

Village Board of Trustees
Meeting minutes of April 7th 2009

Present: Mayor Larry Gurslin
Trustees Horylev, Gates, Lee & Speer
Janet Surridge
Tom Tilebein
Mike Lissow

Guests: Mary Ellen Stanton, Dave Wright, Steve Fowler

Public forum:

Mary Ellen Stanton, Mockingbird Lane, was present to ask if the Board had made any decisions on how to resolve their neighborhood problems. Mayor Gurslin explained that on March 30th the Board decided to hire Terry's Tree Service to cut all trees 4" or less in diameter and to mow the entire Village owned open space area. A survey letter will be sent out to every property owner who abuts this area. Depending on their responses, further actions may be taken. Mrs. Stanton was in favor of the decision made and thanked the Board for helping.

Public Works Report:

- 54 Short Hills Drive: Mr. Tilebein discussed with the Board the sidewalk that runs between #52 & #54 Short Hills Drive (lot #52 is owned by the Village) The kids who use the sidewalk are cutting across the front lawn of #54 Short Hills and the owner wants that stopped and has requested the Village to install some kind of fence. Photos of the area were shown. Mr. Tilebein has obtained two cost estimates for fencing. One option would cost about \$1,250 and the second option would cost about \$3,100. Mr. Tilebein would like the fence installed on the homeowner's property because it would eliminate the need to have DPW employees trim the grass around it (this is the lower cost option) Trustee Speer stated that he had a chance to speak with the homeowner and knows that she prefers the fence to be installed on the Village lot. Discussion followed.

Resolution to authorize the Superintendent to spend up to \$3,100 to have a fence installed, the location of which shall be at the discretion of the Superintendent and homeowner. Be it further resolved that the Clerk-Treasurer shall adjust the 2008-09 budget by transferring the sum from the Contingency account to #A5110.4H. Motion to approve was made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 5-0

Resolution to accept the amount of \$436,370.85 for a Letter of Credit amount for Section 6 of Unionville Station Subdivision. Motion to approve was made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 5-0

- **Resolution** to accept the quote from Sign Language to replace two “Welcome to Hilton” signs which were destroyed during a recent wind storm in the amount of \$4,905.00. Be it further resolved that the Clerk-Treasurer shall adjust the 2008-09 budget by transferring the sum of \$2,313 from the Contingency account to #A5110.4B (recognizing that the sum of \$2,592 was received from our insurance company) Motion was made by Mayor Gurslin, seconded by Trustee Horylev. Carried unanimously 5-0
- USDA grant: Mr. Tilebein mentioned that there is a possibility that we could use grant money to buy the type of water meters that have automated reading capability. He is going to read the USDA application material and determine if it would be worthwhile to apply for this type of grant.

Code Enforcement

The Board reviewed his report. There were no action items.

Clerk’s Report

- **Resolution:** Whereas, the Hilton Parma Fire District must conduct a public referendum on the matter of selling their property at #135 South Avenue to the Village of Hilton, and Whereas, the Village of Hilton and Parma Fire District had intended to close on the real estate transaction by April 15th, and Whereas, the public referendum will delay the closing until approximately May 19th, 2009, and Whereas, bids were received on March 26th for the removal of asbestos, and the contract documents have been prepared for work to commence on April 20th, 2009, Now, therefore, be it resolved that the Village Board of Trustees hereby authorizes the asbestos work to proceed as planned prior to closing and we shall name the Hilton Parma Fire District as additional insured on all insurance policies issued by the contractor, Environmental Construction Group. Motion was made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 5-0
- Finance report: Mrs. Surrige informed the Board that certain accounts in the Gas & Electric funds have exceeded their budget. She explained that on July 1, 2008 the Village began supplying gas & electric to the Northwood Elementary School. The budget we adopted in April, 2008 did not reflect that decision. In addition, the cost of electricity rose above \$.10/kw last summer which also contributed to this budget overrun.

