

**Village Board of Trustees  
Meeting Minutes of August 2, 2011**

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

Members Absent: Trustee Bimmler

Guests: Randy Mousaw, Tom Scheg, Carm Carmestro, Richard LaForce, Bill Huhn, Maryalice Edwards

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

**Public Forum**

Mr. Bill Huhn was present from the Masonic Lodge, 287 East Avenue, to express his interest in Village owned land located adjacent to their property. He is the Trustee for the lodge and they are considering purchasing the property for expansion of their parking area. He inquired as to the selling price and any financial arrangements that could be made.

Mrs. Surridge responded the purchase price is \$1,900.00 and was offered to the Masonic Lodge back in the winter of this year. Mr. Huhn asked if certain financial arrangements could be made, possibly the Village holding the mortgage. General discussion followed.

**Resolution** to authorize the sale of 283 East Avenue to the Masonic Lodge for a price of \$1,900.00. The board authorized the Village Manager to work out financial arrangements with the Masonic Lodge. Trustee Gates made the motion, seconded by Trustee Speer. Carried unanimously 4-0.

**Treasurer's Report**

- Maryalice Edwards made the following financial report: She reported the emergency air conditioning repair cost was \$3,839.41. Her recommendation was to pay for the repair out of the contingency account instead of the Henry Street reserve fund. The board concurred with her recommendation.

**Resolution** to authorize the Treasurer to pay \$3,839.41 for air conditioning repairs and to amend the 2011-12 budget by transferring the funds from the contingency account. Trustee Gates made the motion, seconded by Trustee Horylev. Carried unanimously 4-0.

- Maryalice Edwards has been notified that HSBC Bank is being taken over by First Niagara Bank. Since HSBC is our primary bank, she will be contacting First Niagara in the coming weeks to discuss a package they can offer the Village. She recommended the board add First Niagara to our list of approved banks.

She also mentioned that Chase Bank is offering a higher interest rate than we currently get at Citizens Bank and HSBC. She recommended the board pass a resolution adding Chase Bank to our list of approved banks. She noted if she transfers the savings funds to Chase Bank, the Village would gain an additional \$896.94 in interest earnings.

**Resolution** that Chase Bank and First Niagara are hereby added to the designated list as the official depositories for the Village of Hilton. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 4-0.

### **Code Enforcement**

- Fee Schedule: Mr. Lissow recommended eliminating the current fees for operating permits unless the business is in violation three or more times, then a \$50.00 charge would apply. General discussion followed.

**Resolution** to amend Section XII of the 2011-12 fee schedule, Operating Permits, by adding the words “The Code Enforcement Officer may charge up to \$50.00 per inspection if any organization or place of assembly are found to be in violation of the NYS Building & Fire Code 3 times or more”; and delete the current fees for operating permits. Motion made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 4-0.

Insurance Offices Services Review: Mike Lissow received the results from the review that was conducted and the Village received a lower rating, which means new homes built could receive higher home insurance costs. The impact to the Village is minimal. The reason for this is NYS building codes are not as up to date as the review commission prefers. Mr. Lissow remarked there is nothing more the Village can do since we follow the New York State building codes.

### **Public Work’s Report**

- New Loader: Mike McHenry stated the new loader has been ordered and will be delivered this coming month. He requested permission to take the 1996 loader to auction in October 2011.

**Resolution** to authorize the Superintendent of Public Works to sell our 1996 Model 544G John Deere Loader with bucket, forks & snow plow equipment in the Monroe County Municipal Auction to be held on October 1, 2011. Trustee Gates made the motion, seconded by Trustee Speer. Carried unanimously 4-0.

- 2011 Road Maintenance: Mike McHenry reported he came in under budget by approximately \$10,000.00 for the micro-paving on selected Village roads. He noted this was not enough money to complete another section of roadway in the Village. Trustee Gates commended Mr. McHenry for being so conscientious of our operating costs.
- RG&E Street Light Poles: Mr. McHenry stated RG&E will be charging the Village of Hilton a rental rate for every pole that our streetlights are on; there are 154 poles. The rate is \$11.98 per pole charged annually with a total cost of \$1,844.88. He stated this was part of the original contract four years ago, however, it was an oversight by RG&E. They will not be charging us for the past four years. This will be an annual expense we will have to account for in our budget.
- 2011/2012 Sanitary Sewer Improvement Project: Mike McHenry stated the improvement project will begin August 15<sup>th</sup> and is targeted to be completed on August 19<sup>th</sup>.
- Jennejahn Lodge: The security camera will be installed on August 22, 2011.

