

*Village Board of Trustees
Meeting minutes of November 4th, 2008*

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

Guests: Steve Fowler, Keith Pittman, Ed Evans.

Wind Energy

A workshop session was called to order at 3:00 pm by Mayor Gurslin for the purpose of meeting with Keith Pittman from Empire State Wind Energy. Mr Pittman explained his background and company information, then gave the Board some advice on how to continue our research of using wind energy technology for the Hilton community.

Main Street Grant

The Board continued it's workshop session by meeting with John Steinmetz, from the Steinmetz Planning Group to talk about the criteria of a NYS Main Street grant application. Mr Steinmetz gave the Board a 15 minute presentation showing slides from the Village of LeRoy who was successful in obtaining a grant to improve the facades on some of their businesses. Afterwards, he explained the different components of any application submitted and what the matching funds were for each section.

The Board felt that it would be very beneficial to submit an application for a grant to improve our central business district. The first step we need to undertake is to find out how many businesses, if any, are willing to participate and fund 50% of the cost of any construction. Discussion followed.

Resolution to authorize John Steinmetz and the Clerk-Treasurer to set up an informational meeting with our business owners to determine the level of interest on who is willing to make facade improvements to their property on a 50-50 cost share basis. If there is enough interest to support a grant application, then the Village Board is willing to hire the Steinmetz Planning Group to write a Main Street grant application for a fee of \$6,000. Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0

At 5:00 pm Mayor Gurslin opened the regular monthly meeting. Code Enforcement Officer Mike Lissow joined the meeting at this time, and Deputy Clerk Shari Pearce left the meeting.

Neighborhood Concern

Mayor Gurslin talked about complaints he has received from residents in the Short Hills Subdivision about teenagers causing vandalism to property, loitering and excessive noise problems. This matter should be dealt with by the Monroe County Sheriff's Office and Mayor Gurslin will be contacting them to increase their patrols in this area.

During this discussion, Trustee Horylev had to leave the meeting unexpectedly.

Code Enforcement

Mr Lissow explained to the Board that Paul Mance, on behalf of St. Leo's Church, applied for a building permit to repair the roof over their shrine. He was charged \$20 for the permit fee, then Mr Mance requested that the fee be reimbursed because it was a church project. Mr Lissow informed him that the Village does not have a policy to refund permit fees for any organization. Mr Mance is asking the Village Board to consider his request.

Mr Lissow also mentioned that he issued several permits recently to homeowners who had to repair their front steps. He charged each permit a \$75.00 remodeling fee since our fee schedule does not include this type of construction.

After general discussion of both items, the Board asked Mike to give this some thought and make a recommendation next month on whether or not the fee schedule should be amended in any regard.

Resolution to deny the request from St. Leo's Church to be reimbursed the \$20.00 permit fee for the renovation of the Blessed Mary structure. Motion was made by Trustee Gates, seconded by Trustee Lee. Vote as follows: Trustees Gates, Lee & Speer, aye; Mayor Gursplin abstained, Trustee Horylev was absent. Carried 3-0-1

Trustee Horylev re-joined the meeting at this time.

Superintendent of Public Works

- **Trailway grant:** Mr Tilebein reported that he has obtained a preliminary estimate from our engineer, MRB Group, to construct a multi-phased approach to designing a pedestrian bridge near Village II Apartments, and he has requested a quote to buy a pre-fabricated bridge 100' long. When all of this data is in, he will make a formal report to the Board.
- **Water main to Old Hojack Lane:** Mr Tilebein has met with a potential buyer of a parcel of land owned by the Hilton Local Development Corporation on the north side of Old Hojack Lane. Unfortunately, the buyer is interested in the most westerly parcel which means the Village would have a further distance to bring the utilities. This is very cost prohibitive to the Village. Trustee Gates asked if it would be possible to install a 2" water service instead of a 12". He realizes it's only a temporary fix. Mr Tilebein agreed with his recommendation and will pursue it. When Mayor Gursplin reminded Mr Tilebein that any electric service on Old Hojack Lane has to be underground, Mr Tilebein replied that RG&E will charge the buyer quite a bit of money to do this. That cost could squelch the land purchase offer. Mr Tilebein will deliver this information to the buyer and see if he agrees.
- **Personnel:** Mr Tilebein informed the Board that we received a substantial refund from our self-insure worker's compensation plan which is partly due to our employees being safe on the job. As a way to encourage the exceptional safety record of our employees, he recommended a 3 phase plan on how to spend this refund: 1) Place 1/3 of the refund in a reserve to offset a catastrophic worker's compensation claim (Village is exposed to a \$200,000 out of pocket expense) 2) Set another 1/3 of the refund aside for future health care benefits, and 3) Distribute the balance of the refund amongst the employees by depositing the funds into each of their medical Health Savings Accounts. This money would offset their 10% share of the annual deductible limit. A brief discussion followed, then the Board started to discuss another recommendation about health care.

