

*Village Board of Trustees  
Meeting Minutes of June 5th, 2007*

Present: Mayor Larry Gurslin  
Trustees Gates, Horylev, Speer & Lee  
Clerk-Treasurer Janet Surridge

Guests: Kim Turlington, Kelly Climer, John Dianni, Eric Hafner, Betty Sorensen, Lenny & Joyce Parzynski, Lois DeWitt, Mike Spoonhower, Joanne & David O'Keefe, Robert Goodwin, Pat Buskey, Gary Comardo, James Beehler, Grace Dean, Dana Brunett.

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

**Resolution** to enter into executive session for the purpose of discussing proposed business contracts. Motion was made by Mayor Gurslin, seconded by Trustee Horylev. Carried unanimously 5-0

**Resolution** to end executive session at 6:50 p.m. Motion was made by Mayor Gurslin, seconded by Trustee Gates. Carried unanimously 5-0

**Proposed Annexation**

On May 31<sup>st</sup>, 2007 the Village of Hilton received notice that the Town of Parma had commenced a law suit against the Village and also against Mr & Mrs James Beehler regarding their petition for annexation. The conflict began when Mr Beehler's attorney filed a letter with both the Town and Village on April 25<sup>th</sup> stating "Upon a review of the records of the Monroe County Clerk, it appears that the Town of Parma has not filed a written Order with the County Clerk in the manner required by General Municipal Law 711. By action of General Municipal Law 711 (2) (b), the result is that the annexation has been approved and my client's land is now annexed to the Village of Hilton."

The Village Board must respond to the court action by June 20<sup>th</sup>, 2007. Discussion followed. The Lacy, Katzen law firm represents both the Town of Parma and the Village of Hilton, thus creating a conflict of interest. The Village of Hilton must hire new legal counsel to represent us on this case.

**Resolution** to retain the legal services of Attorney Ronald Mittleman, who works for Scolaro, Shulman, Cohen, Fetter & Burstein, P.C. to represent the Village of Hilton on the annexation law suit. Motion was made by Trustee Horylev, seconded by Mayor Gurslin. Carried unanimously 5-0

**Resolution** that a special meeting is called for June 12<sup>th</sup> at 5:00 p.m. for the purpose of meeting with Mr Mittleman on this matter. Motion was made by Mayor Gurslin, seconded by Trustee Horylev. Carried unanimously 5-0

## **Public Forum**

Methodist Church: Ms Lois DeWitt discussed a fund raising activity that the church is planning for families who suffered losses because of Hurricane Katrina. They would like to put out an A-frame sign as advertisement which according to the current Sign Ordinance is not allowed. Trustee Horylev explained that the Board is in the process of updating our Ordinance and we hope to have a public hearing on it in July. If approved, A-frame signs would be allowed subject to Planning Board approval. Ms DeWitt was instructed to call the Village Office tomorrow to get more information on how to apply to the Planning Board.

## **Unionville Station Subdivision**

Residents were present to discuss the proposed housing development by Beehler Construction at the west end of Unionville Station. This property is situated in the Town of Parma with proposed access to that development coming from Leith Lane. That is a concern to the people who live there. The increased traffic for Unionville would impact all residents plus other quality of life issues.

The following comments were made:

Jim Beehler: He is looking at building either 20 single family homes for any age group or 40 - 50 single family homes targeted for seniors. He wants to do what's best for the existing residents in Unionville and asked those present what they would prefer to be developed on his land?

Betty Sorensen, 41 Leith Lane: How is the Village Board going to protect Unionville residents for fire and emergency vehicles? She doesn't feel that the traffic should all flow to South Avenue, what about an access point to Burritt or Hill Road?

Jim Beehler stated he thought it would be nice to build senior housing and keep all of our seniors in one spot in the village, but he finds himself caught between the Town and Village in a legal matter over his annexation petition.

Betty Sorensen replied by asking if he would provide another access road out of the subdivision? Jim stated that he can not provide that, all traffic would have to go through Leith Lane. Someday he hopes to leave an access road to the adjacent properties.

Dave O'Keefe, 60 Leith Lane: What's the difference between single family homes and senior homes? Is there a difference in units or volume?