### **Clerk's Report**

- Office Copier: Shari Pearce noted after considerable research, the team has narrowed the selection down to a Konica copier, which we currently have, and a Xerox copier. Both copiers have basically the same features and will be able to be used as a scanner, fax machine, printer and copier. The cost for the Konica is \$8,515.00 and the Xerox is \$10,289.00. The difference in price is \$1,716.00. She recommended the Konica copier to the board for their approval. The budget amount for the copier is \$10,000.00; which is under budget by \$1,485.00.

**Resolution** to authorize the purchase of a Konica C280 copier from Eastern Copy Products under the NYS bidding contract for the price of \$8,515. Trustee Gates made the motion, seconded by Trustee Horylev. Carried unanimously 4-0.

- Flexible Spending Account Amendment: A letter was received from Employee Benefit Solutions outlining a change to our flexible spending plan regarding defining

the word “spouse”. Since the State has legalized same sex marriages as of July 24, 2011, they are urging the board to pass a resolution amending our plan and notify the participants as soon as possible. :

**Resolution** that the Village of Hilton Limited-Purpose Flexible Spending Plan is hereby amended by adding the following sentence to the end of Article 2.

The term “spouse” as used in this Plan means a person to whom a Participant is legally married and who is treated as the Participant’s spouse for federal income tax purposes. By signing this instrument, the Employer approves and adopts this Amendment.

Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 4-0.

**Resolution** to authorize the Treasurer to expend up to \$ 1,900.00 for Shari Pearce and Maryalice Edwards to attend the NYCOM Fall Training School being held on September 19, 2010 thru September 23, 2010 in Saratoga Springs. This is a budgeted item. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 4-0.

### **Proposed Local Law**

Mike Lissow recommended last month to the board that some changes to our zoning law are needed. The first item discussed was the need to add a section in the zoning law to prohibit residents from blocking public sidewalks for public safety reasons and snow removal. The second item proposed is eliminating the setback requirements for auxiliary equipment as stated in Section 24-209 (D). The reason for the proposal is there are a lot of requests for standby generators and air conditioners. Most residential lots are small and cannot meet the eight foot setback requirement, which requires the property owner to obtain a variance. Mr. Lissow remarked if the mechanical equipment meets the NYS building code requirements, he feels a variance should not be necessary from the Village. He recommended the board schedule a public hearing to amend the zoning law for these two items. The proposed law would read as follows:

#### **Hilton Zoning Code-Section 24-209, Uses prohibited in all districts, is hereby amended as follows:**

Section 1: Delete subsection D, “Installation and use of auxiliary service equipment within the setback” which reads:” No auxiliary equipment, including but not limited to air conditioners, air compressors, water pumps, electric generators, and the like, shall be located in a Setback, as defined in Section 24-1402 of the Village Code, if it is greater than 3 HP, if it exceeds 4 feet in height from ground level and/or if it emits a sound level

in the air which, as measured at the property lines, is in excess of sixty-five-seventy (65-70) decibels on the A-weighted scale between the hours of 7:00 a.m. and 8:00 p.m. and in excess of fifty (50) decibels on the A-weighted scale between the hours of 8:00 p.m. and 7:00 a.m.”

Section 2: Insert a new subsection D, entitled “Sidewalks” to read as follows:  
“Obstructing the free passage of a public sidewalk in any manner or by any means is prohibited.”

**Resolution** to schedule a public hearing for September 6, 2011 at 6:00 p.m. to consider the adoption of Local Law #3 2011. Trustee Horylev made the motion, Trustee Speer seconded the motion. Carried unanimously 4-0.

### **Village Manager**

- Electric Program: Mrs. Surridge stated the electric team is recommending to the board to enter into another contract with Constellation Energy which helps determine our fixed price. The price is slightly higher than last year; but overall the team feels this is a good value with the current economic conditions.

**Resolution** to enter into a power swap agreement with Constellation Energy and purchase one megawatt of power for every hour in calendar year 2012 at the price of \$43.75/mw. This agreement will be used in conjunction with the fixed electricity price offered for the Municipal Electric program in 2012. Trustee Speer made the motion, seconded by Trustee Gates. Carried unanimously 4-0.

- Outside Sewer Connection Fees: Mrs. Surridge stated three homes in the Town of Parma made a request to the Town Board to connect to the Village sewer system. The Town Board has asked the Village to recognize the request and pass a resolution stating we support the connection. Mrs. Surridge stated to the board she has included all seven homes in the resolution that have the opportunity to connect in the future, although only three homes at this time are requesting the sewer connection.