Resolution to amend the 2008-09 budget as follows:

Increase Expense E8430.4	Purchase of Natural Gas	\$ 60,000
E8410.4	Purchase of Electricity	\$130,000
E8410.4C	Electricity, supplies	\$ 1,680

Increase Revenue E2154	Sale of Natural Gas	\$ 60,000
E2150	Sale of Electricity	\$131,680

Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried Unanimously 5-0

- Public Service Commission: In October, 2008 the PSC adopted new marketing regulations for energy service companies. To comply with this order, the Village has to adopt a Marketing Training & Quality Assurance program. Mrs. Surridge gave the Board a copy of the document that was filed with the PSC earlier this month.

Resolution to adopt the following:

**The Village of Hilton
Marketing Training and
Quality Assurance Program**

I. Introduction

The goal of the Village of Hilton is to empower customers with the ability to make informed choices regarding the energy products and services offered by the Village of Hilton in the evolving competitive retail energy market. To achieve this goal it is necessary for customers during the marketing process and in their interactions with the Village of Hilton and its representatives, to be provided relevant and timely information in a clear, comprehensible and lawful manner. The Village of Hilton Marketing Training and Quality Assurance Program (“Program”) provides the requisite training and review standards that will govern the operation of the Village of Hilton’s marketing programs and modalities. This Program is designed to ensure that all marketing efforts are conducted in a manner consistent with applicable legal standards and best practices, marketing representatives are conversant with the competitive retail energy market and the products and services offered by the Village of Hilton, and that the information provided to customers is accurate, relevant and understandable. The Program will be implemented under the supervision of the Village Clerk and/or the Deputy Village Clerk.

II. Training of Employee Representatives

All individuals hired by the Village of Hilton to engage in solicitation or marketing of its products and services will undergo a training program that covers the following components:

1. Information describing the development and current state of the deregulated retail competitive market, focusing upon the differing roles of the Village of Hilton and the local distribution utility (“LDU”).
2. Knowledge of the relevant sections of the New York Uniform Business Practices (“UBP”), with particular emphasis on Sections 10 and Attachments 1-3 of Section 5;
3. Knowledge of other applicable laws, rules and regulations;
4. Information concerning the products and services offered by The Village of Hilton, including details of the Village of Hilton’s rates, payment options, agreement terms, and the customers’ right to cancel, including the applicability of any early termination fee;
5. Knowledge of the applicable provisions of the Home Energy Fair Practices Act that pertain to residential customers; and
6. The requirement to provide the customer with a toll-free number from which the customer may obtain information about the Village of Hilton’s mechanisms for handling billing questions, disputes, and complaints.
7. The appropriate manner and attitude to be displayed to customers during the solicitation/marketing process.

A. In addition to the matters noted above, the training will also emphasize the importance of the following standards:

1. The representative should never make false or misleading representations including misrepresenting rates or savings offered by the Village of Hilton.
2. The representative should always clearly identify himself/herself and state that he/she is soliciting on behalf of the Village of Hilton.
3. In the case of in-person marketing, display the Village of Hilton photo-ID.
4. The representative should never represent that the Village of Hilton marketing representative is an employee or representative or acting on behalf of a distribution utility.
5. The representative should always cover the subjects listed in the Customer Disclosure Statement.
6. The representative must adhere to the standards applicable to each type of marketing approach.

The Village of Hilton will emphasize that all representatives are obligated to comply with the information and standards provided during the Program and failure to so comply is grounds for immediate termination of employment. The training will consist of written texts provided to the employee representative as well as classroom instructions provided initially to a new employee representative and one session per year to all employee representatives.

III. Quality Assurance Program

The Village of Hilton will apply various business, overview and monitoring practices to ensure that all marketing efforts are conducted and implemented on a continuous basis in conformance with the Village of Hilton's best practices and training standards. The elements of the Program are tailored to the concerns and individual components of each distinct marketing modality, designed to incentivize representatives to act responsibly and will be implemented in a workable and effective manner.

