

**Village Board of Trustees  
Meeting Minutes of August 3, 2010**

Present: Mayor Lee, Trustees Horylev, Gates, Speer, Bimmler  
Superintendent of Public Works, Mike McHenry  
Village Clerk, Shari Pearce  
Code Enforcement Officer, Mike Lissow

Absent: Janet Surridge, Village Manager

Guests: Carm Carmestro, Gary Comardo, Rick Leo, Larry Gurslin

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

**Code Enforcement**

- New York Planning Federation: Mr. Lissow is requesting permission to send up to nine Planning, Zoning & Code Enforcement employees to the New York State Planning Federation's Annual Conference on September 26<sup>th</sup>-28<sup>th</sup> in Lake Placid. This is a budgeted item.

**Resolution** to authorize the Treasurer to expend up to \$6,000.00 for nine Planning, Zoning & Code Enforcement employees to attend the New York State Planning Federation Conference in Lake Placid. Trustee Speer made the motion, seconded by Trustee Horylev. Carried unanimously 5-0.

Other miscellaneous items were discussed.

**Public Forum**

- Town of Parma Councilman, Gary Comardo, 195 Huffer Rd, was present to discuss the Civil Preparedness Initiative with the board. Mr. Comardo remarked this is a coordinated Federal, State, County and Local response to a public health threat. Threats include pandemic and terrorist biological attacks. The Towns of Hamlin, Parma and the Village consist of approximately 25,000 people. If an event occurs, the Hilton High School will be designated as Zone 1, Point of Dispensing. The current plan has the majority of residents parking at remote locations and being bussed to the high school. The current status of the plan is we need to develop a process to recruit/train key volunteer staff. Mr. Comardo also stated more funding sources will be needed if an event occurs.

The Village Board thanked Mr. Comardo for bringing awareness to the board on this initiative.

- Larry Gurslin, 165 West Ave, he stated the purpose of this meeting is to promote communication and understanding regarding the claim that was paid for on behalf of 75

Gorton Ave. Mr. Gursslin stated he does not intend to mention any Village employee's names. Mr. Gursslin also commented on how great the traffic control was for the Fireman's Carnival this year. Mr. Gursslin donated a scrap book that he purchased on Ebay for the Historian's use.

At this time, Mr. Gursslin would like to read a statement that he would like inserted in the minutes. He would also like to ask questions of the board and then he has a request. The statement is as follows:

“After serving on the Hilton Village Board for 26 years, I elected to not seek office and to retire. My goal was to quietly walk away from a position that I truly enjoyed in order to devote more time to my family, Point Breeze cottage and winters in Florida.

Unfortunately, this has yet to happen. Without going into all of the detail prior to the Village of Hilton receiving an e-mail of March 20, 2010, I would like to state that as Mayor on February 16, 2010, I did not authorize through an executive order to a Mr. Kron to settle a claim on behalf of the Village. With this, you now have conflicting statements between Mr. Kron and myself. Unfortunately, do to the timing, you the board have already made your decision without so much as a courtesy call to me simply to confirm or deny the statement.

Sometime in April, I was having dinner with my wife at the Arlington Restaurant. Vice Mayor, Walt Horylev came in and we asked him to join us. During this time, Walt cautiously brought up the subject matter and disclosed to me as a friend, the news of the settlement. I was shocked as the board must have been. Ultimately, I asked and received an e-mail from Walt who suggested at the time, a letter to the board is appropriate. I have learned a lot since then. I tried to establish contact with some of you on the board to no avail, leaving me with no alternative other than this opportunity to be heard and documented.”

Mr. Gursslin asked the board, “Since the March 30, 2010 e-mail from Mr. Kron, have any board members or administration personnel talked to him to discuss the reason for reopening the case, or any other reason?” Mayor Lee responded we are here to listen to you only, we will not be responding to any questions. Mr. Gursslin asked, “ Does the board have in their possession a transcript of the conversation between me and Mr. Kron?” Mayor Lee responded that we will not be answering any questions, we are here to listen to you only.

Mr. Gursslin went on with his statement as follows:

“ Is the board aware that Ms. Remillard signed a statement on August 4, 2009, which was notarized by the Village Clerk that stated the following: “ I am not hiring, paying, or compensating in any way, the individuals that are performing the work for which the building permit was issued or helping me perform all the work”. Given the above, Ms. Remillard, subsequently submitted a false bill, one with no receipts, one that in my opinion would not have held up in a court. Only to be paid by the inept third party insurance carrier who because in my opinion felt it was the easiest and less costly way out, at my expense. In my opinion, the Village Board made a rush decision to pay the deductible. I do not believe a Village Mayor has the

authority to settle an insurance claim, I have discussed this with three insurance company representatives, one retired, and no one can recall a municipal executive settling a claim (Jerry Doberstein).

