the Village of Hilton who wish to use and operate Recreational Motor Vehicles from trespassing on public or private property in the village of Hilton, from annoying inhabitants and from creating a public nuisance.

§ 259-3 Prohibitions

It shall be unlawful to operate or for the owner to permit the operation of any Recreational Motor Vehicle as defined in §259-1.

- A.** On the private property of another without the express prior written consent of the owner and the occupant of said property. Such consent may be revoked at any time by the grantor thereof. Where such express prior written consent has been obtained, the operator or person at the site responsible for such operation shall keep said consent on his person and available for immediate display at all times during the period of such operation. Excepted from the operation of this subsection are any private clubs or other organizations that permit the operation of Recreational Motor Vehicles on their property in connection with the principal use of said property by members of such club or organization.
- B.** On any public grounds or property, including Village-owned land, which shall include but not be limited to parks; ball parks; recreation areas; Village-owned streets, easements and sidewalks or areas dedicated to or commonly used for vehicular or pedestrian traffic; Village storage facilities; garage areas; and Board of Education lands, unless specifically designated, set aside and reserved therefor by resolution of the Village Board.

- C. In such manner as to create loud or unnecessary noise so as to unnecessarily disturb or interfere with persons in the peaceful and quiet enjoyment of their property. To this end, no person shall operate a Recreational Motor Vehicle before the hour of 9:00 a.m. and after one hour before sundown or 7:00 p.m., whichever is earlier.
- D. In a careless, reckless or negligent manner so as to endanger the safety or property of any person.
- E. While in an intoxicated condition or under the influence of narcotics or drugs as defined by §1194 of the Vehicle and Traffic Law.

§ 259-4 - Enforcement:

The Monroe County Sheriff's Department and /or any Law Enforcement Officer with jurisdiction in the Village of Hilton.

§ 259-5 Confiscation of vehicles:

Any member of the Monroe County Sheriff's Department or any other law enforcement officer who shall encounter any person operating a Recreational Motor Vehicle or conveyance in violation of this chapter, or if the vehicle is operated by an individual under 16 years of age, or the Sheriff's deputy is unable to determine the owner of the vehicle or notify the owner of the vehicle, is authorized to impound said vehicle or conveyance to a place designated by the Monroe County Sheriff's Department or his designee. The owner or duly designated agent of the owner of such vehicle or conveyance may regain the same upon the payment of all expenses and charges necessarily and actually incurred by the removal and/or storage of said vehicle or conveyance.

§ 259-6 Penalties for offenses.

- A. Any person, firm or corporation violating or permitting the violation of any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Any person of the age of 18 years or over, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500 or by imprisonment in the county jail for a term not exceeding 15 days, or both the case of a second or subsequent violation.
- B. In addition, any and all persons, firms or corporations violating or permitting a violation of any of the provisions of this chapter or omitting or refusing to do any act required by this chapter shall severally, for each and every violation and noncompliance respectively, be liable for a civil penalty of \$50. The imposition of all penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalties or the provisions of this chapter shall not be held to prevent the enforcement of this chapter by other action.

Public comments:

Becky Buell, 58 Shirleen Dr, she is for the proposed law. She stated the ATV's are consistently going down the streets in Unionville Station. The residents call the Sheriff's but by the time they

arrive, the ATV's are gone. She is questioning if the sheriff's catch them, what are the repercussions for repeat offenders.

Daniel Smith, 447 Bennett Rd, Mr. Smith stated the ATV's come down his road from the Village. He is in favor of the proposed law and he hope it helps.

Gary Perkins, 15 Leith Lane, he stated the ATV's ride all over and are speeding through the development.

A few other comments were said regarding residents of Unionville Station call 911 when they see the ATV's but once the police arrive, they are gone.

The public hearing was closed at 6:10 p.m.

Shari Pearce noted written comments from Monroe County Department of Planning have not yet been received. This item will be placed on the February agenda for approval.

Local Law #2, 2021

Mayor Lee opened the public hearing at 6:10 p.m. to consider Local Law #2, 2021 to add the following to the Vehicles and Traffic Law, Chapter 252-4 (A Parking shall be prohibited at all hours of the day and night and both sides of the street on Archer Drive.