A. In-House Telemarketing

1. The Village of Hilton will design and review the marketing script to be used for all sales solicitations.
2. All telemarketing will comply with applicable Do-Not-Call laws and regulations.
3. The solicitation will be designed to comply with the provisions of UBP Section 5, Attachment 1 A-D.
4. The representative will be provided with current accurate data concerning the products and services offered by the Village of Hilton.
5. The representative will have timely access to a Supervisor to address questions arising during the solicitation.
6. The Village of Hilton will design and review the script used for telemarketing verification.
7. The Village of Hilton will on a random and regular basis review a meaningful sample of sales procedures and verifications to ensure that the representative is following the standards codified in the Program. In the event problems are discerned, the representative will be informed of any deficiency and advised that he /she may be terminated if the deficiency is not immediately corrected. The Village of Hilton will work with the representative to address any identified deficiency. The Village of Hilton will reserve the right to immediately terminate the representative if it determines that the representative's behavior or attitude is incompatible with the Village of Hilton's quality control standards.
8. Copies of all Sales Agreements will be mailed within 3 business days after agreement occurs to each customer that is enrolled by the Village of Hilton as required under the UBP, using Sales Agreement forms that have been previously reviewed by the Village of Hilton counsel and submitted to the NYS Department of Public Service (Department).
9. The Village of Hilton will on a regular basis meet with Sales personnel to obtain feedback on on-going operations and provide any needed updates or other relevant information.

B. Electronic and Internet Marketing

1. The website solicitation and materials will follow the requirements codified in the UBP and will be designed to confirm the customer's intent to either initiate and enroll supply service with the Village of Hilton or to continue or modify the service they receive from the Village of Hilton.
2. The website will incorporate the matters listed in the Customer Disclosure Statement.
3. The website will include the latest product offers available from the Village of Hilton.
4. The website will incorporate all the requirements and standards set forth in UBP Section 5 Attachment 2 A-E, as amended.
5. Within 3 business days of final agreement to initiate service, the Village of Hilton will send an electronic confirmation notice to the customer at the customer's e-mail address.
6. The Village of Hilton will on a random and regular basis review a meaningful sample of electronic sales to ensure that the website is following the appropriate standards. In the event problems are discerned, they will be corrected in an expeditious manner.

C. Door-to-Door Marketing (DTD)

The Village of Hilton does not allow door-to-door marketing by Village employees.

D. In Person Marketing (other than DTD)

1. The Village of Hilton will design and review the marketing script to be used for all sales solicitations.
2. The representative will be provided with current accurate data concerning the products and services offered by the Village of Hilton
3. The representative will have timely access to a Supervisor to address questions arising during the solicitation.
4. The Village of Hilton will on a random and regular basis review the agreements obtained through In-person solicitations to help ensure that best practices and the standards set forth in this Program are being implemented. In the event problems are discerned, the representative will be informed of any deficiency and advised that he /she may be terminated if the deficiency is not immediately corrected. The Village of Hilton will work with the representative to address any identified deficiency. The Village of Hilton will reserve the right to immediately terminate the representative if it determines that the representative's behavior or attitude is incompatible with the Village of Hilton's quality control standards.

5. Copies of all Sales Agreements will be provided to each customer that is enrolled by the Village of Hilton as required under the UBP, using a Sales Agreement form that has been previously reviewed by the Village of Hilton counsel and submitted to the Department, that are designed to comply with UBP Section 5, Attachment 3 A-B.
6. The Village of Hilton will on a regular basis meet with Sales personnel to obtain feedback on on-going operations and provide any needed updates or other relevant information.
7. The salesperson shall be required to wear in a conspicuous location the Village of Hilton photo-ID.
8. The training of the salespersons will, in addition to covering the items listed in Section II above, will also emphasize the provisions of UBP Section 10.C.1.

E. Direct Mail Marketing

1. The Village of Hilton will review and prepare all materials used in a direct mail solicitation.
2. Customers will be provided with a complete copy of the Sales Agreement including the Customer Disclosure Statement.
3. The Village of Hilton will employ direct mail solicitations that are consistent with the UBP and applicable law.