In the approved minutes of April 6, 2010, they state in part under 75 Gorton Avenue, "The actions of former Mayor Larry Gursslin to authorize payment of the claim as an "Executive Order" etc, goes without any merit whatsoever. Where is this executive order? When I FOILED to obtain it, the reply I received was as follows:

The request for the executive order is in the form of an e-mail the Village received from Summit Risk Service" Lets take a moment to look at the original email: Please point out to me the words "**Executive Order**" in it. Again, for the record, there is no executive order to be found, because one was never issued either verbally or in writing, yet the majority of the board approved of this insulting verbiage.

My request is to have a Village Board member and the Village Manager sit down with me to place some agreed upon language into the next Village Board minutes, or to simply consider searching your heart and offer an apology.

In conclusion, I would like to end my meeting with the second stanza from the poem DESIDERATA,

Enjoy your achievements as well as your plans. Keep interested in your own career, however, humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism."

The Village Board thanked Mr. Gursslin for his statements.

### **Public Hearing**

Mayor Lee opened the public hearing at 6:05 p.m. to consider the adoption of Local Law #3, 2010, to offer a New York State Retirement Incentive program to all eligible Village employees authorized by Chapter 105, Laws of 2010.

There being no public comments, Mayor Lee closed the public hearing at 6:06 p.m.

**Resolution** to adopt Local Law #3, to read as follows:

1. The Hilton Village Board hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.
2. The commencement date of the retirement incentive program shall be October 1, 2010
3. The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be 90 days in length.

4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Hilton Village Board for each employee who receives the retirement benefits payable under this local law.
5. This act shall take effect upon publication and filing as required by the Secretary of State.

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

### **Treasurer's Report**

Mrs. Edwards is requesting the following resolutions be approved.

**Resolution** to establish a capital project fund for the DPW addition, the budget will be as follows:

Increase revenue H510	\$205,400	(H5730 bond anticipation note)
Increase revenue H510	\$30,000	(H5031 bond anticipation note)
Increase expense H960	\$235,400	(H1640.2 Garage addition)

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

**Resolution** to amend the 2010-11 budget as follows:

Increase revenue: A510	\$8,736.00	(A2660 sale of land)
Increase contingency A960	\$8,736.00	(A1990.4)

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

**Resolution** to amend the 2010-11 budget as follows:

To pay Gates Heating and Air Conditioning for installation of the central air system in the Village Office in the amount of \$17,894.40. The funds to pay for this expense shall be taken from the Henry Street savings account.

Increase expense A1620.2	\$17,894.40
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Motion made by Trustee Bimmler, seconded by Trustee Horylev. Carried unanimously 4-0-1 (Trustee Gates abstained).

## Public Works Report

- DPW Addition: Mr. McHenry reported the plumber has started the underground work. The colors and brick selection have been chosen to match the existing pole barn. The contractor's completion of the project is anticipated to be early November.
- Sanitary Sewer Project: Mr. McHenry stated the bid opening was on July 22, 2010 and the results are as follows:

Spampinato Mechanical Contractors	\$84,199.95
Dakksco Pipeline Corp.	\$87,944.00
Lammes Construction Inc.	\$95,832.00
Grant Street Construction	\$102,000.00
MRB Group Engineer's Estimate	\$99,850.00

Mr. McHenry is recommending to the board that we award the bid to the low bidder, Spampinato Mechanical Contractors for a cost of \$84,199.95.

**Resolution** to accept the low bid from Spampinato Mechanical Contractors in the amount of \$84,199.95 and to issue a Notice of Award for our Sanitary Sewer Manhole Reconstruction project. Motion made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0.