Jim Beehler: He doesn't have a set number of units planned, that's up to the Town Planning Board to decide but he could build 20 homes under the current Town zoning.

Mike Spoonhower: Questioned the number of units if he builds senior housing?

Jim Beehler replied it could be between 60 - 100 homes.

Mike Spoonhower replied that in his opinion Leith Lane was not designed to handle that kind of traffic.

Betty Sorensen: Would Beehler's homes be on septic systems? What about garbage pickup, busses, Town & Village maintenance vehicles? All that traffic is not good for the residents of Unionville.

Mayor Gursslin stated that there is a possibility that the Village could enter into an intermunicipal agreement to minimize the maintenance vehicles.

Joyce Parzynski, 63 Leith Lane: Questioned why she found Larry Gursslin's name listed as a project manager on the second page of Beehler Construction's website? Isn't this situation a conflict of interest for the Mayor?

Mayor Gursslin replied that when he learned that it was there, he asked that it be removed because it was mis-information.

Mr Beehler replied also by saying that a former employee of his designed his website and mistakenly listed Larry Gursslin. His only involvement was as an advisor in his capacity as Building Inspector for the Town of Hamlin.

Pat Buskey, 24 Hill Road: In the long run, the density for single family homes isn't as great as if senior housing were approved. If it takes 10 years for Mr Beehler to build his subdivision to it's capacity, that's a whole lot of time for construction vehicles to be going through Unionville Station. A concern expressed by the residents on Burritt Road & Hill Road to the Town Board at the January annexation public hearing was the Town would lose control of any development if the property were annexed.

Trustee Horylev assured the people here tonight that the Village Board will be looking out for their best interest.

Pat Buskey said he has a problem too with Larry Gursslin's name on the Beehler Construction website He's very troubled by that and cautioned the Mayor to refrain from voting on any issue that poses a conflict of interest for him. He also asked what is the next step for resolving the annexation dispute between the Town and Village? How can the residents stay informed on decisions that are being made?

Mayor Gursslin replied by informing the residents of the Board's recent decision to hire an attorney to represent us on the law suit. The next meeting will take place on June 12<sup>th</sup> at 5:00 pm.

### **Economic Development**

Dana Brunett gave his monthly report. He had business cards made and he's in the process of mailing a letter to all of our businesses to introduce himself, state the mission of his committee and offer assistance. General discussion followed.

## Clerk's Report

- X 38 East Avenue: Mrs Surridge reported that the closing took place on June 1<sup>st</sup>.
- X Self insure dental proposal: After meeting with the employees, Mrs Surridge reported that everyone is in favor of implementing our new plan subject to one condition. If an employee is referred to a Periodontist, Endodontist, or oral surgeon and the cost of any treatment is billed at a higher rate than the Blue Cross negotiated amount, the employee could experience more out of pocket expenses under this proposal. Is the Village Board willing to pay any cost difference if this situation were to happen? The employees also made a suggestion that if the Village achieves a savings under this proposal, that the savings be shared with the employees by setting that amount aside for future retirement medical costs.

**Resolution** that effective July 1, 2007 the Village of Hilton will no longer purchase dental insurance from Excellus Blue Cross for full time active employees. Mrs Surridge is authorized to take the appropriate action to cancel said insurance. Motion was made by Trustee Horylev, seconded by Trustee Gates. Carried unanimously 5-0

**Resolution** that effective July 1, 2007 the Village Board hereby creates a self insurance dental fund for full time active employees and said plan will pay to an employee any additional cost that a dentist specialist may charge over and above the negotiated Blue Cross rate to insure that our employees do not incur more out of pocket expenses. Treasurer is hereby directed to establish a new savings account at HSBC Bank as part of the Trust & Agency fund to account for dental transactions and to deposit the opening sum of \$19,056.03 for the period of July 1, 2007 through May 31, 2008. Be it further resolved that said self insure fund is a pilot program that shall run for two consecutive years, after which the Village Board will decide if said fund shall continue or cease. Motion was made by Trustee Horylev, seconded by Trustee Gates. Carried unanimously 5-0

- X Worker's Comp refund: Mrs Surridge informed the Board that we received a check for \$38,576 as a refund for the year 2006 because our employees had a very successful loss performance rating. This revenue was not anticipated for the 2007-08 fiscal year.