F. External Marketing

The Village of Hilton will not retain the services of outside vendors on a contractual basis to provide marketing services on behalf of the Village of Hilton.

IV. Dispute Resolution Process

The Village of Hilton will maintain an internal process for handling customer complaints and resolving disputes arising from marketing activities and shall respond promptly to complaints forwarded by the Department.

1. When the Village of Hilton receives a customer complaint or inquiry via call center, email or regular mail, the representative will make a record of the complaint and apply a case number or other identifying feature.
2. The representative will investigate the substance of the complaint or inquiry and provide a response to the customer within ten (10) days of receipt of the complaint or inquiry. If the customer is not satisfied with the resolution presented by the call center representative, the representative will raise the complaint or inquiry to a Supervisor, who will review the matter and respond to the customer within five (5) business days.

3. Upon receipt of a complaint forwarded by the Commission or other governmental agency, the Village of Hilton will respond within ten (10) days and in accordance with the direction provided by the Commission or other agency.
4. The Village of Hilton will cooperate with the Department and the Commission regarding marketing practices proscribed by the UBP and with local law enforcement in investigations concerning deceptive marketing practices.
5. In the event of any dispute involving a sales agreement and/or authorization, the Village of Hilton will provide a copy of the customer's acceptance of the sales agreement and/or authorization for release of information or provide on-line access to the acceptance and/or authorization within five (5) calendar days after a request from the Department.

V. Document Retention

The Village of Hilton will retain written agreements and/or authorizations for two (2) years from the effective date of the agreement and/or authorization or for the length of the agreement whichever is longer.

VI. Modification

The Program may be subsequently modified or revised to accommodate changing business operations, regulatory requirements, and interactions with customers.

Motion was made by Trustee Horylev, seconded by Trustee Lee to adopt said program. Carried unanimously 5-0

Other Business:

Resolution to appoint Thomas Tilebein as the Supt of Public Works from April 1st 2009 through March 31st, 2010. Motion made by Mayor Gursslin, seconded by Trustee Lee. Carried unanimously 5-0

Resolution to appoint Mike Lissow as the Village Code Enforcement Officer and Fire Marshall from April 1st 2009 through March 31st, 2010. Motion made by Mayor Gursslin, seconded by Trustee Gates. Carried unanimously 5-0

Resolution to appoint James Volkmar as Assistant Code Enforcement Officer from April 1st 2009 through March 31st, 2010. Motion made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

Resolution to re-appoint Richard LaForce to the Zoning Board of Appeals for a five year term which will expire on 3/31/2014. Motion made by Mayor Gursslin, seconded by Trustee Speer. Carried unanimously 5-0

Resolution to re-appoint Mark Hedberg to the Planning Board for a five year term which will expire on 3/31/2014. Motion made by Mayor Gursslin, seconded by Trustee Lee. Carried unanimously 5-0

Resolution that the following banks are hereby designated as the official depositories for the Village of Hilton: HSBC Bank, Citizen's Bank and M & T Bank. Motion was made by Trustee Lee, seconded by Trustee Gates. Carried unanimously 5-0

Resolution that Suburban News is hereby designated as the official newspaper of the Village of Hilton. If it is found, however, that other newspapers are needed, then the Greece Post and the Democrat and Chronicle shall also be designated as the official newspapers for the Village of Hilton. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0

Resolution that the Village Board will meet on the following dates at 5:00 p.m.:

May 5th	November 3rd
June 2nd	December 1st
July 7th	January 5th 2010
August 4th	February 2nd
September 1 st	March 2nd
October 6th	April 6th

If Mayor Gursslin shall call a special meeting, the notification procedure to the media shall be by telephone or e-mail from the Village Clerk as soon as the meeting is called. Motion was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0

Resolution to approve the following appointments: Motion made by Mayor Gursslin, seconded by Trustee Gates. Carried unanimously 5-0

