

**Village Board of Trustees
Meeting Minutes of May 25, 2010**

Present: Mayor Lee, Trustees Horylev, Gates, Bimmler & Speer
Village Manager, Janet SurrIDGE
Village Clerk, Shari Pearce
Code Enforcement Officer Mike Lissow
Superintendent of Public Works, Mike McHenry
Treasurer, Maryalice Edwards

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

DPW Addition/Bond Anticipation Note

Mrs. SurrIDGE discussed with the board different options they have to finance the proposed DPW addition. She explained the difference between a bond anticipation note and a serial bond. She also relayed the savings to the board if we pay the bond off early. At this point, the board will be advertising for a \$250,000.00 Bond Anticipation Note for one year. Each year the board can renew the bond and pay extra on the principal payments if feasible.

Trustee Gates presented the following resolution and duly moved that it be adopted and it was seconded by Trustee Horylev:

BOND RESOLUTION DATED MAY 25, 2010 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HILTON, NEW YORK AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE THE CONSTRUCTION OF AN ADDITION TO AN EXISTING DPW BUILDING ON HENRY STREET IN HILTON, NEW YORK, AUTHORIZING ISSUANCE OF A BOND ANTICIPATION NOTE IN AN AMOUNT NOT TO EXCEED \$250,000 IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the Board of Trustees (the "Board") of the Village of Hilton, New York (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The construction of an addition to the existing DPW building located on Henry Street, Hilton, New York (the "Addition"), for use by residents and visitors to the Village of Hilton (hereinafter referred to as "purpose"), is hereby authorized, and serial bonds in the

aggregate principal amount of up to \$250,000 for the Addition and bond anticipation note in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The maximum aggregate cost to the Village is estimated to be up to \$250,000 for said purpose, and to the extent of available financing, said amount is hereby appropriated therefore. For the purpose and to provide funds to defray the cost of the Addition, serial bonds in the aggregate principal amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) shall be issued pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined and declared that said purpose is one of the classes of objects or purposes described in Subdivision 11 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is hereby restricted to fifteen (15) years for the Addition, (b) the proposed maximum maturity of said bonds authorized by this resolution will not be in excess of five years to be measured from the date of the bonds or the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier, (c) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds, (d) the note authorized by this resolution shall mature within one (1) year from the date of their issuance, or as otherwise permitted by law, (e) said note is not issued in anticipation of bonds for an assessable improvement, and (f) prior to the issue of the bonds or note herein authorized, there will be provided the appropriate amount of current funds required by Section 107.00 of the Local Finance Law, if any.

Section 4. The bonds and note authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and note shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, from the proceeds of the obligations authorized hereby for expenditures, if any from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the issuance of said bonds and bond anticipation note and to prescribe the terms, form and contents of said bonds and bond anticipation note, subject to the provisions of this resolution and the Local Finance Law of New York, including, without limitation, the consolidation with other issues, the determination to

issue bonds with substantially level or declining annual debt service, all contracts for and determinations with respect to, credit and liquidity enhancements, if any, and to sell and deliver said bonds and bond anticipation note subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief financial officer. The Village Treasurer and the Village Clerk are hereby authorized to sign by manual or facsimile signature any bonds and bond anticipation note issued pursuant to this resolution, and are hereby authorized to affix to such bonds and bond anticipation note the corporate seal of the Village of Hilton and to attest the same.

Section 7. The faith and credit of the Village of Hilton, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and bond anticipation note as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all taxable real property of said Village, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 8. This resolution shall be published in full by the Village Clerk of the Village of Hilton together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation note issued in anticipation of the sale of said serial bonds may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Village Manager's Report

- Easement Agreement: Mrs. Surrige stated Mr. Frank LePore has asked the Village to compensate him for his attorney fees regarding the boundary line & easement agreement that's being revised between the Village and Carm Carmestro. Mr. Lepore stated that the Village's sale of property is the reason the agreement needs to be revised.