- Speed bump, Post Office and Cosman Terrace, Mr. McHenry reported last meeting there was a complaint about cars driving too fast through the parking lot. Mr. McHenry researched and installed a temporary speed bump, which will be removed before the winter snow plowing season. He spoke with the Post Office and informed the resident that made the official complaint about the speed bump. He has not had any complaints since installation. This was a non-budgeted item and was paid for out of the Street Maintenance fund.
- Graffiti damage, Mr. McHenry stated extensive damage was done to the Jennejahn Lodge on July 12, 2010. Repairs were made at a cost totaling \$1,000.00. The Sheriff's Department was notified, they continue to investigate possible suspects. Discussion took place on possibly budgeting for a security system for the lodge next year.
- Veterans Memorial: the Veterans are investigating what it would take to replace the chain link fence along and behind the memorial located in Centennial Park. They are looking for the board's input regarding what type of fence to install. Mr. McHenry stated the homeowner that abuts the Memorial has an existing scalloped fence and it would look uniform to continue that fence from the garage to the corner post. They would like this completed by Memorial Day 2011 and are planning on paying for the fence. The Village Board would like to have Mr. McHenry research the cost of a new scalloped fence and a chain link fence. He will report back to the board next month.

- Community Block Grant: Mr. McHenry is requesting the board approve the following resolution to accept the block grant in the amount of \$50,000.00 for the sewer manhole project.

**Resolution** to accept a Community Development Block Grant in the amount of \$50,000.00 for the sanitary sewer manhole reconstruction project and to authorize Mayor Lee to sign the contract documents with Monroe County. Motion made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0.

- Hilton-Parma Chamber of Commerce Banners: Mr. McHenry is requesting the board approve the design of the new banners.

**Resolution** to approve the design of the banners requested by the Hilton Parma Chamber of Commerce. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

- Pickup Truck: Mr. McHenry is requesting the board authorize approval for the purchase of a ¾ ton pick-up truck off of the NYS bid. This truck will replace the 2001 Dodge pick up truck. This truck is used as the Assistant Superintendent's vehicle.

**Resolution** to approve the purchase of a ¾ ton pickup truck off NYS bid contract # 21910-PF, not to exceed \$22,000.00. This is a budgeted item. Trustee Speer made the motion, seconded by Trustee Bimmler. Carried unanimously 5-0.

- Check Valve -93 Underwood Ave, at the last meeting, discussion took place regarding the possible installation of a check valve at the above address. The reason for the check valve is when the Railroad Ave lift station has a power failure and the system backs up, this home is located at the lowest point on the street and is the first to back up. Mr. McHenry has researched a check valve and determined the following. The check valve operation needs to be accessible, there is ongoing maintenance with the valve. The cost for the valve and installation is about \$1,000.00. General discussion followed. The board determined they do not want to set a precedence and purchase and maintain a check valve for a resident. No further action will be taken.

Mr. McHenry publicly thanked the Village Board for allowing use of Village equipment to support the Fire Department during the recent carnival. He noted this makes the Fire Department's job a lot easier.

### **Clerk's Report**

- **Resolution** to authorize Maryalice Edwards to attend a one day training seminar "Public Speaking Presentation Class" in Rochester on October 5<sup>th</sup> at a cost of \$179.00. Trustee Bimmler made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

- **Resolution** to authorize the Treasurer to expend up to \$ 2,400.00 for Mrs. Pearce and Mrs. Edwards to attend the NYCOM Fall Training School being held on September 20, 2010 thru September 23, 2010 in Lake Placid. This is a budgeted item. Trustee Horylev made the motion, seconded by Trustee Gates. Carried unanimously 5-0.

### **Village Manager's Report**

Mrs. Surrige was not in attendance, but the Board noted the following items which were included in her report:

- Community Center: Mr. Fowler made a request that the Village share the costs to remodel what is now closet space into usable office space since he is anticipating adding additional staff. Mrs. Surrige recommends that the Village pay for the electrical cost because it has always been our policy to do so with other tenants. She estimates the remodeling cost would cost less than \$150.00 with our own staff. The board discussed the proposal and agreed to pay the remodeling cost.

**Resolution** to authorize the Treasurer to pay up to \$150.00 for remodeling costs for the Recreation Department. Trustee Speer made the motion, seconded by Trustee Gates. Carried unanimously 5-0.

- Boiler Repairs: Mrs. Pearce discussed the boiler repairs with the board. When Mr. O'Leary drained and opened the boilers a few weeks ago, he discovered some unexpected problems. We have reserved \$6,500.00 in the budget for repairs. Thus far, the estimate from Buckpitt is \$7,500.00. This includes the necessary repairs, adjusting and inspecting the controls and making sure everything is running correctly for the upcoming heating season. Mrs. Pearce also informed the board she is working on a financial plan and researching different units to replace the boilers in the coming years.

**Resolution** to authorize the Treasurer to expend up to \$7,500.00 to hire Buckpitt for the necessary repairs. Trustee Speer made the motion, seconded by Trustee Gates. Carried unanimously 5-0.

