

Village Board of Trustees
Meeting Minutes of December 5, 2006

Present: Mayor Larry Gursslin
Trustees Horylev, Speer, Gates & Lee
Tom Tilebein, Superintendent of Public Works
Code Enforcement Officer, Mike Lissow
Shari Pearce, Deputy-Clerk

Guests: Brian McKinnon, Christa Construction, Dave McCracken, Dana
Brunett

Mayor Gursslin called the meeting to order at 5:00 p.m. followed by the pledge to the flag.

Public Forum

Mr. Brian McKinnon, C.E.O. of Christa Construction, was present to discuss the Ground Lease Agreement dated 1996 with HPO, LLC (a Limited Liability Company) for the Hilton Post Office site. He explained the following:

1. HPO, LLC is a company organized pursuant to the laws of New York State.
2. David Christa holds a 99% interest in this company and his brother, Frank Christa, holds the remaining 1% interest.
3. The only assets held by HPO, LLC is the Ground Lease Agreement with the Village of Hilton.
4. Christa Construction is trying to refinance several small mortgages and combine them into one large loan for \$13,000,000. In order to do this, David Christa formed a brand new company called VHCP, LLC.
5. VHCP, LLC is a company organized pursuant to the laws of Nevada. David & Frank Christa hold the same 99% and 1% interests in the company as they do with HPO, LLC
6. VHCP, LLC will have several assets in it's business portfolio. Quite a few of the properties on Victor Heights that David Christa owns will be transferred to this company in the very near future. Those properties will be used for collateral on the loan as well.
6. In order for the loan to be approved, the Village of Hilton has to consent to two things:
 - a) Allow the 1996 Ground Lease to be assigned from HPO, LLC to VHCP, LLC
 - b) Allow our Ground Lease Agreement to be used as collateral for the \$13,000,000 loan.

Mr McKinnon stated that item #6 has caused a great deal of concern to the Board and the Village Attorney and he was here to explain more about the refinancing effort and answer any questions the Board has. Mayor Gursslin stated the main concern of the Board is this: According to the 1996 Ground Lease, which expires in the year 2027, the title to the building at #25 South Avenue (currently rented to the Post Office) will revert from HPO, LLC to the Village of Hilton. If the Board were to allow the Ground Lease Agreement to be assigned as requested, the way the proposed documents read will put the Village at risk of losing that benefit, a risk we are not willing to take.

Lengthy discussion followed. In conclusion, Mayor Gursslin thanked Mr McKinnon for taking the time to explain the details of this matter. The Board now has a better understanding of what is happening. Our attorney has advised the Board that revisions need to be made to the documents before they can be signed. Mr McKinnon assured the Board that he will expedite those changes as soon as possible.

Resolution to authorize Mayor Gursslin to sign the following documents, subject to our attorney's approval:

- 1) Assignment and Assumption of Ground Lease Agreement from HPO, LLC to VHCP,
- 2) Ground Lease Estoppel Certificate, certifying certain facts to LaSalle Bank
- 3) Form of Memorandum of Ground Lease

Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0.

Economic Development Committee

Mr. Dana Brunett gave his monthly report on the progress of the committee:

Committee member Rick Bjornholm has enhanced our web site by adding a business directory.

He will be visiting businesses in the near future to gain their input on how Hilton could be improved.

He proposed a ribbon cutting ceremony for the new pharmacy opening on Main Street.

General discussion followed.

Code Enforcement

Mr. Lissow presented the final version of the new NYS Building & Fire Prevention Code that all municipalities are required to adopt by January 1, 2007. General review took place.

Resolution to adopt local law #3, 2006 which reads as follows: Mayor Gursslin made the motion. Trustee Speer seconded the motion. Unanimously approved 5-0.

“Section 1: Chapter 4 of the Hilton Code, known as Local Law #1 of 1971 entitled "Building Construction" is hereby deleted in its entirety.

Section 2: A new Chapter 4 is hereby created and shall be known as the Building & Fire Prevention Code and will read as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Village. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions in this local law.

