

Village Board of Trustees
Meeting Minutes of October 6, 2009

Present: Mayor Larry Gursslin
Trustee Gates, Horylev, Lee & Speer
Village Manager, Janet Surridge
Village Clerk, Shari Pearce
Asst. Superintendent of Public Works, Mike McHenry

Absent: Superintendent Tom Tilebein and Code Enforcement Officer Mike Lissow

Guests: Carm Carmestro, Dave Wright, Randy Mousaw, Steve Fowler, Shelly Remillard, Dale Walker, Carl Maffe

At 3:30 p.m. Mayor Gursslin called for an executive session of the Board. Seconded by Trustee Gates. Carried 5-0.

A special meeting of the Board was called for the purpose of meeting with the employees to discuss a proposal that outlines how the job duties of Superintendent of Public Works, Tom Tilebein, can be divided up amongst current employees after he retires. The goal being that the Village Board would not hire an employee to replace Mr. Tilebein but could possibly promote an existing employee to his position.

At 4:45 p.m. Mayor Gursslin made a motion to end executive session, seconded by Trustee Speer. Carried unanimously 5-0.

Minutes recorded by Janet Surridge, Village Manager

Mayor Gursslin called the public meeting to order at 5:00 p.m. with the pledge of allegiance to the flag.

Mayor Gursslin stated he is formally working for Construction Contractor, Jim Beehler. He has helped orchestrate the sale of two homes in Hamlin Meadows Senior Subdivision. Any future communication, Mayor Gursslin will abstain from voting due to his conflict of interest.

The Village Board extended their appreciation to Joe Lee for a successful Apple Festival this year and a job well done.

Code Enforcement

- Emergency Evacuation Plan: The board acknowledged and commended Mike Lissow on a job well done for the disaster plan he designed for the Apple Festival. Trustee Lee

remarked Mr. Lissow took the time to attend the Apple Festival meeting to explain the plan to the board of directors.

- Haunted House: Mr. Lissow noted in his report approval was given by the Zoning Board for temporary construction of the Halloween House on Peach Blossom Road North.

Clerk's Report

- Fee Schedule: Clerk Shari Pearce advised the board that the current fee schedule does not include a charge for FOIL documents. She has learned many municipalities are charging for this service. She is recommending a \$.25 charge per copy.

Resolution to amend the fee schedule to add \$.25 per copy for FOIL documents. Motion made by Mayor Gursslin, seconded by Trustee Lee. Carried unanimously 5-0.

- Hilton Education Fundraiser: The Hilton Education Fund is having their annual event on January 23, 2010 to help support technical, cultural and academic programs. Last year, the Village donated one reservation at the Jennejahn Lodge. Clerk Shari Pearce is recommending the same donation as last year.

Resolution to donate one reservation for the Jennejahn Lodge for the Hilton Education Foundation. Mayor Gursslin made the motion, seconded by Trustee Lee. Carried unanimously 5-0.

Manager's Report

- Upstate New York Municipal Worker Compensation Plan Agreement: Manager Janet Surridge explained to the board a resolution needs to be adopted by each participating member. The resolution includes new language and amended bylaws as well as shared losses. She is recommending approval of the resolution.

Resolution was made by Mayor Gursslin to adopt the following resolution. Seconded by Trustee Gates and duly carried unanimously 5-0:

WHEREAS, the Village of Hilton has participated in the Upstate New York Municipal Worker Compensation Plan (the "Plan"); and

WHEREAS, the Plan's participants, consistent with advice provided to the Plan by the Plan's counsel, have determined to re-organize the Plan through an inter-municipal agreement by and between the Plan's participants; and

WHEREAS, the Hilton Village Board of Trustees of the Village of Hilton has determined that it is in the best interests of the Village of Hilton to continue to act cooperatively with the other Plan participants in the course of carrying out the Village of Hilton's obligations under the New York Workers' Compensation Law, including in order to undertake effective risk management techniques, the promotion of safety and the effective administration of claims;

NOW, THEREFORE, BE IT RESOLVED, that the Hilton Village Board of Trustees of the Village of Hilton hereby:

- (a) Approves the Intermunicipal Agreement for the Upstate New York Municipal Workers' Compensation Program ("Program"), as presented;
 - (b) Designates the Village of Hilton's Village Manager as the Village of Hilton's Member on the Board of Directors of the Program and designates the Village Clerk as the Village of Hilton's Alternate Director and the Superintendent of Public Works as the Village of Hilton's Facilitator; and
 - (c) Authorizes and directs the Mayor to do all things necessary to effectuate the intent and operation of this resolution.
- Budget Adjustment: Manager Janet Surridge explained during the budget process, there was an Excel formula error and one of the expenditures for electric administration charges was incorrect. She is recommending the following resolution.

