

Village Board Meeting Minutes
Tuesday, March 4, 2014
5:00 p.m.

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

Guests: Shannon Zabelny, Cody Kelly, Tom Venniuro, Amy Nielson, Harriet Zunno, Bob Hunte, Elaine Matthews

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.

Code Enforcement Report

- House Fire: 6 Newcomb Drive sustained fire damage on 2/9/14 and is not habitable. Mike Lissow stated in the past, the Board has waived building permit fees for reconstruction asked the Board for a resolution to waive permit fees in this instance as well.

Resolution to authorize the Code Enforcement Officer to waive all building permit fees for 6 Newcomb Drive for the remodel of the structure damaged by fire. Motion made by Trustee Gates, seconded by Trustee Speer, approved 5-0.

- NYPF Conference : Mike Lissow reported the agenda for this conference has been finalized, there are several important topics offered. Currently, there are three Zoning Board members attending. Mr. Lissow is seeking approval from the Board to attend March 30-April 1st to be held in Saratoga Springs.

Resolution to authorize Mike Lissow to attend the New York Planning Federation Conference in Saratoga Springs March 30th – April 1st at a cost not to exceed \$650. Motion made by Trustee Speer, seconded by Trustee Bimmler. Carried unanimously 5-0.

Local Law #1, 2014

Last month, the board held a public hearing on the local law. A question was raised regarding a certificate approval letter.

Mike Lissow noted that he contacted Village Attorney Larry Schwind regarding the certificate of approval suggested by Larry Gurslin at the February meeting. Mr. Schwind states that the process we have in place to notify an applicant of the approval is sufficient.

Mayor Lee asked the board if there were any other questions or concerns regarding the proposed law. There being none, he would entertain a motion.

Resolution to adopt Local Law 1, 2014, motion made by Trustee Fowler, seconded by Trustee Speer. Carried unanimously 5-0.

- Section 24-1401 – Word Usage – moved from the back of the Zoning Code to the beginning under the General Provisions, new section # 24-210
- Section 24-1402 – Definitions – moved from the back of the Zoning Code to the beginning under General Provisions, new section #24-211. Also a change to an existing definition and a new definition added.
- Chapter 2A – Architectural Design District – Changes include removal of Commercial, Industrial, Light Industrial and Limited Commercial Districts, leaving only the Central Business District to be reviewed. Limited changes to the review process as well.
- Section 24-305 – Commercial District – Changes to the dimensional requirements.
- Section 24-306 – Industrial District – Changes to the dimensional requirements.
- Section 24-307 – Light Industrial District – Changes to the dimensional requirements.
- Section 24-310 – Limited Commercial District – Changes to the dimensional requirements and site plan approval.
- Section 24-311 – Central Business District – Changes to the site plan approval.
- This law shall be enacted once filed with the Secretary of State.

Superintendent's Report

- Community Center: The south handicap ramp was damaged by either a snow-plow or a lift style vehicle during the first week of March. There were no witnesses to this incident. An insurance adjustor estimated that the repair will be \$3200.00 and that it will be covered by our insurance. The contractor repairing the wall was also the original builder of this wall.
- DPW Uniforms: Mike McHenry has re-negotiated the contract with Cintas. He is saving approximately \$1500/yr.
- Street lights: Recently, there have been three street lights hit by vehicles. The repairs have been made and claims were sent to the insurance companies of the drivers. The locations were Unionville Station, Main Street and the Jennejahn Lodge.

Monroe County Community Block Grant: The contract for the sanitary sewer relining is almost complete and final paper work is being submitted to Monroe County.

- **Resolution** to accept the Monroe County Development Block Grant in the amount of \$20,850.00. Motion made by Trustee Fowler, seconded by Trustee Speer, Carried unanimously 5-0.

Resolution to authorize the Treasurer to pay Skanex \$113,550.00 upon receipt of the receipt of the invoice for the sewer relining project. Motion made by Trustee Speer, seconded by Trustee Bimmler. Carried unanimously 5-0.

- Local Disaster Workshop: Mike McHenry will be attending a workshop on 4/29/14 that is being offered through Monroe County and NYS Homeland Security. This will fulfil Tier 3 Emergency Preparedness requirement mandated by the Governor.
- Village Park: Mike McHenry has received a request from the Lacrosse team "HAYLO" to use the Village Park, beginning April 1 – June 30. Mike reported there have not been any issues with this group and does not cause extra work for the Village employees.
- Concrete bids: There were no bids received for concrete. Mike McHenry will re-advertise in the next few weeks.
- Auto Festival: The festival is scheduled for August 16th. The committee is on track and plans are going well. There will not be a movie at this event. Tom Venniro, Recreation Director, suggested a kid zone during the car show with games, inflatables that they would provide.