There were no comments from the public, the public hearing was closed at 6:11 p.m.

Written comments from Monroe County Department of Planning have not yet been received. This item will be placed on the February agenda for approval.

Public Forum

Mayor Lee asked if anyone else from the public wanted to address the board.

The owner of 13 Upton Street, Mr. Cahoon, is requesting to re-subdivide and re-zone his property. Mr. Cahoon is purchasing a small piece of land from his adjacent neighbor at 5 Upton St, the car wash. 13 Upton Street is zoned residential and the car wash is zoned Industrial. Mr. Cahoon is also requesting to move forward to re-zone the small piece of property he is purchasing to Residential. He is also requesting to subdivide the property into one piece. Mr. Cahoon is not looking to building anything on the property, he may look to put in a driveway in the future.

The Land Surveyor, Robert Hatch presented to the board the request to re-subdivide a small piece of property and re-zone said piece to the same zoning. Mr. Hatch presented the application for John Cahoon for a Re-Subdivision of 13 Upton Street Tax Accounts #032.23-2-6 (13 Upton St.) and Francesco Corso of 5 Upton Street, Tax Account #032.06-3-37.2 to shift the East line of 13 Upton Street approximately 15 feet East at the maximum point. The land transfer is 1,653 S.F.

(0.038 acres). After re-subdivision, the area of 13 Upton Street will be 0.217 acres. The area of 5 Upton Street will be 0.462 acres. This property is zoned Residential.

Mr. Hatch also asked the Village Board if they will consider the application of John Cahoon and Francesco Corso to Rezone approx. 0.038 acres of property located at 13 Upton Street, Tax Account #032.06-3-37.2 to Residential. This property is currently zoned Industrial.

The Village Board was in support of this proposal and agreed to schedule a public hearing for the February meeting.

Resolution authorizes the Village Manager to advertise a public hearing to re-subdivide a small piece of property (1,653 square feet) from 5 Upton St to 13 Upton St. Motion made by Trustee Speer, seconded by Trustee Farrell. Carried unanimously 5-0.

Resolution authorizes the Village Manager to advertise to re-zone the small piece of property (1,653 square feet) from Industrial to Residential for 13 Upton Street. Motion made by Trustee Zabelny, seconded by Trustee Fowler. Carried unanimously 5-0.

Zack Smallwood and Jason Diabo were present to discuss extra refuse costs for their rental properties in the Village. Discussion took place asking why multi-residential dwelling units are charged \$12.50 a month for a tote, no matter if they have less garbage. Shari Pearce and Keith Brown explained the refuse rules and why they are in place. Sewer fees for multi-residential properties were also mentioned as to why the Village charges double for them. General discussion followed.

The public portion of the meeting was closed at 6:50 p.m.

Vouchers

Resolution to approve the vouchers with the following additions: Colony, \$89.75, First Bankcard \$149.98, Carol Gursslin \$309.79, Hilton Napa \$528.50, Home Depot \$48.87, MRB Group \$ 15,298.20. Motion made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously, 5-0.

Prepaid	\$8,512.00
TA	\$28,909.84
General	\$44,221.76
Water	\$33,841.92
Sewer	<u>\$11,383.06</u>
Total	\$126,868.58

Minutes

Resolution to approve the meeting minutes of December 1, 2020, as presented. Motion made by Trustee Fowler, seconded by Trustee Speer, carried unanimously, 5-0.

Executive Session

Request made by Trustee Speer to enter into executive session at 7:31 p.m. to discuss the future of the Village. Village Manager, Shari Pearce and Keith Brown, Superintendent were asked to leave. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried unanimously, 5-0.

Resolution to exit Executive Session and adjourn the meeting at 9:00 p.m. Motion made by Trustee Zabelny, seconded by Trustee Farrell. Carried unanimously, 5-0.

At the January 12, 2021 meeting the reasons for entering into Executive Session were discussed. The board recognizes this is not an executive discussion topic and they will be more mindful in the future.

Respectfully Submitted,

Shari Pearce, Village Manager-Clerk

