

**Village Board**  
**Approved Meeting Minutes**  
**October 4, 2022**

Present: Mayor Lee, Trustees, Fowler, Farrell, Speer, Zabelny  
Village Manager Shari Wilson- Pearce  
Treasurer Maryalice Edwards  
Code Enforcement Officer Mark Mazzucco  
Deputy Clerk Amy Harter

Absent: DPW Superintendent Jeff Pearce  
Asst Superintendent Chad McManus

Guests: Tom Venniro, John Lemcke, Steve Speer, Troy Green, Tom Furtner,  
Mike Lissow, Linda Viney, Jay Brooks, Bethany Oyer, Sue Oaken

Mayor Lee called the meeting to order at 5:00 p.m. with the pledge of allegiance followed by a moment of silence. The meeting was held in the Board Room and was not available by Zoom.

**Recreation Department**

Recreation Department: Tom Venniro reported Make a Difference Day will be held on October 29<sup>th</sup> at the high school. He stated the electronic recycling rules require a covered, locked facility, which is not available at the high school. Shari Pearce offered the DPW building. Tom reported there will be enough students to volunteer and operate the event with one DPW employee overseeing the operation. Shari explained Recreation is responsible to coordinate the use of the Special Police. Tom also noted there are plenty of student volunteers for other projects. Trustee Farrell recommended to offer “Vamp up the Village” trash collection. Mayor Lee noted volunteers could be used at Tops for the “Stuff a Bus” also.

The Halloween Event will be held outdoors, they will utilize the restrooms only.

**Code Enforcement**

Code Enforcement: Mark Mazzucco asked the board for a direction of sending violations for electronic window signs, there are many in the business and they are prohibited in the Hilton Code. He noted that the intention is to revise the code in the near future and this item will be addressed. The board agreed that Mark should not take action for these violations.

**Treasurer**

Maryalice Edwards announced the Village received the full amount of AIM funding in the amount of \$122, 235.00

New York State Retirement bill is projected to come in \$74 higher than budgeted.

### **DPW Superintendent**

Jeff Pearce is attending the DPW Fall Training School. His report was submitted and reviewed by the board.

### **Manager**

**Resolution** to approve Elaine Begy to the Zoning Board of Appeals as the Alternate Member with a five-year term. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried unanimously, 5-0.

Meeting Procedures & Video Conferencing: Shari Pearce provided written procedures for Village Board meetings and video conferencing. The board must approve this document to continue to allow meetings to be attended by video. Tonight's meeting was not offered via Zoom until this policy is approved.

**Resolution** to approve the Village Board meeting procedures and video conferencing policy. Motion made by Trustee Zabelny, seconded by Trustee Farrell, carried unanimously 5-0.

Wages: A proposal has been emailed to the Board for consideration, a special meeting will be held October 12<sup>th</sup> at 4:00 p.m. Trustee Speer will be out of town and is not expected to be in attendance. Shari Pearce will verify if he can attend via Zoom.

Automated Water Meters: Shari reported the cost of meters will increase as of January 1, 2023 and more are needed. She is recommending purchasing them prior to the price increase. The monies will be taken from the ARPA funds.

**Resolution** to authorize the Superintendent to order a pallet of automated water meters for \$39,240; the monies are to be taken from the ARPA funds. Motion to approve made by Trustee Fowler, seconded by Trustee Speer. Carried unanimously, 5-0.

There are a few residents that have refused to have a new meter installed. The board agreed the water service be shut off by the DPW to these homes in these instances.

Speed Limit: The State has approved changes for speed limits, the board has the option to reduce speed to 25 from 30. The board is not interested in changing the speed limits at this time.

Intermunicipal Agreement: In September, the board approved an agreement with the Town to share building department services as necessary. The Village has been billed by Town for services when our Code Enforcement Officer was unavailable in August. Shari and Mayor Lee will be meeting with Supervisor Jim Roose to further discuss these fees and make changes to the agreement if necessary.

### **Paid Ambulance Service**

Shari Pearce explained the Village of Hilton and Town of Parma are now responsible to provide ambulance service to the community. This information just came to light in August 2022. For several years, the Hilton Fire Department provided volunteer service at 100%. This changed in 2018 once the volunteers could not answer at least 80% of the ambulance calls. Their equipment was sold, and Greece Ambulance took over. Currently, ambulance calls are being answered by CHS Ambulance. CHS is in a deficit and needs \$250,000 to continue serving the area in 2023. They have an arrangement with the Hilton Fire District to have an ALS (Advance Life Support) ambulance at the Hilton Fire Department to answer calls within the district. The current arrangement is coming to an end and the Fire District notified the Village this past summer that they can create a tax district to retain CHS's services. The Village Board has met with CHS and Monroe Ambulance in the last couple of months to discuss the services they each provide. Monroe Ambulance assured the board, they can provide service to the community without creating a tax district which would cost residents a minimum of \$75 per \$150,000 valuation of their property. The Village Board is not in favor of increasing Village taxes; they are not convinced that CHS offers better service than Monroe.