Resolution to amend the 2009-10 budget as follows to correct an addition error:

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| Increase expense E8410.4 Electric administration | \$70,000 |
| Increase revenue E2150 Sale of Electric | \$70,000 |

Trustee Horylev made the motion, seconded by Trustee Gates. Carried unanimously 5-0.

- Hovey Street one-way: Janet Surridge reported that she, Tom Tilebein and Mike McHenry met with the New York State Department of Transportation officials on October 1, 2009. The D.O.T. agreed to analyze the data in our Traffic Study, including the lead-in pedestrian recommendation. Discussion also included the need to have a green arrow for traffic going from East Avenue south onto Route 259. If the State agrees to this, there will be no cost to the Village. As for the trial basis, last month the board agreed on ninety days. The State recommends one year. After a year, the Village has the option to change it back and the State will pay for any costs associated with that. If approved, spring is the earliest the State can modify the signal lights.
- 135 South Ave: Mrs. Surridge reported at the last meeting the board had a suggestion to either sell or lease the vacant lot at 135 South Avenue to the Fire Department. FEMA still needs to notify the Village if it is permissible to lease or sell the land to the Fire Department. Trustee Horylev mentioned if a sale or lease takes place, consideration needs to be given for a roundabout if ever created. Land or easements may be needed to create a roundabout.

This item was tabled until further information is received from FEMA.

- Municipal Electric Program: Village Manager reported that she and Trustee Gates participated in a teleconference with other ESCO's around the State to learn that the Voice Your Choice program is being discontinued. RG&E will no longer be offering a

fixed rate plan to their customers. The formula used to calculate their electricity cost will be a forecasted rate. This means that customers and ESCO's will find it more difficult to figure out how much a person is saving compared to RGE. Ancillary costs we pay to the ISO are reimbursed to us by RGE. After January, this will stop and we have to include our ancillary costs in the price of our electricity.

Overall, Mrs Surridge stated we have some new challenges ahead and we have to develop a new marketing strategy.

- Energy: Janet Surridge reported she has been contacted twice by NYSERDA regarding our application to fund an energy study which means they are working on it faster than she anticipated. Bergmann Associates just finished their analysis on the Community Center lighting fixtures and the outcome was somewhat disappointing. To replace all of the outdated lights it could cost between \$10,000-\$20,000, but our savings is only projected at \$1,800/annually. We are not certain how NYSERDA will view our application. Mrs. Surridge needs to analyze the report to determine if it is feasible to apply for a grant.

Superintendent of Public Works

Assistant Mike McHenry was present to represent the Superintendent.

- Fire Hall Demolition: The final demolition cost was \$62,199.22.
- Monroe County Water Authority: Mr. Tilebein noted on his report that MCWA requested that one of the Village's water pit supply locations (Hilton Drive) be reversed and changed to a credit meter in order to help supply the MCWA system north and west of the Village. Mr. Tilebein acknowledged his support for flow testing in the area to see how this would impact our fire fighting capabilities in the Rolling Meadows Subdivision. After the flow tests results, he was confident that this would not negatively impact the Village's system. The credit to the Village would be \$1,095.00 to be received annually.

Another option is to install a credit meter on Old Hojack Lane in lieu of changing the Hilton Drive meter. Mr. Tilebein will research this option with the Monroe County Water Authority and review the findings with the board. This item was tabled until the next meeting.

Other miscellaneous items were discussed.

Public Forum: 6:00 p.m.

At this time, the board took a five minute recess.

Shelly Remillard was present to discuss the issue of her garage addition. She is the owner of 75 Gorton Ave. She stated the purpose for her attending this meeting was to create a dialog between herself and the board on the previous events that have transpired with her garage

addition. She applied for a building permit and received approval on August 11, 2009 and she also received approval for two area variances from the Zoning Board of Appeals on July 14, 2009. She then proceeded with the construction of her garage.

On August 26, 2009, a footer inspection was done and denied. She was informed by the building inspector that a 42" inch footer was needed versus the 12" inch footer that she had received approval for on her permit. At that time, she had a couple of choices: 1) She could have stopped the project to reevaluate the situation. 2) She could have applied for a State variance to keep the 12" footer 3) or dig down to the 42". She felt she had already committed to the project and the materials were already on site, so she continued with the project. She stated she realizes we live in an imperfect world and mistakes happen all the time. Shelly Remillard stated she has done everything the Village has requested. She is requesting reimbursement of \$5,942.15, which are costs she incurred after the Building Inspector changed the footer requirement. In her opinion, this amount was incurred because of the footer mistake. She stated that if her permit was not approved in the beginning, she would have been able to make a well thought out decision, not under distress. She received a letter from the Village Manager, Janet Surridge offering her a \$200.00 reimbursement for the additional stone she purchased as a result of the error and disagrees with her recommendation.