SECTION 2. DEFINITIONS

In this local law:

"Building Permit" shall mean a permit issued pursuant to section 4 of this local law. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Certificate of Occupancy" Certificate of Compliance" shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors.

"Compliance Order" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

"Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

"Inspector" shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

"Operating Permit" shall mean a permit issued pursuant to section 10 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Permit Holder" shall mean the Person to whom a Building Permit has been issued.

"Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"Stop Work Order" shall mean an order issued pursuant to section 6 of this local law.

"Temporary Certificate" shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

"Village" shall mean the Village of Hilton.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental

to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Village Board of Trustees of this Village;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Village Board of Trustees. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

© In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Village Board of Trustees to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Village Board of Trustees to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Village Board of Trustees of this Village.

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (2) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

- (3) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (4) construction of temporary motion picture, television and theater stage sets and scenery;
- (5) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (6) installation of partitions or movable cases less than 5'-9" in height;
- (7) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (8) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (9) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (10) repairs, provided that such repairs do not involve (I) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

© Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 3 sets of construction documents (drawings and/or specifications) which (I) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer

shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(I) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground, rough-in and electrical;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

© Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

- (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- © Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy & Certificates of Compliance required. A Certificate of Occupancy / Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.

(b) Issuance of Certificates of Occupancy / Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of

the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.

© Contents of Certificates of Occupancy / Certificates of Compliance. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
 - (2) the date of issuance of the Building Permit, if any;
 - (3) the name, address and tax map number of the property;
 - (4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;
 - (5) the use and occupancy classification of the structure;
 - (6) the type of construction of the structure;
 - (7) the assembly occupant load of the structure, if any;
 - (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) any special conditions imposed in connection with the issuance of the Building Permit; and
 - (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Compliance and the date of issuance.
- (d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy / Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- (f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an

application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within this Village shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, building system that is damaged, fuel burning appliance, chimney or gas vent.

SECTION 9. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the following procedures: Whenever it is found that a building or structure or part thereof may be an imminent danger to life and safety of the public for any reason, the Code Enforcement Officer may require the occupants of any such building or structure or any part thereof to vacate the premises forthwith. No person shall use or occupy such building or structure or part thereof until it is made safe. No unauthorized person shall enter premises which have been ordered vacated unless authorized to perform inspections or repairs or to demolish and remove such building or structure or part thereof.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

- (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
- (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) use of pyrotechnic devices in assembly occupancies;
- (4) buildings containing one or more areas of public assembly with an occupant load of 50 persons or more; and
- (5) buildings whose use or occupancy classification may pose a potential hazard to public safety, as determined by resolution adopted by the Village Board of Trustees of this Village.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

© Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective

period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
 - (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.
- (b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
 - (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- © OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.
- (d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation

adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;
- © if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and
- (9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 14. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to Village Board of Trustees of this Village a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.

© The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

SECTION 15: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or

this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

© Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Village.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board of Trustees of this Village.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

SECTION 16: FEES

A fee schedule shall be established by resolution of the Village Board of Trustees of this Village. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 17. INTERMUNICIPAL AGREEMENTS

The Village Board of Trustees of this Village may, by resolution, authorize the Mayor of this Village to enter into an agreement, in the name of this Village, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 19. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law

The Board then discussed the fee schedule for the appropriate categories mentioned in the law. The following was decided:

Resolution to approve the fee schedule for new operating permits as follows:
There will be no charge for carnivals, festivals, or non profit organizations.
Trustee Gates made the motion. Trustee Lee seconded the motion. Unanimously approved 5-0.

