

Village Board of Trustees
Meeting minutes of January 2nd 2007

Present: Mayor Gursslin
Trustees Horylev, Speer, Gates & Lee
Clerk-Treasurer, Janet Surridge
Supt Tom Tilebein
Code Enforcement, Mike Lissow

Guests: Dave McCracken, Steve Fowler, Thomas Ganley, Douglas Bull

Mayor Gursslin opened the meeting at 5:00 pm followed by the pledge to the flag.

Code Enforcement:

The Board reviewed the time study that Mr Lissow prepared which shows the amount of time he's spending on his various duties.

Mr Lissow talked about the proposed local law that will be discussed later this evening. He asked a question "if a property has a two or three car garage, could any of them be converted to living space?" The Board replied that the intent is to mandate that every property has at least a one car garage. Mr Lissow suggested that the law should include square footage requirements. The Board will consider this later.

Resolution to authorize Jim Volkmar & Jim Ingham to attend the annual Finger Lakes Building Officials Association conference in Rochester at a cost of \$390 each. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

Mrs Surridge mentioned that in the vouchers for approval is an expense for a new radio for Mr Lissow. Apparently the County changed over to a new system and the radio we had could no longer receive County information. A new radio had to be purchased.

Resolution to amend the 2006-07 budget to reflect the expense of a new radio as follows: increase #A3620.2 by \$490; decrease #A1990.4 contingency. Motion was made by Mayor Gursslin, seconded by Trustee Speer. Carried unanimously 5-0

Public Works:

- 38 East Avenue Mr Tilebein reported that the buyer of the subdivided lot did not exercise his option to purchase the land before the Option Agreement expired on 12/25/06. Mr Tilebein granted an extension for 30 days. General discussion followed. It was determined that if the buyer does not make a commitment by January 24th 2007 then the buyer will have to come before the Board and request another extension.
- Purchase of street lighting system: Mr Tilebein has spoken with the PSC asking for help on determining the placement of the conduit to disconnect the system from RGE. They are not able to change the tariff regulations. To move forward with the project will mean a substantial increase to the project costs which may make the pay back period unattractive. Mrs Surridge stated that she would like to re-calculate the pay back period because a few things have changed in the past two years. The Board will wait for this information before making a decision on whether to move forward with the project or not.

Recreation

Recreation Director, Steve Fowler and Commissioner, Tom Ganley joined the meeting at 6:00 p.m. to discuss a proposal to study the feasibility of either building a new 31,000 sq ft Community & Health Center or renovating the existing Community Center. The costs to hire an architectural firm is estimated at \$10,000 and the Recreation Commission is asking the Village to share 50%. Lengthy discussion followed. Mr Ganley stated the Recreation Commissioners are concerned about the quality of life for our community.

Mayor Gursslin questioned if the Town Hall property is being considered as a possible site because there are no sanitary sewers available? Mr Fowler replied by stating he is aware that problems exist with the leech fields at the Town Hall and the costs involved with emptying the holding tanks for the restrooms. The Commission does not have closed minds on where the new facility would be built. Old Hojack Lane near the schools has been suggested as a possible site too. The facility does not necessarily have to be built at the Town Hall.

Trustee Gates asked when the Village share would be due? Our new budget year doesn't start until June 1, 2007. Mr Fowler replied that the Town's 50% share would come from a recreation fund and maybe there is a way to up-front the Village's share in advance. He will discuss this with the Town Board.

Trustee Speer stated he likes the concept of having a plan and a foot print of a new building, but he is concerned about the impact to our tax payers. Our community is already paying for a \$150/million bond for the recent capital project undertaken by the School District, and there's another proposal to bond a new fire hall. He asked if the Recreation Commission has given consideration as to how much debt our taxpayers can afford? Tom Ganley stated any bond would have to be put up for a public referendum. He and the Commissioners will campaign for this Community Health Center and see what the tax payers have to say.

Trustee Lee was in favor of the proposal. He mentioned how business people are complaining that we need to do something to get the kids off the street, we need more basketball courts as an example.

Trustee Horylev asked these questions: "Has any thought been given to working with the Fitness Warehouse business on Canning Street since they are looking to expand? Has any thought been given to a sports center and a social center concept? A sports center would address more of our community needs. Is the Commission convinced that the new building has to be one building fits all?" Mr Ganley replied that they have talked with Fitness Warehouse and the Commissioners prefer one building to fit all needs.