Vice Mayor	Walt Horylev
Planning Board Liaison	Joe Lee
Zoning Board Liaison	Larry Speer
Personnel Liaisons	Larry Gursslin & Walt Horylev
Village Budget Liaison	Jim Gates
Gas & Electric Utility liaison	Jim Gates
Business Assistance Committee Chairman	Walt Horylev
Genesee Transp Council Representative	Walt Horylev & Tom Tilebein
Hilton Parma Recreation Liaison	Joe Lee
Enhancement	Joe Lee
Public Relations	Larry Gursslin
Newsletter/website	Janet Surridge
Fire Commissioners Liaison	Larry Speer
School Board Liaison	Larry Gursslin
Town of Parma Liaison	Walt Horylev
Chamber of Commerce	Walt Horylev
Historian	David Crumb

Asst Historian
Registrar of Vital Statistics
Deputy Reg. " "
Community Development
Records Retention Officer
Solid Waste/Recycling
Green Energy Coordinator

John Corcoran
Janet SurrIDGE
Shari Pearce & Maryalice Edwards
Janet SurrIDGE & Tom Tilebein
Janet SurrIDGE
Thomas Tilebein
Larry Speer

Resolution that the Board of Trustees hereby authorizes payment in advance of the audit of claims for the following expenditures which are due prior to the regular meeting date of the Village Board. All such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees:

- a) public utility services
- b) postage, freight and express charges
- c) Monroe County and/or New York State Department of Transportation fees
- d) Blue Cross/Blue Shield medical insurance charges
- e) Energy Services Group
- f) UGI for the supply of natural gas.
- g) NY ISO for electricity
- h) Constellation Energy

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

Resolution to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village at the rate of \$.40 cents per mile. Motion was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0

Resolution: to authorize the following petty cash funds: \$ 75.00 for water/sewer/general transactions, and \$150.00 for Gas & Electric funds. Said funds shall be located in the Village Office, 59 Henry Street and the following employees shall have access to these funds: Janet SurrIDGE, Amy Harter, Shari Pearce, Maryalice Edwards, Debbie Jones. Motion was made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0

Resolution that the procurement policy, as adopted on April 1, 2008, has been reviewed and is hereby adopted for one year with no changes. Motion was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0

Resolution that the investment policy, as adopted on April 1, 2008, has been reviewed and is hereby adopted for one year with no changes. Motion was made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0

Resolution to renew the leases with all tenants in the Hilton Community Center at the rate of \$8.25/sq ft with the following exceptions: Unity Health \$4,348; Recreation \$14,186; Apple Festival \$819.00; New Life Community Church \$5,562. Motion was made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0

The Board reviewed the fee schedule. Trustee Horylev asked if the Board should consider raising the rental rate for Jennejahn Lodge? Mr. Tilebein will need to discuss this with his Assistants before making a recommendation. Therefore, the fee schedule was tabled until the next meeting.

Vouchers

Resolution to approve the abstract of vouchers with the following additions: Steinmetz Planning Group \$990.00; Hilton Parma Fire District \$100.00; Stormwater Coalition dues \$2,500; Trustee Horylev \$6.00. Totals as follows:

General fund	\$ 71,275.45
Water fund	\$ 26,080.87
Sewer fund	\$ 3,494.08
Capital	\$ 1,161.00
Electric	\$ 779.71
T/A fund	\$ 11,147.39
Prepaid	<u>\$193,359.05</u>
Total	\$307,297.55

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

Minutes

Resolution to approve the meeting minutes of March 3rd 2009. Motion was made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0

28 Sunny Slope Dr Open Space

Mayor Gursslin discussed another option that may help improve the neighborhood problems in the Short Hills Subdivision. He asked if the Board thought it would be a good idea to designate the open space as a Village Park area? We could then have park rules enforced by the Sheriff's Office. Trustee Gates said if we do this now, what would happen if in the future the Village Board wanted to sell or donate the land to the adjacent property owners? Mayor Gursslin replied that so long as the land wasn't purchased through State or Federal grants, the Village can dispose of it at any time. Mr. Tilebein was asked for his opinion. He said that if the area becomes a park, we would need to provide an area for public parking. Discussion followed.