After a general discussion, the board denied the request. The board does not want to set precedence on reimbursing legal fees. They are not reimbursing Mr. Carmestro's fees

regarding this agreement. Mrs. SurrIDGE will inform Mr. LePore of the Village board's position.

- 30 Mariah Street: Mrs. SurrIDGE is requesting the board accept the purchase offer from Mr. and Mrs. Joseph Fertitta for 30 Mariah Street. She believes this is the best offer for the Village and the community.

Resolution to accept the purchase offer from Joseph & Susan Fertitta with the following terms:

- Sale price \$48,000 with a \$5,000 down payment.
- Village to hold a mortgage at 8% interest, amortized over 10 years but due and payable in 5 years. (Authorized per Chapter 15-C of the Hilton Code)
- Be it further resolved that the Village Board acknowledges that the buyer is also using the Lacy, Katzen firm for the transfer of this property. We hereby agree that if a conflict of interest should arise on this deal, the Village will obtain other legal counsel.

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

- Community Center: Hilton Community Childcare is currently renting a room on the 2nd floor just for their storage needs. They are still one month behind in their rent. Mrs. SurrIDGE has been trying to negotiate with them to give up the room which would reduce their rent charge; however, they still need a storage area.

Recreation: Mrs. SurrIDGE had a conversation with Steve Fowler and he expressed again how he'd like to expand his office area, but to do so he also needs additional storage.

Mrs. SurrIDGE devised a plan to have Day Care & Recreation share room 1B, which already has a dividing wall for storage purposes. This plan would force Apple Festival to keep all of their things in one room instead of two rooms. Day Care's rent would drop from \$2713/per year (\$8.22/sq ft) and Recreation's rent would go up \$1,050 (\$3.16/sq ft). The impact to the Village is a loss of \$1,663/year in rent.

General discussion followed and the board decided to pursue the above plan.

Resolution to amend the lease agreement with Hilton Community Child Care as follows: Remove room 7B and add room 1B which shall be shared 50% with Recreation. The rent fee for room 1B shall be \$2,712.60. Motion made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0.

Resolution to amend the lease agreement with Hilton Parma Recreation as follows: Add room 1B which shall be shared 50% with Hilton Community Child Care. The rental fee shall be \$1,050/per year. Motion made by Trustee Horylev, seconded by Trustee Bimmler. Carried unanimously 5-0.

- Special Police: Mrs. SurrIDGE stated we requested the Town of Parma name the Village of Hilton as additional insured on their policy, but we recently learned from their insurance company that a contract needs to be in place before this can be done. After a lengthy discussion regarding the special police, the following proposal was made.

Resolution to hereby dissolve the Parma Special Police from operating in the Village of Hilton Due to the fact we do not have a contract with the Town of Parma/Special Police and we cannot obtain insurance without a contract with the Town. Trustee Speer made the motion ,seconded by Trustee Bimmler. Carried unanimously 5-0.

- Air Conditioning Bids: Mrs. SurrIDGE reported bids were received for the installation of air conditioning for the Village Offices. All bids were outside the budgeted amount. She is recommending we reject all bids.

Resolution to reject all bids for the air conditioning for the Village Offices. Motion made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 5-0.

- Worker's Compensation: Mrs. SurrIDGE reported the Village will be receiving a 60% refund on the premiums we paid in 2009 as a result of our excellent employee safety record. The exact amount is not known, but she is estimating it to be in the range of \$29,000.

Superintendent's Report

Resolution to authorize the Superintendent to advertise and accept bids for the sanitary sewer manhole project. The bid date would be July 14, 2010. Trustee Horylev made the motion, seconded by Trustee Gates. Carried unanimously 5-0.