John Lemcke, Steve Speer, Troy Green, Tom Furtner and Mike Lissow were present from the Fire District.

Shari stated the Town Supervisor was informed of this responsibility early in 2022 however chose not to act on it. The Supervisor stated at the 8/22 Village Board meeting that he "sat" on the information. Shari also noted that the Fire District did not involve the Village from the beginning of the discussions to allow the Village enough time to act. Mayor Lee said the Village was not involved in meetings that the Town attended with the Fire Commissioners, overall, he feels the decision needs to be made together. It was also said that the Supervisor would go along with the decision made by the Village. John Lemcke said Jim Roose feels because the Village has a higher call volume, the Village should determine the decision. CHS has stated they wouldn't continue service in the community for 1/3 of the calls.

Steve Speer said Monroe Ambulance will be in Greece 90% of the time. He stated the Fire Department worked well with Monroe for several years, but their response time will be delayed. There is no more important decision, and it is critical. Mayor Lee said we want to do the right thing. Trustee Farrell said Dr. Cushman stated in a previous board meeting that he is confident with Monroe Ambulance and CHS. Steve Speer said the travel time and distance makes the biggest difference in the case of a stroke or heart attack. He said the Village Board has the opportunity to provide medical service for those people. Shari Pearce asked to confirm that CHS is not just BLS (basic life support) currently. The Commissioners assured the board they have ALS most of the time; rarely do they not have medics. Shari asked John Lemcke when Fire

District discontinued their volunteer ambulance service, why the Village Board was not involved. He stated there was miscommunication, when when service ceased, the District thought they could get a company to contract with them. It was discovered in 2020, after a lawsuit in the Greece Fire District, it was discovered that was illegal to do. Mike Lissow gave his explanation of how the department spent many hours meeting and discussing this. Due to CHS's ability to respond from their building it helps the Fire Department immensely (they do not need their volunteers to respond). They need to respond however, if CHS is on another call. CHS is not in the fire house 100% of the time and other ambulance companies must fill in for them. Trustee Speer explained there is a problem with insurance money and insurance companies send funds to patients instead of CHS which puts them behind financially. Trustee Zabelny said she is not comfortable with the conflicting information provided by the Commissioners and CHS. She is concerned that Hilton East Residential Home is not serviced by CHS, they have stated the calls there are too costly. Monroe Ambulance has a contract to handle them. John Lemcke said important (priority) calls will be handled by CHS, Monroe will take over once they arrive.

At this time, the Commissioners left the meeting.

### **Public Forum 6:00 p.m.**

Mayor Lee opened the meeting for public comment. Mark Mazzucco explained there are parking problems in Hovey Square with delivery trucks blocking much of the parking behind Integrated Physical Therapy. The board reviewed an email and photos received from a concerned citizen. A letter was sent to the owner of the Arlington and Jose Joe's pertaining to this complaint as these delivery trucks appear to be bringing orders to the restaurants. There has been no response. The board has instructed the Code Enforcement Officer to direct the resident to the Sheriff's Department as this is a traffic control issue.

Mayor Lee presented the Walt Horylev Civic Beautification Award to the Hilton Garden Club. Jay Brooks, Bethany Oyer, Sue Oakden, Bonnie Bullivant and Carrie Cliff accepted the award.

### **Discussion**

Shari Pearce asked the board for a consensus to proceed with a paid tax district for ambulance service. Mayor Lee surveyed the Board Members. Trustees Zabelny, Farrell and Fowler are not in favor at this time. Trustee Speer is in favor of the tax district, and he feels the Board should use our share of the ARPA money to pay CHS's deficit and asked if we could double tax the residents next year. Shari Pearce noted it is not appropriate to double tax. Trustee Zabelny commented even if that were possible, we would still be in the same situation next year to find a way to come up with funds to bail out CHS. Trustee Farrell said there has been a lot of pressure placed on this board to make a large decision that is not necessarily ours to decide. She noted the Village will likely receive backlash for this decision unfairly as there was not enough time for the board to act on such a large financial decision for the taxpayers and it is a shame that the Town Board Board members are not in the loop of this discussion. Trustee Speer said this decision will affect the morale of the Fire Department personnel and the Village Board has no

problem spending \$33,000 from the ARPA funds on a FOB system for the Hilton Community Center for an event that may or may not happen, but ambulance calls happen every day.