**Resolution** to authorize Mrs Surridge to set aside the sum of \$38,576 in the General Fund as a reserve to pay either the future cost of retired employees health insurance premiums, worker's comp insurance increases, or the self insurance dental program. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0

### Vouchers

**Resolution** to approve the abstract of vouchers, with the following additions: Arlington Restaurant \$30.00; Michael Copek Landscaping \$1,302.37 Total approved is:

General	\$ 67,047.06
Water	\$ 35,461.75
Sewer	\$ 3,952.66
Electric	\$ 3,178.78
Gas	\$ 793.19
T/A Fund	\$ 14,899.22
Prepaid	<u>\$151,355.09</u>
Total	\$278,020.12

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

### Minutes

**Resolution** to approve the meeting minutes for May 1st 2007. Motion was made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0

### Street Lighting Purchase

**Resolution** to authorize the payment of \$445,697.00 to RG&E for the purchase of the street lighting system which is scheduled to close on June 6th, 2007. Motion was made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0

### Proposed Sign Ordinance

Trustee Horylev presented the final version of the new Sign Ordinance to the Board for their review and approval. General discussion followed.

**Resolution** to schedule a public hearing for July 3rd, 2007 at 7:00 p.m. to consider the adoption of a local law to replace the current Sign Ordinance. Mayor Gurslin made the motion and added his praise for the outstanding job that Walt and his committee did to bring this about. Motion was seconded by Trustee Speer. Carried unanimously 5-0

### Real Property Tax Credit

**Resolution** that pursuant to the existing franchise agreement and per Section 626 (1) of the Real Property Tax Law, a tax credit of \$126.88 is hereby granted to Time Warner Cable. Motion was made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 5-0

## **Newsletter**

**Resolution** to accept the resignation from Sandra Watkins as Newsletter Editor. Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0

**Resolution** to appoint Mary Lissow to the position of Newsletter Editor for a probation period of one issue, pending her acceptance. Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0

## **Day Care**

The Board discussed the unpaid rent owed to the Village by Alphabet Campus. Since this is a situation that has been on-going for several years, the Board felt that we can no longer allow it to continue. Alphabet Campus is on a month to month lease.

**Resolution** to authorize the Village Attorney to commence eviction proceedings against Alphabet Campus Day Care. The tenant shall vacate the Community Center premises no later than August 17, 2007. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0

The Board then discussed the letter of intent from Kim Turlington and Kelly Climer who wish to lease space in the Community Center for a new day care business.

**Resolution** to enter into a lease agreement with Hilton Community Child Care for the purpose of operating a day care business in this facility at the rate of \$7.98/sq ft. Said lease to be effective on September 1, 2007. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0

## **Canning Street**

The Board reviewed the information that has been submitted from a prospective buyer of the remaining lands at #10 Canning Street, which the Village bought several years ago in order to improve the infrastructure in the Canning/Upton/Hazen Street area. Since the infrastructure is just about completed, the Board is in a position to sell the remaining land which is about 75% of the parcel.

The Clerk-Treasurer provided a copy of Chapter 15-C of the Hilton Code, entitled "Sale of Village Owned Property." Paragraph #15-C-2 -B states "A proposed conveyance by private sale shall be authorized by a majority vote of the Board of Trustees and shall not be for less than the fair market value."

Mayor Gursslin presented a copy of the most recent appraisal prepared by Metro Appraisals on March 21, 2007. The appraised value is \$42,700. Discussion followed.

**Resolution** to enter into an Option to Purchase Agreement with Fitness Warehouse for the sale of #10 Canning Street with the following terms and conditions:

1. The sale price is \$40,000
2. The concrete slab on the property shall be removed at the buyer's expense, of which the cost to do so makes up the approximate difference between the sale price and the appraised value.
3. Closing on the property shall take place within 6 months from this date.
4. If the buyer does not obtain a valid building permit, or fails to construct a 3 unit commercial building within one year from the date of closing, said property shall be sold back to the Village of Hilton at the price of \$40,000.

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

Mrs Surridge stated the Village will need to hire Maier Land Surveyors to prepare a survey map of the property to be sold.

Meeting adjourned at 9:00 p.m.

Janet Surridge  
Clerk-Treasurer