

Village Board of Trustees
Meeting Minutes of September 7, 2010

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

Guests: Carm Carmestro, Dave Wright, Tina Zubulski, Ann Weitzel

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

Public Forum

Ann Weitzel, 151 Peck Road, she is the president of the Community Council of Churches and is present to speak about a future location for the food shelf. As of December 31st, the food shelf will need to vacate their current location at a local church. The reason for leaving is due to a safety issue with the current location being in a basement and the stairs are not safe for the volunteers to transport the food. They are looking for a space that is handicap accessible and preferably not in a basement. Mrs. Weitzel relayed they rely mostly on donations from the community. Currently, they do not pay rent. They may have a connection to an organization called Food Link that could help with rent payments, however, it would mean less money for food.

Mrs. Surridge had a suggestion to allow the food shelf to occupy a vacant room upstairs in the Community Center. This room has been vacant since June of this year. We currently have no one interested in occupying it. The board discussed the possibility of doing a cost share with the Town of Parma, with each municipality donating \$1,000.00 towards the cost of the room. Mrs. Surridge remarked it costs about \$3000.00 a year to heat and provided services within the building.

After round tabling other locations, Mrs. Weitzel stated the Community Center would be the best location for the food shelf. The board decided they would welcome the food shelf into the Community Center for a temporary period of time. This decision will be reviewed annually.

Carm Carmestro stated he would bring this item up for discussion before the Town Board tonight requesting a sum of money to be applied towards the operating expenses.

Resolution to enter into a one year lease agreement beginning November 1, 2010, with the Hilton Community Council of Churches for the rental of space in the Community Center, room 11B, for the operation of the food shelf program. Said space will be provided free of charge but the Village Manager is directed to contact the Town of Parma and request a \$1,000 donation to

help offset our costs for this space. Trustee Horylev made the motion, seconded by Trustee Bimmler. Carried unanimously 5-0.

Dave Wright, 173 South Ave, he stated he has been hearing skateboarding on South Avenue from the hours of 12:00 a.m. until 3:00 a.m. He would like this mentioned to the Sheriffs to make them aware of this.

Treasurer's Report

Mrs. Edwards is requesting the following resolutions be approved:

Resolution: To amend the 2010-11 budget as follows:

To pay MRB for engineering for the central air system in the Village Office in the amount of \$2,000.00. The funds to pay for this expense shall be taken from the Henry Street reserve account.

Increase expense A1440.4 \$2,000.00

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

Resolution: To amend the 2010-11 budget as follows:

To pay MRB for engineering for the DPW addition in the amount of \$4,000. The funds to pay for this expense shall be taken from the DPW savings account.

Increase expense A1440.4 \$4,000.00

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

Resolution: To amend the 2010-11 budget as follows:

To recognize the VFW is donating money to pay for a new fence adjacent to their memorial.

To increase revenue A2705 \$2,085.00

To increase expense A1620.2 \$2,085.00

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

- Health Insurance: Mrs. Edwards explained in our employee handbook it states the Village will pay 100% of the cost of health insurance to a retired employee hired prior to the year 2000. The Village has paid 90% thus far for Mr. Tilebein's HSA deposits. This was an oversight and she is requesting the board approve the other 10% to be deposited into his account.

Resolution: to authorize the Village Treasurer to deposit into Tom Tilebein's health savings account the amount of \$520.00, to give him 100% of the deductible, as stated in the employee handbook regarding retirees. Motion made by Trustee Horylev, seconded by Trustee Gates. Carried unanimously 5-0.

Code Enforcement

Resolution to enter into the Intermunicipal Agreement with the Town of Parma for emergency Building and Fire services. Motion made Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0.

INTERMUNICIPAL AGREEMENT

AGREEMENT made this 7th day of September 2010 by and between the VILLAGE OF HILTON, a municipal corporation having offices located at 59 Henry Street, Hilton, New York 14468 (hereinafter "Hilton") and the TOWN OF PARMA, a municipal corporation having offices located at 1300 Hilton-Parma Road, Hilton, New York 14468 (hereinafter "Parma").

WHEREAS, from time to time, Hilton is in need of building and/or fire inspection services on an emergency basis and/or at such times as Hilton personnel are unavailable; and

WHEREAS, Parma employs qualified personnel who are capable of providing such services on behalf of Hilton on an emergency and/or as-needed basis; and

WHEREAS, Hilton has determined it to be in the best interests of residents of the Village of Hilton for Parma personnel to provide such services on behalf of Hilton on an emergency and/or as-needed basis.

NOW, THEREFORE, in furtherance of the provisions of New York State General Municipal Law Section 5-G and in consideration of the premises and the mutual promises and understandings contained herein it is agreed as follows:

1) Parma agrees to provide Hilton with qualified personnel to perform building and/or fire inspections, upon request, on an emergency or as-needed basis as is mutually agreed upon by the parties, in accordance with the provisions of this Agreement.

2) Any request for such services shall be made by the Village Manager, or Code Enforcement Officer of the Village of Hilton, or such other person designated by the Hilton Code Enforcement Officer, to the Parma Building Department during normal business hours or by notifying the Monroe County 911 center during off hours.