Resolution to support the request from the Hilton Parma Recreation Commission to study the concept of a 31,000 sq ft "Hilton-Parma Community & Health Center". Be it further resolved that the Village will fund 50% of the cost for this study, not to exceed \$5,000. The Village share will be appropriated in the 2007-08 fiscal year. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0.

Public Hearings

Mayor Gursslin opened the public hearing at 7:00 p.m. to consider the adoption of Local Law #1, November 7, 2006 which would establish a six month moratorium on wood boilers. There being no one present to discuss this law, the hearing was immediately closed.

Resolution to adopt Local Law #1 of 2007 which reads as follows:

Sec. 1. Purpose.

(a) It is the purpose of this law to address potential environmental, safety and planning concerns by preventing and avoiding, for a reasonable period of time, certain construction which may seriously and detrimentally impair the safety and contribute to the degradation of the significant environmental resources of the Village of Hilton, in order to allow the Village of Hilton to evaluate and effectuate solutions to those potential safety and environmental issues and concerns, and in order not to undermine the conscious and continuous determination by the Village of Hilton to resolve and lessen such threats to the health, safety and welfare of the citizens of the Village of Hilton.

(b) It is the further purpose of this law to enable the Village of Hilton to suspend

the construction and installation of outdoor wood boilers, for a reasonable period of time pending the completion of a master plan for the construction and installation such outdoor wood boilers in the Village of Hilton, and pending the adoption of local laws necessary to effectuate that master plan through amendments to the zoning law of the Village of Hilton and other appropriate local laws of the Village of Hilton required to conform to such master plan.

(c) It is further the purpose of this law to fulfill the Village of Hilton's constitutional, statutory and legal obligations to protect and preserve the public health, welfare and safety of the citizens of the Village of Hilton and in particular to protect the safety of its citizens and the value, use and enjoyment of property in the Village of Hilton, to prohibit the filing of new applications for the construction and installation of outdoor wood boilers and thus defer official governmental action permitting the construction and installation of such boilers until the Planning Board and Village Board have instituted and completed proceedings on recommendations for adoption of the outdoor wooden boiler master plan, amendments to the Zoning Local Law of the Village of Hilton, and other local laws of the Village of Hilton.

Sec. 2. Imposition of Moratorium.

(a) For a period of one hundred eighty (180) days from and after the adoption date of this local law, no application for the construction or installation of an outdoor wood boiler may be filed, accepted or processed, except as provided in paragraph (b) below and Section 3 of this local law. For the purpose of this local law, an application for the construction and installation of an outdoor wood boiler shall be deemed to mean and include any request for official action by the Village Board, Zoning Board of Appeals, Planning Board, any building or zoning enforcement officer, or any other board, officer or agency of the Village of Hilton, which request and approval would in any way commence or continue the process whereby an outdoor wood boiler is or may be constructed or installed.

(b) The imposition of this local law shall not affect the processing of applications for the construction and installation of outdoor wood boilers which have been received and approved prior to the effective date of this local law. No new applications for the construction and installation of outdoor wood boilers shall be considered by any board, officer or agency of the Village of Hilton while the moratorium imposed by this local law is in effect.

Sec. 3. Alleviation of Hardship.

(a) The Village Board of the Village of Hilton may authorize exceptions to the moratorium imposed by this local law when it finds, based upon evidence presented to it, that deferral of action on an application for the construction and installation of an outdoor wood boiler, and the deferral of approval of such application for the duration of the moratorium would impose an extraordinary hardship on the landowner or applicant.

(b) A request for an exception based upon extraordinary hardship shall be filed with the Village Clerk or designee, including a fee of Five Hundred and 00/100 Dollars (\$500.00) to cover the processing and advertising costs, to be paid by the landowner, or by the applicant with the consent of the landowner, and shall provide a recitation of the specific facts that are alleged to support the claim of extraordinary hardship, and shall contain such other information as the Village Clerk or designee shall prescribe as necessary for the Village Board to be fully informed with respect to the application.

(c) A public hearing on any request for an exception based on extraordinary hardship shall be held by the Village Board at the first regular meeting of the Village Board that occurs after the expiration of the period for publication of notice of the request for an exception.

(d) In reviewing an application for an exception based upon a claim of extraordinary hardships, the Village Board shall consider the following criteria:

(1) The extent to which the proposed construction/installation would cause significant environmental degradation, adversely impact natural resources or cause public health or safety concerns.

(2) Whether the moratorium will expose the applicant to substantial monetary liability to third persons or would leave the applicant completely unable, after a thorough review of alternative solutions, to earn a reasonable return on the property.