- Safety Shoes: Mike McHenry explained to the board that the allotment for safety boots is \$175.00 per employee. He stated boot prices have come rising these past years and in order to provide a quality boot, he asked if the amount could increase to \$190.00. The Board agreed and gave authorization to the Superintendent to purchase safety shoes once a year at a cost of \$190 for each DPW employee.
- Mike thanked the DPW for their dedication and hard work during this extremely cold season.

Treasurer's Report

- Budget: Maryalice Edwards reported the budget process is going very well. The preliminary meeting will be held on March 18th.

Manager-Clerk's Report

- HDK: Shari Pearce stated the two attorneys are still amending the contract. There is nothing new to report.
- Records Room: Shari noted that the records room will be reorganized; many records are ready to be destroyed. There are several items stored that likely can be purged, some objects may belong to the Recreation Department. Shari Pearce and Tom Venniro will work together to sort them out. Mike McHenry offered to arrange the garbage truck for disposal.
- NYCOM Training: There is a seminar offered on March 14th regarding personnel issues including employee discipline and social media. She requested Amy Harter and herself attend.

Resolution to authorize Shari Pearce and Amy Harter to attend the NYCOM workshop March 14th in Bushnells Basin at a cost not to exceed \$110 per person. Motion made by Trustee Speer, seconded by Trustee Bimmler. Carried unanimously 5-0.

- Website: A resident called the Village Office asking for the email addresses for the board members to send them an individual email. He was informed that the Mayor only has an email on the website, not the Trustees. The resident stated that with today's technology, he should be able to contact a board member without having to go through the Mayor or the office staff. Shari asked the board their opinions on having an email address created for them through the Village's website. Trustee Fowler stated it is an oddity not to have this option and feels it is a good idea. Trustee Speer agreed. Trustee Gates said that board members on their own do not have the authority to solve a problem, only the Mayor can do that. The Mayor is in favor of a separate email.
- The Board agreed to table this discussion until next month.
- Mayor Lee thanked the office staff for their assistance as they are undergoing some additional workload

6:00 p.m. Public Forum

Harriet Zunno, 35 Heinz Street, submitted a letter regarding snowmobiles riding through the Village, in particular on sidewalks and down Village streets. Ms. Zunno was also present along with neighbor, Amy Nielson. She made suggestions on deterrents that that could be put into place. The Board had a lengthy discussion of how to best address the situation and if Ms. Zunno's recommendations could be utilized. Ms. Nieslon echoed Ms. Zunno's concerns. *A copy of this letter is included at the end of the minutes.*

Mayor Lee commented that he met with Ms. Zunno previously and had a sheriff respond. At that time, they talked at great length. Additionally, Mayor Lee called the Captain; they will be meeting again to discuss the issue.

Trustee Gates suggested sending a letter to the Hilton Sno-Flyers Club asking for their support. The board does not believe these problems are being caused by the Sno-Flyers, the letter and a copy of our law will be sent only to act as a media source in an attempt to get people talking about this situation. Mayor Lee also suggested involving the school district to consider installing more signage regarding snowmobiles and meeting with the Town of Parma judges to increase our fines possibly to mirror the Town of Parma fees.

Recreation Department: Tom Venniro – Director of HP Recreation, explained that the Rotary Club is hosting an event for a senior dinner this Thursday 3/6 in the Ingham Room at 5 p.m. The Board is invited to attend this event.

Tom explained that his department has recently installed an online program for facility use to streamline the building calendar and would like to include the Village and the Town Hall. The Board was very appreciative of Mr. Venniro's offer.

Bob Hunte introduced himself as the Hilton Rotary President. They are looking to move their Thursday weekly evening meetings and are considering using the Jennejahn Lodge. Mr. Hunte noted that the group is flexible for scheduling conflicts if they should arise, however, they would like the board to discuss a cost for the Rotary to use the lodge.

Mr. Hunte also explained that a donation has been left to the Rotary from a longtime member. The Rotary Club is considering supporting a project at the lodge in his memory. The Board discussed the renovations they hope to complete.

The board tabled this item until the next meeting.

Vouchers

Prepaid:	\$ 220,154.14
T&A:	\$ 18,220.37
General	\$ 50,784.24
Water	\$ 26,765.79
Sewer	\$ 1,263.41
Electric	<u>\$ 763.05</u>
Total	\$ 317,951.00

Resolution to approve the vouchers for payment with the addition as follows: \$3.36 Joe Sciortino, \$43.14 Jean Digiovanni, \$114.80 First Niagara, \$508.35, \$240.00 NY Legal Publishing. Motion made by by Trustee Speer, seconded by Trustee Bimmler, 5-0.