**Resolution** to allow the following homes situated in the Town of Parma on North Avenue to connect into the Village sanitary sewer system. The connection fee per property shall be \$1,500/per home: #585; #589; #593; #597; #601; #605; #609. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 4-0.

- 10 Canning Street: Mrs. Surridge stated she has interviewed three realtors and is recommending Mr. Allen Fitzpatrick from The Metro Group to list the property. She stated he suggested a list price of \$39,900.00. General discussion followed.

**Resolution** to hire Realtor Allen Fitzpatrick to list #10 Canning Street for six months with an asking price of \$ 39,900.00. Trustee Horylev made the motion, seconded by Trustee Gates. Carried unanimously 4-0.

### **Minutes**

**Resolution** to approve the meeting minutes of July 5, 2011 as submitted. Motion made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 4-0.

### **Vouchers**

**Resolution** to approve the abstract of vouchers with the following additions: Mountain Glacer. \$40.22, credit Joe Johnson, \$102.50, credit Mike McHenry \$2.00, credit John Steinmetz, \$100.00. Totals as follows:

General fund	\$	101,588.10
Water fund	\$	36,499.37
Sewer fund	\$	5,142.25
Gas&Electric	\$	1,751.05
Prepaid	\$	103,893.62
T&A	\$	10,823.53
Total	\$	259,697.92

Motion made by Trustee Speer, seconded by Trustee Gates. Carried unanimously 4-0.

### **Planning Board**

**Resolution** to accept the resignation with regret from Mr. David McCracken as a member of the Planning Board effective immediately. Trustee Horylev made the motion, Trustee Speer seconded the motion. Carried unanimously 4-0.

**Resolution** to appoint Michael Lissow to the Planning Board until such time the new board is activated and to appoint him as the Chairman of the Board. Trustee Gates made the motion, seconded by Trustee Horylev. Carried unanimously 4-0.

- Architectural Review: Mrs. Surrudge stated after speaking with each board member, the consensus of the board is to abolish the Planning Board and shift more Planning Board responsibilities to the Zoning Board. She recommended the board move forward and authorize the attorney to prepare a local law for the board's review. Mrs. Surrudge also stated by law we do not need a Planning Board, only a Zoning Board. She asked the board how many members they prefer to serve on the board, seven or five. She also

inquired if they would like to appoint any alternate positions. After general discussion, the consensus was to have a five member board with two alternate positions. Mrs. Surridge explained to the board our attorney had given us some new information that we would need to consider when reviewing the Architectural Review Code. She recommended there be a special meeting with our Attorney, Village, Zoning and Planning Board to discuss Architectural Review changes to the code and determine the direction to take.

**Resolution** to authorize the Village Manager to work with Attorney Larry Schwind, to prepare a Local Law to abolish the Planning Board and shift the responsibilities to the Zoning Board. Mayor Lee made the motion, seconded by Trustee Horylev. Carried unanimously 4-0.

**Resolution** to create two alternate positions to the Zoning Board. Motion made by Mayor Lee, seconded by Trustee Horylev. Carried unanimously 4-0.

**Resolution** to hold a special meeting on Monday, August 8, 2011 at 5:30 p.m. in the Community Center to discuss amending the Architectural Review Code. Trustee Speer made the motion, seconded by Trustee Horylev. Carried unanimously 4-0.

### **Community Center**

**Resolution** to deny the request from Recreation Director Steve Fowler to reduce his rent by \$2,500.00/year in return for opening & supervising the Community Center on Saturdays due to the fact that there is no impact to his operating budget. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 4-0.

### **Make a Difference Day**

**Resolution** to authorize the Treasurer to pay \$500.00 to the not-for-profit Make a Difference Day event that will be held on October 22<sup>nd</sup> 2011. Trustee Speer made the motion, seconded by Trustee Horylev. Carried unanimously 4-0.

### **E-Waste Recycling Day**

**Resolution** to authorize Monroe Tech to use Village property at #135 South Avenue on August 27<sup>th</sup> for a one day "E-waste recycling day". Trustee Horylev made the motion, seconded by Trustee Gates. Carried unanimously 4-0.

**Executive session**

**Resolution** to enter into executive session at 6:30 p.m. Motion made by Trustee Horylev, seconded by Trustee Gates. Carried unanimously 4-0.

**Resolution** to exit out of executive session at 7:10 p.m. Motion made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 4-0.

There being no further business, the meeting was adjourned at 7:15 p.m.

Respectfully Submitted,

Shari Pearce, Village Clerk