(3) The extent to which actions of the applicant were undertaken in a good faith belief that the proposed construction/installation would not lead to significant environmental degradation, undue adverse impacts on natural resources or public health or safety concerns.

(e) At the conclusion of the public hearing and after reviewing the evidence and testimony placed before it, the Village Board shall act upon the request to approve, deny, or approve in part and deny in part the request made by the applicant.

Sec. 5. Supersession and Suspension of Other Laws.

This Local Law supersedes and suspends all prior local laws, to the extent that said prior local laws conflict with the moratorium set forth herein, but only for the duration of this moratorium. This Local Law, to the extent permitted by law, further supersedes and suspends any other law that may require acceptance, hearing, consideration, determination or any other action with respect to any application or request for the construction and installation of an outdoor wood boiler, until the expiration or termination of this local law.

Sec. 6. Validity.

If any section, sentence, clause or phrase of this local law is held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall in no way affect the validity of the remaining portions of this local law.

Sec. 7. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State.

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

Mayor Gursslin then opened a second public hearing at 7:05 p.m. to consider the adoption of Local Law #2, of 2007 which would amend the Zoning Ordinance by prohibiting garages from being converted to living space.

Douglas Bull, residing at #142 Raintree Lane, was present to talk about this proposal. He recently applied for a building permit to convert his garage to living space and was denied due to the moratorium the Board put in place several weeks ago. He has a 3 bedroom ranch home with a two car garage. He has 3 children and they need more living space. They don't want to sell their home as they have lived there for 11 years. He explained the hardship he has on his lot: He can't build a garage on the front of the home because he would be in violation of the front setback requirements. At the rear of his house is a deck and hot tub with a sloping back yard. His side setback is 13.5 feet and our setback requires 8' so he only has the option to build a 5' garage. Extending his foundation for the 5 feet would be expensive.

Mayor Gursslin explained why the Board is considering this law. First, a homeowner should be aware that it will be harder to sell a home without a garage. Second, converting garages to living space changes the characteristics of the neighborhood/subdivision for which it was intended. Without a garage, the homeowner may not have a place to store their belongings, i.e. bikes, garbage cans, etc. Mr Bull replied that he has a 10' x 10' shed in his back yard for which he stores these items. Lengthy discussion followed.

Mayor Gursslin closed the public hearing at 7:30 p.m.

Resolution that the moratorium adopted by the Village Board on November 7, 2006 on the matter of not issuing building permits to convert garages to living space is hereby declared over. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0

The Board reviewed the proposed law. Based on the suggestion that our Code Enforcement Officer made earlier, the law was amended to clarify that in a situation where an applicant for a building permit has multiple car garages, a one car garage must be maintained.

Resolution to adopt Local Law #2, 2007 which reads as follows:

Section 1: Section 24-302, paragraph (A) (1) is hereby omitted in its entirety.

Section 2: A new paragraph 24-302 (A) (1) is hereby added and shall read as follows:
"Permitted Uses: The following uses and their accessory uses are permitted outright:
Single family dwelling with at least a single car attached or detached private garage.

Section 3: This local law shall take effect upon publication and filing with the Secretary of State.

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

Clerk-Treasurer:

- Day Care: Mrs SurrIDGE reported that she and Trustee Speer met with one of the owners of the business and discussed their past due rent. They haven't been using one of the larger rooms upstairs for the after school age children for quite some time, however, they still have furniture and other belongings in that room. They will be emptying that room in order to obtain a rent reduction.

Resolution to lower the amount charged for rent to the Alphabet Campus Day Care by \$570.00/month once they vacate room 2b. Motion was made by Trustee Speer, seconded by Trustee Gates. Carried unanimously 5-0

- **Resolution** that since the delivery of the new refuse truck is going to take place later than expected, be it resolved that if there is enough funds on hand to pay cash for the truck instead of bonding the purchase, the Clerk-Treasurer is authorized to do so. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0

Vouchers

Resolution to approve the vouchers submitted for payment , total as follows:

General fund	\$ 49,655.81
Water fund	\$ 26,561.57
Sewer fund	\$ 340.04
Gas fund	\$ 998.81
Electric fund	\$ 93,391.62
T/A fund	\$ 21,468.68
Prepays	<u>\$145,860.45</u>
Total	\$338,276.98

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

Meeting adjourned at 8:05 pm

Janet SurrIDGE
Clerk-Treasurer