Minutes

Resolution to approve the meeting minutes of February 4, 2014 as presented, motion made by Trustee Bimmler, seconded by Trustee Speer. Carried unanimously 5-0.

There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Amy Harter, Deputy Clerk

HARRIET L. ZUNNO, ESQ.

ATTORNEY AT LAW

February 17, 2014

Mayor Joe Lee
Village Board of Trustees
Village of Hilton
Community Center
Hilton, New York 14468

RE: Snowmobilers operating illegally in the village

Dear Mr. Mayor and Village Board:

There is on the books a local law prohibiting snowmobilers from operating in the village and are not allowed to drive these vehicles on the village sidewalks.

I have verbally complained to the Mayor for many years because these snowmobilers operate on the sidewalk in front of my house all hours the day, evening and late at night. I have stopped a few to advise them that they are acting illegally. They laugh. A great many of them are kids, teenagers and young adults who do not have the vehicles registered, or have taken the safety class, and certainly have no liability insurance. This is a very risky matter and in the event a local citizen gets seriously hurt by one of these vehicles, it may expose the village to liability for failing to enforce the law and thereby encouraging these unlawful activities.

I believe the board ought to pay to have large signs posted in the winter months within the village limits on Heinz Street and other places where they enter the village and travel on sidewalks and the village streets with impunity. They are very loud, noisy and they travel in packs, like wild dogs, LOL. One time I counted 15 of them at 10:00 at night driving in front of my house. Usually it is a pack of 6 - 8 snowmobilers. It has been three years since a Sheriff has shown any interest in curbing this activity. Their lack of interest and lack of response time has discouraged me from even calling them. They arrive way after the fact and they cannot do anything at that point. I have seen a sheriff car just drive by and do nothing about these snowmobilers, even when they see them crossing West Avenue. The sheriff is hardly around at night when these snowmobilers drag race in front of my house. Last night they were driving back and forth in front of my house up until midnight.

I also believe the board needs to modify the local law and increase the fines for first time violators to \$500. And then incrementally increase the fine for subsequent offenses.

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HARRIET L. ZUNNO, ESQ.

ATTORNEY AT LAW

Money is a deterrent and it ought to be used. A \$25 or \$50 fine just does nothing to deter the behavior. You need, if the law does not now state, that parents of these minors [under 21 years of age] who violate the law, will be personally liable for the fines and for injuries inflicted on people because of their children's violation of the law. They are encouraging their children into violating the law by permitting them to recklessly operate these without due regard for the law and without liability insurance. Are you waiting for someone to get seriously hurt before acting? There are parents, school children and the elderly who regularly walk around in the village on the sidewalks, even in the winter. You have a worker who clears the snow on the sidewalks very promptly after a snowfall. The sidewalk is exposed to its surface. Pet owners walk their dogs out as well. These snowmobilers are not driving by slowly. They gun their engines and go as fast as they can.

Next, you need to get the sheriff out here patrolling the area to try and catch these guys. The village is not a winter vacation resort catering to snowmobilers. I realize the sheriff wants to catch more serious offenders but your law is a joke when you do not take it seriously and actively enforce it. For the village to do nothing is blatant negligence.

These vehicles have scared and scraped the sidewalks and they are beginning to flake apart. The village spent a good deal of money repairing these sidewalks several years ago, and they are now being destroyed because of these snowmobilers. I pointed this out to village a worker last summer when a group of them were going around trying to eliminate sidewalk hazards prior to the Apple Fest.

Thirdly, put together a program with the Town, where these people can bring their snowmobiles by trailers to run them in an approved area somewhere in the Town and outside the village. The village is not a thoroughfare for access to other places for them to run rampant. The law allows for emergencies, which is the exception to operation in the village.

I am writing because I believe the village has a duty to deter these delinquent teenagers and young adults, and perhaps even their parents who join them who are violating the law and giving no regard for the safety of others. The village is now on notice with this letter of the potential hazard and liability. If it fails to do anything to curb the violations they know are occurring it may be liable to someone who gets seriously hurt from an accident with these snowmobilers. It opens the village to a potential injury award in concert with these snowmobilers, especially in a situation where the snowmobiler flees from the scene of the accident to avoid both criminal and civil liability. You can't even identify these drivers because their helmets are darkened to hide faces. The vehicles have no tags on them to even get a plate number. The only other entity to sue will be the village based on its failure to act to protect its citizens by persons they know are violating the law.

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This is a problem that has been ignored long enough. Government intervention is needed. Giving a notice to the public in the village newsletter every now and then does nothing to deter these violations especially when the village knows these violations are taking place and is doing nothing to protect it's citizens and village property.

Thank you kindly,

Sincerely yours,



Harriet L. Zunno
Attorney at Law
HLZ/z

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