- Shared Services: Mr. McHenry and Mrs. Pearce reported to the board on the updated information regarding the shared services team. Thus far, the team has received three proposals and has conducted interviews on the three engineering firms. The team has a consensus to hire Labella Associates. They feel they had the most experience with the State Education Department and had the best concept of the project. The team also learned from Labella Associates that funding for a salt storage shed may be available through a Water Quality Grant administered by the NYS DEC. Prior grant applications have typically been due in October. If the team assumes the next round of funding would be offered in October again, that means we need to begin preparing a grant application in the near future. The team is requesting from their respective boards to grant authorization to begin this work at the August meetings. The proposed cost of the grant

writing is \$3,000.00. The Village's share is 17% or \$510.00. Mr. McHenry is requesting the board approve the money for the grant writing services to Labella Associates.

**Resolution** to authorize the Treasurer to pay up to \$510.00 for grant services to Labella for the Community Salt Storage Shed. Motion made by Trustee Speer, seconded by Trustee Gates. Carried unanimously 5-0.

The team is also working on a power point presentation to give to the boards on the overall project later this month.

- 10 Canning Street: Mr. McHenry explained the terms of the contract with the buyer require them to submit an application to the Planning Board by August. No progress has been made since the offer was confirmed in April. Mrs. Surridge has contacted the buyers and they have asked for an extension. Mrs. Surridge is recommending a thirty (30) day extension be approved.

**Resolution** to acknowledge that under the terms of the purchase and sale contract for 10 Canning Street the buyer was supposed to apply to the Planning Board for development approval by August 1, 2010, since that term has not been met the Village Board has the right to void the contract. Be it resolved that a 30 day extension to the buyers of 10 Canning Street be approved. Motion made by Trustee Horylev, seconded by Trustee Speer. Carried 4-1 (Trustee Gates opposed).

- Employee Handbook: The management team has been working with Attorney Larry Schwind on updating and clarifying some of the language in the handbook. The team will present the changes to the Personnel Liaison, Jim Gates and the employees first. Once they approve the changes, they will submit it to the board for consideration and approval.
- 3 Upton Street: Mayor Lee and Mrs. Surridge met with Harold and Emma Juergens and the purchase agreement was signed. This was immediately forwarded to both attorneys who have since approved the contract. The closing process is now underway.
- Radios: Mr. McHenry informed the board on the new regulations that will be taking effect for all Public Service agencies in Monroe County to change their public service radio frequencies to narrowband operations. Mr. Lissow will be heading up the project and informing the board on his recommendations and the cost associated with the change. This is a mandatory change that we need to comply with.

### **Food Shelf**

Discussion took place regarding finding a new home for the food shelf, they will be displaced as of December 31, 2010. Mr. Carmestro stated he will bring this subject to the Chamber of Commerce for discussion. Mayor Lee stated he will also be searching for a new location for the food shelf through various community organizations. The board round tabled different ideas and

locations. This item was tabled to explore possible new locations for this community organization.

### **Vouchers**

**Resolution** to approve the abstract of vouchers with the following additions: Danielle Goreoski \$155.00, Hilton Central \$423.71, Walt Horylev, \$5.00, Gates Heating, \$17,894.40. Totals as follows:

General fund	\$	177,162.22
Water fund	\$	30,600.19
Sewer fund	\$	1,873.57
Gas&Electric	\$	192.36
Prepaid	\$	119,946.31
<u>T&amp;A</u>	<u>\$</u>	<u>10,658.16</u>
Total	\$	340,432.81

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

### **Minutes**

**Resolution** to approve the meeting minutes of July 6, 2010 as written. Trustee Horylev made the motion, Trustee Bimmler seconded the motion. Carried 4-0-1 (Trustee Speer abstained).

### **Apple Festival**

A letter was received from the Chairpersons of the Apple Festival requesting “No Parking” signs to be installed on Grove, Gorton and Heinz Street during the festival and “No Pets” signs be installed on the grounds of the festival. A discussion took place regarding this subject. It was determined that Mrs. Pearce would contact the Chairperson to inform them that a Local Law must be adopted to install street signs and due to the timing of the festival, it would be too late for this year. The board has no issue with the festival installing “No Pets” signs.

### **Tax Bill Credit**

**Resolution** to credit the sewer fee of \$84.00 which was mistakenly added to the tax bill for 902 Hilton-Parma Corners Rd, owned by William Cane. This address is vacant land. Trustee Bimmler made the motion, seconded by Trustee Horylev. Carried unanimously 5-0.

There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully Submitted,

Shari Pearce, Village Clerk