Resolution to authorize payment of \$95,398.50 to Regional International which is seventy-five percent (75%) of the cost for the new recycling truck cab & chassis. Be it further resolved that the Village of Hilton will pay an additional sum of \$400 which is a portion of the cost for a five year warranty on the transmission of this truck. This is a budgeted item. Trustee Gates made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

- Parkwood Lane Traffic Study: Mr. McHenry relayed to the board the traffic study results that he has compiled regarding the complaint last month from the residents in Parkwood Lane. The results are as follows:
 - The average number of vehicles traveling on Parkwood Lane at peak times is 14 per hour.
 - The greatest number of vehicles in a hour is 32, between 4:30 p.m.-5:30 p.m., which likely represents residents returning from work.
 - The average speed of vehicles on Parkwood Lane is 16.5 mph.
 - Out of 995 vehicles observed, 36 were traveling at speeds greater than 25 mph.
 - The highest speed recorded was 39 mph at 2:45 p.m.

Mr. McHenry has reviewed the data and has consulted with the County DOT Engineer Dave Hrankowski. Mr. McHenry is recommending the Village purchase and locate six “Children at Play” signs along Parkwood Lane as this would be a reminder to drivers.

Trustee Horylev remarked in the twenty years he has been with the Village, the document Mr. McHenry compiled to Mrs. Pardi is the best he has seen come out of the DPW. He congratulated Mike for a job well done.

Resolution to authorize the DPW to install 6 “Children at Play” signs on Parkwood Lane. Trustee Speer made the motion. Seconded by Trustee Bimmler. Carried unanimously 5-0.

Code Enforcement

- Accessory Structures: Mr. Lissow stated a resident is looking into the possibility of using an accessory structure as housing for dogs in his back yard. Mr. Lissow asked the board for their input on this subject and if they would consider amending that section of the zoning code to allow for such structures.

After general discussion, the board would like to defer this matter to the Zoning Board for their opinion.

- Stormwater Coalition: Mr. Lissow is recommending the board approve the annual report for compliance with the Phase II Stormwater Regulations.

Resolution to accept the following Stormwater Coalition of Monroe County 2009-2010 shared Annual Report for Compliance with the Phase II Stormwater Regulations. Motion made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 5-0.

WHEREAS, the Village of Hilton has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Program requires each MS4 to prepare an Annual Report, and contribute to Shared Annual Report, on the Village of Hilton's efforts to protect and improve the water quality of our streams and water bodies, and

WHEREAS, the public is invited to review the Shared Annual Report and provide input, and

WHEREAS, a Shared Annual Report has been prepared in conformance with the Phase II Regulations by the Stormwater Coalition of Monroe County, and

WHEREAS, the Shared Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY by June 1, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Shared Annual Report is accepted by the (MUNICIPALITY TOWN/VILLAGE/CITY) Board and that said Shared Annual Report is available for public review at www.thestormwatercoalition.org and the Village of Hilton.

BE IT FURTHER RESOLVED, that all comments on the Shared Annual Report will be incorporated into the 2009-2010 or the 2010-2011 Annual Reports to the NYSDEC.

70 South Ave

At the last Village Board meeting, there was a proposal to purchase 4.2 acres of land known as 70 South Ave by Mr. Paul Wadsworth. Mr. McHenry received a price quote of \$8,000.00 to clear the land and remove the brush, similar to what the Village did on Mockingbird Lane. He also noted that we would only clear approximately 1.5 acres of the property. Mrs. Surr ridge also stated she spoke to the Village's accountant and the Village could give Mr. Wadsworth a tax deduction for the purchase price, if the Village approved the purchase offer. Mrs. Surr ridge is not recommending that the Village purchase the land. Mr. McHenry concurs with Mrs. Surr ridge's recommendation.

After a general discussion, the board's position is they have no interest in acquiring the property at this time. Mr. Wadsworth will be informed of the board's decision.

Executive Session

A motion was made by Trustee Speer to enter into executive session at 6:55 p.m. to discuss a personnel matter. Seconded by Trustee Horylev, carried unanimously 5-0.

A motion was made by Trustee Gates to exit out of executive session at 7:10 p.m. Seconded by Trustee Horylev. Carried unanimously 5-0.

There being no further business, the meeting was adjourned at 7:12 p.m.

Shari Pearce, Village Clerk