3) Whenever possible, any such request shall be made in writing, either by correspondence, facsimile transmission or e-mail transmission. However, should circumstances necessitate a verbal request to be made, such request shall be confirmed by Hilton to Parma, in writing, within Twenty Four (24) hours following the request or, if such request is made on a weekend or holiday, on the next business day following the request.

4) Notwithstanding the foregoing, Parma shall not be responsible for providing such services to Hilton pursuant to this Agreement if such Parma personnel are occupied at the time in performing required services for Parma. However, in that event, Parma shall provide such services to Hilton as soon as reasonably possible.

5) Any Parma personnel who shall provide services for the benefit of Hilton pursuant to this Agreement shall at all times be in accordance with any applicable rules and regulations of the State of New York and shall not be inconsistent with the policies or practices as employed by Parma.

6) Parma shall be liable for any negligent or intentional acts resulting from the services provided to Hilton. In the event damages are caused as a result of directions given by Hilton, then Parma shall be held harmless by Hilton. Except as a result of the negligent or intentional actions of Parma personnel, Parma shall not in any event whatsoever be liable for any injury or damage to any person or property happening in furtherance of or as a result of the within Agreement and the services provided hereunder. Hilton shall indemnify and save Parma harmless from and against any and all such liability and damages, and from and against any and all suits, claims and demands of every kind and nature, including reasonable counsel fees by, or on behalf of, any person, firm, association or corporation arising out of or based upon any acts, injury or damage incurring as a result of the acts or omissions of Hilton, its agents, contractors or employees, which shall or may happen in furtherance of the within Agreement and from and against any matter or thing arising from or in furtherance of the within Agreement.

7) Each municipality shall remain fully responsible for its own employees, including salary, benefits, and worker's compensation.

8) All personnel provided by Parma under this Agreement, for purposes of worker's compensation, liability and any other relationship with third parties, except as otherwise provided herein to the contrary, shall be considered the employee of Parma.

9) In consideration for providing such services, Hilton shall pay to Parma the amount of Thirty Five and 00/100 Dollars (\$35.00) per hour, to be paid within sixty (60) days of receipt by Hilton of an itemized statement from Parma for the services rendered.

10) This Agreement shall be for a term of five (5) years following execution. However, either party hereto may cancel and terminate this Agreement, upon thirty (30) days prior written notice to the other party. However, if either party should elect to so cancel the contract, Hilton shall remain obligated to Parma for any services provided prior to such termination.

11) It is hereby acknowledged and agreed that the within Agreement has been approved by a majority vote of the governing body of each municipality which is a party hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

- 291 East Avenue: Mr. Lissow stated Mr. Dave Goodrich from the Masonic Temple is looking into acquiring a piece of property that the Village owns to the east of their property. Mr. Lissow is asking the board for direction on this request. The Village inherited the piece of property from RGE years ago and we really don't have any use for the property. The board stated they would like to know the fair market value of the property.

Resolution to obtain an appraisal from Metro Appraisal Associates for #291 East Ave and report the findings back to the board. Motion by Trustee Horylev, seconded by Trustee Gates. Carried unanimously 5-0.

- Training: Mr. Lissow is requesting permission to attend a training workshop on Storm Water and National Flood Plain issues.

Resolution to authorize Mike Lissow to attend the 2010 Flood Plain & Storm water workshop in Batavia on October 13th & 14th for a fee not to exceed \$100.00. Trustee Bimmler made the motion, seconded by Trustee Horylev. Carried unanimously 5-0.

- Creek Crossing: Mr. Lissow reported inspections on this development are on going.
- Two-Way Radios- Mr. Lissow explained to the Board about changes that are happening to radio frequencies throughout the State. We will be required to convert all of our radios to a narrow band system which could be very costly. He stated this is a very complex issue and will report back to the board with a proposal in the near future.

Public Works Report

- Training: Mr. McHenry is requesting approval to send Keith Brown, Asst. Superintendent, to the Public Works School in October.

Resolution to authorize Keith Brown to attend the NY Conference of Mayor's Public Works Training School in Lake Placid at a cost not to exceed \$1,100.00 and to authorize the Village Treasurer to expend the registration fees. Motion made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 5-0.

- DPW Addition: Mr. McHenry is requesting authorization to pay the contractor, D'Agostino, \$52,497.00 for the work that has been completed to date.

Resolution to pay the sum of \$52,497 to D'Agostino General Contractors for work completed to date on the DPW addition. Be it further resolved that the funds to pay this expense will be taken from the General Fund temporarily. Once a bond note is obtained, the General Fund will be reimbursed.

- Veteran's Fence, Community Center: The Veterans would like to continue the same scalloped fence that exists on private property adjacent to the VFW and get rid of our old chain link fence. This would improve the appearance of the area. A proposal was submitted to have the Village will purchase the fence and the Veterans will reimburse the Village for the entire cost which is \$2,085. The Board was very pleased with this proposal and authorized it to move forward.

A special thank you to the DPW employees for the cleaning out of the Tallwood ditch and the concrete drainage swale.