Mrs Surrige said she feels that the Village Board should only pay 50% of the Village's share of the employees annual deductible in January instead of 100%. The remaining 50% would be paid in June. The reason being is that we should disburse our funds according to the fiscal year they relate to. She also recommended that if an employee needs more of their annual deductible before June, special payment arrangements can be made with the employee.

In conclusion, the consensus of the Board is that they are not in favor of disbursing anything more than 90% of the employee's annual deductible amount into the health savings accounts, but they are in favor of paying our share of the annual deductible in two installments. The personnel team was instructed to review this with the employees.

- **Resolution** to authorize the purchase of a one ton truck for \$32,000, which is a budgeted item. Motion to approve was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0
- Parking lot leases: Mayor Gursslin reported that he had a lengthy meeting with Mrs Fertitta and learned the reasons why she is not willing to sign a lease. It was agreed that her reasons would be submitted in writing and the Village would address each concern. The matter remains unresolved.

Clerk's Report

- Credit cards: Mrs Surridge informed the Board that there is a new software product available which will allow us to accept credit cards as a form of payment. She asked if this is something the Board would like implemented now or next fiscal year. The Board voted for next year's budget.
- **Resolution** to approve the following amendment to the agreement with Energy Services Group, and to renew said contract for an additional two year period commencing on 1/1/2009 and ending on 12/31/2010:.

SECOND ADDENDUM TO THE SERVICES AGREEMENT

THIS IS THE SECOND ADDENDUM ("SECOND ADDENDUM") TO THE Services Agreement ("the Agreement"), dated November 7, 2006 between The Village of Hilton, (" Client"), and Energy Services Group, Inc., is entered into on November 4th, 2008. Client and ESG are also referred to in this Second Addendum individually as a "Party" and collectively as the "Parties."

WHEREAS, ESG and Client are Parties to the Agreement;

WHEREAS, the Parties wish to amend the Agreement to revise certain responsibilities, as set forth below;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

1. Modify the Agreement to replace in its entirety the ESG Self-Supply Services Responsibility Matrix contained in Schedule 1- Scope and Responsibilities; with the matrix below:

ESG Self-Supply-Services Responsibility Matrix		
Function	ESG	CLIENT
ELECTRICITY PROCUREMENT		
Load Profiling, Pricing and Contracting		
Execute Letters of Authorization, authorize solicitation of historical usage from utilities and load data distribution to energy suppliers.	Assist	X
Execute Power Supply Agreements with wholesale energy suppliers		X
Describe Capacity purchase options	X	
Decide strategy and direction on ICAP bidding quantities and price points		X
Execute Capacity purchases thru Auction participation	X	
MARKET ENTRY		
Regulatory		
Obtain and maintain appropriate license from state commission to act as a retail energy market participant	Assist	X
Establish and maintain ISO membership	Assist	X
Execute delivery service agreements with utility companies		X
Retail Functions Implementation		
Perform testing and certification with utility and ISO trading partners	X	
Establish banking relationships and test interfaces	X	Assist
Provide meter schedule for switch to wholesale supply		X
Wholesale Functions Implementation		
Setup wholesale invoice receipt	X	Assist
Conduct testing and certification with ISO for scheduling and settlement interfaces	X	
Setup and test interfaces for daily scheduling and settlement procedures	X	
Setup and test ISO invoice receipt	X	
SELF SUPPLY OPERATIONS		
Help Desk		
Provide Help Desk support	X	
Business process exception resolution	X	Assist
Enrollment and Account Administration		
Responsible for notifying ESG and Wholesale Supplier no less than 30 (thirty) days prior to any material changes to facility consumption volumes or patterns		X
Request Historical Usage		X
Scheduling and Settlement		
Provide energy scheduling report to Client	X	
Forecast Energy Consumption based on Historical Usage Data	X	
Approve energy schedules		X
Submit schedules and updates to ISO	X	
Maintain scheduling and settlement interfaces and required updates	X	
Invoicing		
Facilitate presentation of invoices to Client (energy supply, utility, ISO, ESG services)	X	
Payment of Client invoices (energy supply, utility, ISO, ESG services)		X
Regulatory Reporting		
Prepare required reports for self supply entity to public utility commission (PUC), ISO	Assist	X
Submit required self supply entity reports to PUC, ISO		X
Tax Reporting by Jurisdiction		X
Operational Interfaces & Reporting		
Provide Energy Schedule Report	X	
Provide Summary Costs Report	X	
Provide ISO Settlement Variance Report	X	
Provide CFD reporting	X	
Provide access and use of CMP Conduit Transaction Portal	X	