The reasons stated for this decision are there is current deficit of \$250,000 to a private company that has an arrangement the Fire District made without the Village's knowledge, there is no money budgeted for this expense, and there are some contradictions with ambulance coverage. The board is looking to contract with Monroe Ambulance Service. The board may be in favor of a public referendum in 2023.

### **Minutes**

**Resolution** to approve minutes of September 6<sup>th</sup>, motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried unanimously, 5-0.

### **Vouchers**

**Resolution** to approve the September vouchers for payment with following additions: Napa \$805.90, Jackson Welding \$16.49, Lamont Awards \$135.80, RGE \$1,773.04, Doug Neu \$3.21, Grainger \$-38.98, motion made by Trustee Fowler seconded by Trustee Farrell. Carried unanimously, 5-0.

Prepaid	\$7,476.40
TA	\$31,290.90
General	\$93,537.98
Water	\$79,334.18
sewer	<u>\$341.44</u>
Total	\$211,980.90

### **Executive Session**

There was no Executive Session. Mayor Lee prefers for the Superintendent and Asst. Superintendent to be present.

### **Adjournment**

A motion for adjournment was made at 7:20 p.m. by Trustee Fowler, seconded by Trustee Farrell. Carried unanimously, 5-0.

Respectfully submitted,

Amy Harter, Deputy Clerk

## **Hilton Village Board Meeting Procedures/Video Conferencing Policy**

**INTENT:** Every public body has an inherent right to regulate its own procedures. Legislative bodies need rules so that the will of the majority is expressed, and the rights of the minority are protected.

**Section 1. MEETINGS:** The Board of Trustees for the Village of Hilton, New York shall hold regular meetings on the first Tuesdays of each month per the adopted schedule. Such meetings shall commence at 5:00 pm and be conducted in the conference room of the Village Hall at 59 Henry Street, Hilton, New York and via videoconferencing technology that is accessible via the internet, thereby providing remote access for any participant. Any deviation of the foregoing paragraph shall be determined by the Board of Trustees.

The Village Clerk or a designee of the Clerk's Office shall attend every regular meeting.

Video recordings of the meetings will be made available to the public on the village website. [www.hiltonny.org](http://www.hiltonny.org).

**Section 2. SPECIAL MEETINGS:** Special meetings of the Board of Trustees are all those Board meetings other than regular meetings. A special meeting may be called by any member of said Board upon notice to the entire board and Village Clerk. Notice shall be given by telephone, in person, or in writing, including email.

**Section 3. QUORUM:** A quorum shall be required to conduct business. A quorum of the (5) five-member Board of Trustees shall be (3) three. A quorum of the public body must be physically present at one or more of the locations where the public can also attend in person. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

Members of the public body may participate remotely via videoconferencing technology, where members of the public cannot attend, only under extraordinary circumstances, including: illness, disability, caregiving responsibilities, or any other significant or unexpected factor or event which precludes a member's physical attendance at such meeting.

**Section 4. EXECUTIVE SESSIONS:** Executive sessions shall be held in accordance with the New York State Public Officers Law Section 105. All executive sessions shall be commenced in a public meeting.

**Section 5. AGENDAS:** The agenda shall be prepared by the Clerk or Deputy-Clerk at the direction of the Mayor. The Mayor or any Trustee may have an item placed on the agenda. Items for the agenda shall be given to the Clerk by noon the Friday preceding the Tuesday meeting. However, items may be placed on the agenda at any time, including during the meeting. The agenda shall be prepared by end of day Friday prior to the Tuesday meeting. If necessary, a supplemental agenda shall be distributed at the beginning of the meeting. The agenda will be emailed to board members and posted on the Village website when finalized and/or 48 hours in advance of the meeting. The agenda will include login information for videoconference participants.

**Section 6. VOTING:** Pursuant to Village Law each member of the Board shall have one vote. The Mayor may vote on any matter but must vote in case of a tie. A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State Law. An abstention, silence or absence shall be considered a negative vote for the purpose of determining the final vote on a matter. A vote upon any question shall be taken verbally, and the names of the members present, and their votes shall be entered in the minutes.

Once the Board has voted on a matter, the matter is closed and no member of the Board including the presiding officer may speak or comment on the matter.

When the presiding officer is out of order, he/she may be called out of order by any member of the Board.