Clerk's Report

- NYS Retirement Standard Work Day: Mrs. Pearce remarked the State has enacted a new Law 315.4, which means there is additional reporting requirements for elected and appointed officials upon a new term. A detailed three month timesheet needs to be compiled and recorded in order to submit the correct time to the NYS Retirement System. This new law only applies to employees that are a part of the NYS Retirement System.

Mrs. Pearce is requesting the Standard Work Day be approved and it will be kept on file for ten years. She is requesting the following resolution be adopted.

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Village of Hilton hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials							
Mayor	Joseph Lee			6	04/01/10-03/31/2014	Y	16.66
Trustee	Larry Speer			6	04/01/10-03/31/2014	Y	6.66
Trustee	James Bimmler			6	04/01/10-03/31/2014	Y	2.65
Appointed Officials							
Village Manager	Janet SurrIDGE			8	04/1/10-03/31/14	Y	21.66
Village Clerk	Shari Pearce			8	04/01/10-03/31/14	Y	21.66
Treasurer	Maryalice Edwards			8	04/01/10-03/31/14	Y	21.66
Zoning Board Member	Dave Wright			6	04/01/10-04/01/15	Y	.22
Planning Board Member	Dave McCracken			6	04/01/10-04/01/14	Y	.25

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

Village Manager

- Shared Services: Mrs. SurrIDGE reported the committee gave a presentation last month to the respective boards informing them of the current progress and future needs . Mrs. SurrIDGE is requesting the board hire Labella Associates to prepare a plan for the design

of the joint salt shed and storage facility with the outlined expenses below: The other entities will be requesting resolutions to hire Labella Associates as well.

Resolution: Whereas, the Town of Parma is hiring LaBella Associates to prepare a comprehensive plan for a joint salt shed and storage facility that will be shared with the Village of Hilton, School District and Parma Fire District, for a cost not to exceed \$32,800.00, and

Whereas, a Local Government Efficiency Grant to pay for this project was not received,

Now, therefore, be it resolved that the Hilton Village Board supports the preparation of a comprehensive plan for this project and will reimburse the Town of Parma 17% of the final cost. Trustee Gates made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

- 10 Canning Street: Mrs. Surridge is recommending the Board terminate the contract between the Village and Copper Mountain Development. There has been no development or plans submitted to the Code Enforcement Officer. She is also recommending that the property be put back on the market.

Resolution to terminate the contract between the Village of Hilton and Copper Mountain Development LLC for the sale of #10 Canning Street, due to the fact that they have failed to start their development approvals by this date. Said developmental approvals were a contingency of the sale. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

- 10 Canning Street - Parking Agreement: Discussion took place regarding the ongoing negotiations between the property owners of #11 & #50 Canning Street. One of the property owners is requesting that the Village pay for his legal expenses since it is a Village need that the agreement be modified. Mrs. Surridge stated that the Village Attorney has advised us that we have no authority to pay someone's legal fees.

Resolution to deny the request that the Village of Hilton pay the legal fees incurred by the property owner at #11 Canning Street. Motion was made by Trustee Speer, seconded by Trustee Horylev.

Vouchers

Resolution to approve the abstract of vouchers.: Totals as follows:

General fund	\$	37,852.68
Water fund	\$	24,056.42
Sewer fund	\$	2,733.36
Gas&Electric	\$	73.80
Prepaid	\$	156,509.69
Capital	\$	2,395.87
<u>T&A</u>	\$	<u>11,440.06</u>

Total \$ 235,061.88

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

Minutes

Resolution to approve the meeting minutes of August 3, 2010 as written. Trustee Speer made the motion, Trustee Bimmler seconded the motion. Carried 5-0.

Resolution to approve the meeting minutes of August 17, 2010 as written. Trustee Horylev made the motion, Trustee Bimmler seconded the motion. Carried 5-0.

Apple Festival

Discussion took place regarding traffic control for the Apple Festival. The Apple Festival sent a letter to the Parma Special Police requesting traffic control service for the festival. To date, they have not received a response. Mike McHenry and Trustee Speer are trying to resolve this issue with the Special Police. If the Special Police do not provide traffic control service for the Apple Festival, the Monroe County Sheriffs will need to be contacted and asked if there is a possibility of hiring officers for that weekend. This would be an additional expense the Apple Festival would have to incur. Mr. McHenry and Mr. Speer will report back to the board on this issue.

Main Street Bulletin Board

Discussion took place surrounding the condition of the bulletin board on the south side of Main Street. The question was posed to either invest in repairing the bulletin board or remove it. The board decided to have it removed.

75 Gorton Avenue

Mrs. Surridge told the Board about a conversation she had with Mr. Gurslin regarding the insurance claim paid to the homeowner at 75 Gorton Avenue earlier this year. Mr. Gurslin has written a proposed letter to our insurance company criticizing their actions to pay this claim and he is recommending that the letter be put on Village stationery and endorsed by the Village Board. Discussion followed.

It was the consensus of the board that this subject is closed and no further action will be taken.

There being no further business, the meeting was adjourned at 7:45 p.m.

Shari Pearce, Village Clerk