2. Modify Schedule 8 – Volumetric Fee Scale to include revised pricing as outlined below:

Tiers (Mwh)	Pricing/Mwh
0 - 2,000	\$1.50
> 2,000	\$1.00

3. Modify Section 2.1 to extend term for a period of two years from original termination date, The revised termination date will be effective January 1, 2011 unless earlier terminated in accordance with the provisions of Section 9 hereof.
4. Unless expressly changed by this Second Addendum, all other terms of the Agreement shall remain in full force and effect.
5. This Addendum may be executed in multiple counterparts, including facsimile counterparts, each of which shall be deemed an original, but all of which together shall constitute one in the same instrument.

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

- **Resolution** to deposit the worker’s comp refund check in the amount of \$32,966 into the pre-established general fund savings account that was set up as a reserve for any catastrophic workers compensation claim and/or future medical expenses for employees. Motion was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0
- **Resolution** that the 2009 fixed rate price for the supply of electricity shall be \$.08/per kw. Motion was made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0
- **Resolution** to enter into a Power Swap Agreement with Constellation Energy as a guarantee for a fixed price of \$65.25/per megawatt hour for electricity for the following months and times:
 - January 1/mw on peak only
 - February 1/mw on peak only
 - March 1/mw on peak only
 - April 1/mw on peak only
 - May 1/mw on peak only
 - June 2/mw on peak and 1/mw off peak
 - July 2/mw on peak and 1/mw off peak
 - August 2/mw on peak and 1/mw off peak
 - September 1/mw on peak only
 - October 1/mw on peak only
 - November 1/mw on peak only
 - December 1/mw on peak only

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

- Tax bill adjustment: Mrs Surrige explained that in April, 2008 we placed an unpaid utility bill on the property tax for collection. We recently learned that the homeowners are going through a divorce and an argument has come up on who is responsible for paying for those charges. According to our attorney, the person who signed up for utility service is responsible for payment. Under these circumstances, Mrs Surrige said the Board needs to amend the property tax bill.

Resolution to amend the tax bill for #2 Newcomb Drive by removing the unpaid utility bill in the amount of \$500.77. Be it further resolved that this amount shall be collected through the normal utility billing cycle. Motion was made by Trustee Gates, seconded by Trustee Horylev. Vote as follows: Trustees Gates, Horylev & Speer, aye; Mayor Gursslin and Trustee Lee, opposed. (They believe the matter should have been resolved through the court system) Carried 3-2

- Community Center: Mrs Surridge informed the Board that the Hilton Community Child Care company needs an additional room on the first floor because they have a waiting list from parents with children from age 0-3. These children can not be located on the second floor because of fire exit regulations. She has come up with a way to approve this request. If the Code Enforcement office is moved to the Mayor's office, and the Parma Recreation Senior Lounge is moved to the Code Enforcement office, Day Care can have the old senior lounge room which is right next to rooms they already rent. This proposal would increase our rental income by \$5,200/per year. The expenses the Village would incur is we have to hire former maintenance employee, Dale Schwan, to build cabinets in the room to be used as a senior lounge, a little bit of painting and electrical work. The money for this renovation would be paid out of the Community Center account since we saved a few thousand dollars on the stove issue for the day care. The board was in favor of this plan and authorized it to proceed immediately.

Personnel

Mayor Gursslin presented a proposed wage bracket for the position of Assistant Supt of Public Works to the Board for review. Lengthy discussion took place.