It was decided to wait until the residents return the survey document Mayor Gursslin is mailing out. Once we get their feedback, decisions can be made then.

Farmer's Market

Trustee Lee would like to organize a farmer's market this summer and have it at the corner of Railroad Avenue & Hovey Street (Park & Ride lot). He presented proposed rules and regulations for this event which the Board reviewed. Trustee Lee will be the main organizer of this event, but he will be seeking volunteers to help. Discussion followed.

Resolution to support the proposal made by Trustee Lee to have a farmers market in the Village as per the rules and regulations he provided. Motion was made by Mayor Gurslin, seconded by Trustee Horylev. Carried unanimously 5-0

Main Street Grant

Mrs. Surridge informed the Board that when the news was shared with the business people that the Village Board had decided not to submit an application, an offer was made that they would be willing to split the cost of the grant writer's fee with the Village. Instead of costing the Village \$7,000 it would only be \$3,500. (Mrs. Surridge pointed out that the Village has already paid \$990 to date for this work.)

Resolution that the Village Board will re-hire Steinmetz Planning Group to prepare a Main Street grant application so long as 50% of the costs for their services are paid by the business owners who intend to participate in the grant program. Motion was made by Mayor Gurslin, seconded by Trustee Horylev. Carried unanimously 5-0

Resolution: WHEREAS, there is funding through the New York State Main Street Program for the enhancement of properties within the Village of Hilton's Main Street area, and

WHEREAS, the Village of Hilton and the Hilton Local Development Corporation (LDC) have agreed to work together on the application, with the LDC serving as the non-profit applicant as required by the New York State Main Street Program, and

WHEREAS, as part of such a grant project, the Village of Hilton intends to further enhance the aesthetic quality and economic vitality of the central business district in the Village; and

WHEREAS, business and/or property owners interested in securing grant funds through this program have been provided the opportunity to submit their proposals to the Village, and

WHEREAS, the grant will allow business and/or property owners in the Village Main Street district to implement physical improvements to their respective properties, and

WHEREAS, Steinmetz Planning Group will write the application to the New York State Main Street Program at a cost of \$7,000.00 (seven thousand dollars), and

NOW, THEREFORE, BE IT RESOLVED, that the Village Trustees of the Village of Hilton fully supports the LDC's grant application and agrees to assist in the administration of the program if the funding application is successful.

Be it further resolved that the Clerk-Treasurer is authorized to adjust the 2008-09 budget as follows:

Increase expense account #A1440.4 by \$7,000

Increase revenue account A#1710 by \$3,500

Decrease the contingency by \$3,500

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

Public Hearing

Mayor Gursslin opened the public hearing at 7:00 pm to review the proposed budget for fiscal year 2009-10. There was no one present to discuss this item so the hearing was immediately closed.

Trustee Gates mentioned that the final wage schedule has not been determined with the employees. He recommended that the Board hold off on adopting the budget at this time.

Resolution to hold a special meeting on April 21st at 4:00 pm for the purpose of finalizing the budget and wage schedule. Motion was made by Trustee Gates, seconded by Trustee Lee. Carried unanimously 5-0

Village Attorney

The Board reviewed the letter from Lacy, Katzen dated March 27th which informs us that their rate per hour for legal services is being increased. Mrs. Surridge was asked to survey the other Monroe County Villages and find out who they pay for legal services and what those charges are.

Resolution to appoint Attorney Larry Schwind as the Village Attorney through June 30, 2009. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

Executive session

Resolution to enter into executive session at 7:15 pm to discuss personnel matters. Motion was made by Trustee Horylev, seconded by Mayor Gursslin. Carried unanimously 5-0

Resolution to exit from executive session at 8:00 pm. Motion was made by Trustee Horylev, seconded by Mayor Gursslin. Carried unanimously 5-0

Meeting adjourned at 8:00 pm

Janet Surridge
Clerk-Treasurer