Place of Public Assembly	\$50.00	Annual
Carnivals, Fairs and Festivals n/c		Per Event
Exhibit and Trade Shows	\$50.00	Per Event
Place of Worship	\$25.00	Annual
Repair/Gasoline Service	\$50.00	Annual
Manufacturing/Industrial	\$50.00	Annual
Pyrotechnics (Inside of Out)	\$100.00	Per Show
Temporary Structures/Tents	\$50.00	Per event
Multi Family		
Apartment Complex require	\$100.00	Annual or as local conditions
Apartment Buildings require	\$ 50.00	Annual or as local conditions
(3 units or more, not part of a complex)		
2- Family Units require	\$25.00	Annual or as local conditions
Health Care Facility require	\$100.00	Annual or as local conditions

Public Works

Hilton Milling Station: The survey and description of the village property to be conveyed to HD&K Mold were completed and submitted to the Village's attorney and forwarded to HD&K's attorney. The phase I environmental survey was also completed and submitted to their attorney for review.

Street lighting purchase: A letter to the Public Service Commission was mailed on November 30, 2006 asking them to help the Village resolve the matter with RG&E specifications as to how the service disconnects are to be performed. Until a ruling takes place, the Village can not close on the purchase of the system.

Resolution to approve the All Seasons County/Village Work Agreement for 2007.

Motion made by Trustee Gates. Seconded by Trustee Horylev. Approved unanimously 5-0.

Clerk-Treasurer:

New computer: Mrs. Surridge has informed the Board that the 2001 computer for the Assistant Code Enforcement Officer is no longer working and needs to be replaced. This is not a budgeted item.

Resolution to authorize the Clerk-Treasurer to purchase a new computer at a cost not to exceed \$850.00 and to revise the budget accordingly. Motion made by Trustee Horylev. Seconded by Trustee Lee. Unanimously approved 5-0.

Revenue Anticipation Note: Mrs Surridge explained in her report that the Board needs to adopt another resolution that was prepared by our attorney before the borrowing can take place. This resolution will then be published in the Suburban News and after a 20 day waiting period, we will then be able to obtain the funds.

REVENUE RESOLUTION DATED DECEMBER 5, 2006 OF THE VILLAGE OF HILTON COUNTY OF MONROE, NEW YORK, AUTHORIZING GENERAL OBLIGATION REVENUE ANTICIPATION NOTES TO FINANCE THE ACQUISITION OF ELECTRICITY FOR USE BY THE RESIDENTS AND BUSINESSES OF THE VILLAGE OF HILTON AND RESIDENTS AND BUSINESSES OF THE TOWN OF PARMA, AUTHORIZING ISSUANCE OF A REVENUE ANTICIPATION NOTE IN AN AMOUNT NOT TO EXCEED \$200,000 IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Board of Trustees (the "Board") for the Village of Hilton (the "Village") determined on November 14, 2000 to purchase electricity ("Electricity") for the purposes of supplying electricity to the residents and businesses of the Village at a lower cost rate to such residents and businesses (the "Electricity Purchase"); and

WHEREAS, the residents of the Village voted on November 14, 2000 to approve the Electricity Purchase and authorized and directed the Village Board to obtain the most equitable financing for the Electricity Purchase, if necessary, and to pledge the faith and credit of the Village for the repayment thereof; and

WHEREAS, the Board has further determined to expend approximately \$200,000 for the Electricity Purchase, with an amount not to exceed \$200,000 to be financed by the issuance of a revenue anticipation note;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, by the Board of Trustees for the Village of Hilton, County of Monroe, New York, by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. A revenue anticipation note (and renewals thereof) (the "Note") in the aggregate principal amount of up to \$200,000 for the Electricity Purchase are hereby authorized to finance said purpose in anticipation of revenues to be received by the Village for the sale of the Electricity to the residents and businesses of the Village and Town of Parma. For the purpose and to provide funds to defray the cost of the Electricity Purchase, the Note in the aggregate principal amount not to exceed Two Hundred Thousand Dollars (\$200,000) shall be issued pursuant to the provisions of the Local Finance Law and shall mature one year from the date of issuance of said note.

Section 2. The maximum of uncollected revenues against which the Notice is to be collected is \$200,000.

Section 3. The fiscal year in which the revenues supporting the Note are due and payable is 2007-08.