**Section 7. MINUTES:** Minutes shall be taken by the Clerk or the Clerk designee. Minutes shall consist of a record or summary of all motions, proposals, resolution and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon, provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law. (See attachment)

**MINUTES SHALL INCLUDE THE FOLLOWING:**

- Name of the Board
- Date, place and time of the meeting
- Notation of presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment.
- Name and title of other Village officials and employees present.
- Names of attendees.
- Record of communications presented to the Board.
- Record of reports made by Board or other personnel.
- Time of adjournment.
- Signature of Clerk or person who took the minutes if not the Clerk.
- Minutes are not required to be a verbatim account of the meeting.

- The State's Open Meetings Law requires minutes to include an accurate and complete record or summary of:
  - Motions
  - Proposals
  - Resolutions
  - Any other matter formally voted upon by the board as well as the actual vote of each member of the public body.

Minutes shall contain only a summary of the discussion leading to action taken but shall not include verbatim comments. Officials desiring that a verbatim statement be included must provide such statement electronically to the Village Clerk the day following the meeting.

Minutes shall be typed and available to the Village Board within 2 weeks as per law. Minutes shall be approved at the next Board meeting. Amendments to the minutes shall require Board approval.

**Section 8. ORDER OF BUSINESS:**

- Call to order / Pledge to the Flag Moment of Silence
- Oath of Office (ceremonial)
- Department Reports
- Manager/Clerk Report
- Public Hearings
- Public Comment – note: 5-minute limit per person
- Guests - note: 20-minute limit per guest/topic scheduled on agenda Approval of minutes
- Approval of bills to be paid
- Old or New Business
- Executive Session (if needed)
- Adjournment

**Section 9. GENERAL RULES OF PROCEDURE:** Meetings shall be conducted in accordance with the principles of Roberts Rules of Order. The Mayor shall preside at the meeting. In the Mayor's absence, the Deputy/Vice Mayor shall preside.

Board members shall not be required to rise but must be recognized by the presiding officer before making motions and speaking. A member, once recognized, shall not be interrupted when speaking unless it is to call him/her to order. If a member, while speaking, were called to order, he shall be permitted to proceed.

There is no limit to the number of times a member may speak on a question.

Motions to close or limit debate may be entertained but shall require a three-fifths vote.

A motion shall be discussed or acted upon only if any member of the totally authorized voting power -except the member that made such motion -seconds such motion.

Members of the Board, including the presiding officer, may only speak or comment on the current subject before the Board. Members of the Board including the presiding officer may not speak or comment on any subject that is not currently before the Board.

**Section 10. GUIDELINES FOR PUBLIC COMMENT:** The public shall be allowed to speak only during the public comment period of the meeting or at such time as recognized by the presiding officer. The speaker may be in person or remotely participating via videoconference.

Speakers must be visible.

Speakers must give their name, address and organization, if any.

Speakers must be recognized by the presiding officer.

Speakers must limit their remarks to (5) minutes on a given topic or extended if recognized by

he presiding officer.

Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

All remarks shall be addressed to the Board as a body and not to any member thereof.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

Interested parties or their representatives may address the Board by written communications in the event of creating a hardship to attend the meeting personally.

**Section 11. AUDITING:** The approval of the Board to pay the bills upon audit must be done by motion. Bills shall be prepared by end of day Friday prior to the Tuesday meeting.)

**Section 12. ADJOURNMENT:** The meeting shall be adjourned by motion.

**Section 13. AMENDMENTS TO THE RULES OF PROCEDURE:** The foregoing procedures may be amended from time to time by a majority vote of the Board.

ATTACHMENT TO Section 7.

OPEN MEETINGS LAW "SUNSHINE LAW"

Effective in New York State in 1977. Amendments that clarify and reaffirm the public's right to hear the deliberations of public bodies became effective on October 1, 1979.

A public body cannot close its doors to the public to discuss the subject of its choice, for the law specifies and limits the subject matter that may appropriately be discussed in executive session. The eight subjects that may be discussed behind closed doors include:

- (a) matters that will imperil the public safety if disclosed;
- (b) any matter which may disclose the identity of a law enforcement agency or informed;
- (c) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- (d) discussions regarding proposed, pending or current litigation.
- (e) collective negotiations pursuant to Article 14 of the Civil Service Law, (the Taylor Law);
- (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- (g) the preparation, grading or administration of examinations, and
- (h) the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

These are the only subjects that may be discussed behind closed doors; all other deliberations must be conducted during open meetings.

A public body can never vote to appropriate public monies during a closed session. Although a public body MAY vote during a properly convened executive session, any vote to appropriate public monies must be taken in public.

NOTE: If a vote is taken during a properly convened executive session, minutes of the executive session must be taken and included in the meeting minutes.