Resolution that effective November 4, 2008 the wage bracket for the position of Asst Supt of Public Works shall be amended as follows: \$57,750 to \$65,000. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Vote as follows: Mayor Gursslin and Trustees Horylev and Speer, aye; Trustees Gates & Lee, opposed (they felt the starting pay is too low) Carried 3-2

Crosswalk/Pedestrian Safety

A few months ago, the Board reviewed a letter from a concerned citizen about the need to place pedestrian crosswalk signs in the middle of our main streets. The Board denied that request for reasons stated. A letter recently appeared in the Suburban News that criticized the Village Board for their decision. The Board re-discussed this matter.

Mr Tilebein stated that the main streets are State roads. Putting these types of signs at busy intersections is not legal. That leaves only two other places in the village that the signs could be installed and since it's not busy intersections, they don't accomplish the goal.

Resolution that the Village Board recognizes the need to improve public safety, however, installing pedestrian crosswalk signs is not feasible due to State Dept of Transportation regulations on where they can be placed. Motion was made by Trustee Speer, seconded by Trustee Lee. Vote as follows: Trustees Speer, Lee & Gates, aye; Mayor Gursslin & Trustee Horylev, opposed. (They felt there are areas in the village that the signs could help, like school locations) Carried 3-2

Contaminated Top Soil

Mayor Gursslin talked about a situation where topsoil was removed from a site in the Town of Parma and was tested for contamination. The test results were positive. He questioned if it would be a good idea to establish a policy or regulation that would require any topsoil being removed from the Village to be tested for contamination. This would protect the Village from liability issues. A lengthy discussion followed.

Mr Tilebein presented a list of contaminants that are found in our water supply today. These same contaminants would also be found in the soil as well. He said the Board needs to determine which contaminants to test for, who does the testing and who pays for it.

Trustee Gates asked if a homeowner wanted to put in a new driveway and had to dig up the soil to do that, would we require that soil to be tested? He is not in favor of placing hardship on our residents. Furthermore, he said if the Village doesn't own the land from

which the topsoil is being removed, why would the Village be liable?

Resolution that any topsoil being sold and/or relocated out of the Village of Hilton does not have to be tested for possible contamination. Motion was made by Trustee Gates, seconded by Trustee Speer. Vote as follows: Trustees Horylev, Gates, Speer & Lee, aye; Mayor Gursslin, opposed. Carried 4-1

Vouchers

Resolution to approve the abstract of vouchers with the following additions: Scolaro, Shulman & Cohen \$110.00; Genesee Design \$160.00. Totals as follows:

General fund	\$ 51,626.61
Water fund	\$ 28,777.75
Sewer fund	\$ 225.19
Electric fund	\$ 546.95
T/A fund	\$ 11,271.13
Prepaid	<u>\$189,605.04</u>
Total	\$282,052.67

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

Historian

Resolution to accept the resignation, with regret, from Historian Mary Townsend, to be effective 12/31/08. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

Resolution to advertise the vacant Village Historian position in the Suburban News. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0

30 Mariah Street

Mrs Surridge reported that the closing on this property is scheduled for November 10th.

Resolution to authorize the Clerk-Treasurer to pay all necessary closing costs for the purchase of 30 Mariah Street at an amount not to exceed \$55,000. Funds shall be paid to Lacy, Katzen. Motion was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0

Parade

Resolution to authorize the Hilton Parma Historical Society to use Village streets in June for a parade. Motion was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0

Natural Gas Supply

Mrs Surridge reported that the NYMEX price for natural gas for the months of July 1st – December 31st, 2010 is selling at a very reasonable price. She contacted our current supplier, UGI, and asked them to quote a delivery price for this same period. The quote was \$1.21/decatherm. An estimated combined delivery and NYMEX price would be about \$.95/therm. (To compare, the school will be paying \$1.07/therm for their 2009-10 fiscal year). Mrs Surridge would like to take advantage of this market down turn and save the School District a lot of money on their gas supply needs, however, if we go out for bids we may lose this opportunity since the market fluctuates every day. She recommended that we renew the contract with UGI with a new price of \$1.16 and not go out for bids. General discussion followed.

Resolution to renew our contract with UGI Services for an additional year, commencing on July 1, 2010 and ending on June 30, 2011. All terms of said contract shall remain the same except for the delivery price, which shall be amended to \$1.16/decatherm. It is recognized by the Board that bids were not solicited for this purchase because the opportunity to achieve a low delivery price may have only been available for a short period of time. Motion was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0

Meeting adjourned at 8:00 pm

Janet Surridge
Clerk-Treasurer