Mayor Gursslin stated he spoke with our Village Attorney and Mr. Schwind feels the applicant is not entitled to any reimbursement. She could have stopped the project and reevaluated the situation at anytime.

Trustee Speer stated he has been on both sides of this situation before. He sympathizes with Ms. Remillard; however, he realizes the code is in place for a reason. Mr. Lissow caught the error prior to the concrete being delivered and now the structure is built to the specifications of the code.

Dale Walker, 299 Hamlin Center Road, she stated Shelly Remillard had received an official stamp of approval by the building inspector to proceed with her garage construction. She trusted that she was doing the right thing and that her plans were correct with the code and laws. Her defense is that if she had received the correct information from the start, her decision on how the garage was constructed could have been different. Instead, she had to make quick decisions based on contractors, cost and materials.

Mayor Gursslin stated the board has two options at this time. The board can table this item to digest the information and seek legal counsel or we could reach some kind of mutual compromise now. Mayor Gursslin noted that Mike Lissow, the Building Inspector had a death in the family and is not able to attend this meeting.

Mayor Gursslin stated his leaning is to go against the Village Attorney's recommendation and Ms. Remillard is entitled to the full amount of \$5,942.15.

The board concluded they would like to table this item for further review. The Mayor will invite Ms. Remillard to any future meetings that this item will be discussed.

Vouchers

Resolution to approve the abstract of vouchers with the following additions: Shari Pearce \$14.00, Mary Lissow \$700.00 and Rudd Lighting, \$3847.30 Totals as follows:

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| General fund | \$ 70,092.65 |
| Water fund | \$ 28,735.09 |
| Sewer fund | \$ 132.90 |
| Capital | \$ 9,668.67 |
| Gas&Electric | \$ 209.24 |
| Prepaid | \$ 151,870.43 |
| T&A | \$ 9,686.93 |
| Total | \$ 270,395.91 |

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

Minutes

Resolution to approve the meeting minutes of September 1, 2009 as submitted. Trustee Speer made the motion, Trustee Horylev seconded the motion. Carried unanimously 5-0.

Traffic Control Law

A recommendation was made to modify the Traffic Control Law to prohibit parking on the east side of Henry Street from the corner of West Avenue to Gorton Avenue. The reason for the request is because cars continually park there during Community Center activities and the homeowner's lawn is being damaged. Discussion also took place on reviewing with the management team any other traffic control recommendations and having one public hearing for them all.

Resolution to authorize the Village Clerk to prepare a local law and schedule a public hearing for November 3, 2009 to modify the Traffic Control Law to prohibit parking on the east side of Henry Street from the corner of West Avenue to Gorton Avenue. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

Organizational Structure

Resolution that effective February 1, 2010 the Village of Hilton's organizational structure shall reflect that the new Superintendent of Public Works shall report to the Village Manager. Trustee Speer made the motion, seconded by Trustee Horylev. Carried unanimously 5-0.

Outside Sewer District

A discussion took place regarding extending the Village sanitary sewers south of Unionville Station for the sole purpose of senior housing.

There was a detailed discussion and concerns on the following issues: Sewer capacity requirements and demand, lift station improvements, legal issues and maintaining control of our sewers.

This item was tabled until further research and consideration is given.

10 Canning Street

Manger Janet Surridge informed the board the real estate listing for 10 Canning Street is up for renewal. Discussion took place on whether or not to make improvements to the lot, i.e., removing the concrete pad, which could result in a higher asking price or do nothing and possibly reduce the price. There has not been any interest in the property.

The board decided to have the Department of Public Works request a quote to remove the concrete pad from the property.

This item was tabled.

Halloween Celebration

Resolution to allow the Hilton-Parma Recreation Department to use the Community Center and Village streets for the upcoming Halloween Festival to be held on October 17, 2009. Motion made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0.

Executive Session for Personnel Discussion

A motion was made by Mayor Gursslin at 6:40 p.m. to enter into executive session to discuss personnel matters. Trustee Gates seconded the motion, carried unanimously 5-0.

A motion was made to exit out of executive session by Mayor Gursslin at 7:30 pm. Seconded by Trustee Horylev. Carried unanimously 5-0

January 29th, 2010 will be the last day of work for Tom Tilebein as he is retiring with 34 years of service. The Village Board is accepting the proposal made by Mrs Surridge & Mr Tilebein to promote an existing employee to the position of Superintendent of Public Works. The Board also agreed to the recommendation as to how Mr Tilebein's job duties could be divided amongst all salaried employees which saves the Village of Hilton the cost of hiring a new employee.

Resolution to promote Michael McHenry to the position of Superintendent of Public Works, effective February 1, 2010. Motion was made by Trustee Gates, seconded by Trustee Lee. Vote as follows: Trustees Gates, Lee & Speer, aye; Mayor Gursslin and Trustee Horylev, opposed.

Respectfully Submitted,
Shari Pearce, Village Clerk