Section 4. The power to further authorize the issuance of said Note and to prescribe the terms, form and contents of said Note, subject to the provisions of this resolution and the Local Finance Law of New York, is hereby delegated to the chief fiscal officer of the Village. The chief fiscal officer of the Village is hereby authorized to sign by manual or facsimile signature any revenue anticipation notes issued pursuant to this resolution, and is hereby authorized to affix to such revenue anticipation notes the corporate seal of the Village and to attest the same.

Section 5. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such Note as the same respectively become due and payable. An annual appropriation of the revenues collected by the Village for the sale of Electricity shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. This resolution shall be published in full by the Village Clerk of the Village together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said revenue anticipation notes issued in anticipation of the sale of said revenue anticipation notes may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall take effect immediately upon its adoption.

Motion was made by Trustee Speer. Seconded by Trustee Horylev. Unanimously approved 5-0.

Local Law #4, 2006

Vice Mayor Horylev opened the public hearing at 7:06 p.m. to consider the adoption of a new local law that would amend the Traffic Control Ordinance. There was no one from the public present. The hearing was immediately closed.

Resolution to adopt Local law #4, 2006 which reads as follows: Motion was made by Trustee Gates. Seconded by Trustee Lee. Carried unanimously 4-0.

Section 1: Chapter 21, Section 21-5 of the Traffic Control Local Law entitled "Stop Streets" is hereby revised as follows:

<u>Stop sign</u>	<u>Direction of Travel</u>	<u>At intersection of</u>
Canning Street	south	Upton Street
Hazen Street	east	Upton Street

Section 2: This local law shall become effective upon filing with the Secretary of State as required by law.

Newsletter

Resolution to pay \$400 to Sandra Watkins for her work on preparing the newsletter. Motion made by Trustee Gates. Seconded by Trustee Lee. Approved unanimously 5-0.

Zoning Board

Resolution to appoint Patricia Holenbeck to the Zoning Board of Appeals to fill the unexpired term of James Buongiorne, term to expire 4/1/08. Motion made by Mayor Gursslin. Seconded by Trustee Horylev. Approved 5-0.

Steering Committee

Resolution to create a Steering Committee for the purpose of creating a Village Center Circulation & Parking Study for which the Village has received a state grant to fund this project. Further resolved that the members to serve on this committee shall be Trustee Horylev, Tom Tilebein, a member from the Planning and Zoning Boards, a Chamber of Commerce representative that resides in the Village. Trustee Horylev made the motion. Mayor Gursslin seconded the motion. Approved unanimously 5-0.

Minutes

Resolution to approve the meeting minutes of November 7, 2006 as corrected. Motion made by Trustee Horylev. Seconded by Trustee Lee. Unanimously carried 5-0.

Vouchers

Resolution to approve the abstract of vouchers, with the following additions: Town of Parma\$15.00

Grand Totals:

General -	\$94,409.89
Water -	\$43,016.56
Sewer -	\$14,071.04
Electric-	\$ 678.33
Gas -	\$ 80.96
T/A Fund -	\$14,893.49
Prepaid -	<u>\$39,297.16</u>
Total	\$206,447.43

Motion made by Trustee Horylev. Seconded by Trustee Speer. Unanimously carried 5-0.

Mayor Larry Gursslin left the meeting at 6:50 p.m.

Annexation - Unionville Station

General discussion took place regarding the petition from Jim & Sue Beehler to annex land in to the Village which is located to the west of Unionville Station. The Board reviewed the Superintendent's report in which he outlined several facts about the sanitary sewer system and the impact more development would have on our Department of Public Works.

Christmas Tree

The Village Board commented that the Department of Public Works did a great job on the decorating of the Christmas tree.

Executive Session

The Village Board entered into executive session at 7:26 p.m. to discuss personnel issues. Motion made by Trustee Gates. Seconded by Trustee Lee. Unanimously approved 4-0.

Executive session ended at 7:45 p.m. The following discussion and resolutions were made:

Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Shari Pearce
Deputy-Clerk