

**Village Board of Trustees  
Meeting Minutes of October 4, 2011**

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

Guests: Carm Carmestro, Tom Scheg, Dave Wright, Cindy Mull, Troy Prince

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

**Public Forum**

- Mr. Troy Prince was present requesting use of our property at 135 South Avenue to host a chicken barbeque for the Hilton Basketball Team. The event is to take place this month. Mr. Prince stated they used the property last year and the event was very successful.

Mayor Lee stated there was a problem last year and the cooking of the chicken took place on the driveway to the Exempt Club and blocked traffic. Mr. Prince stated he was unaware of any problems last year and assured the board this would not happen again.

Trustee Gates asked why they could not have the barbeque at the high school. Mr. Prince responded the visibility is much better at the South Avenue location.

Trustee Gates stated in the November 2010 minutes, the board stated they would not be granting future use to this group. Trustee Gates also remarked the board needs to determine if they are going to allow organizations to operate fundraisers on the Village property located at 135 South Avenue.

- Ms. Cindy Mull was present requesting use of 135 South Avenue to sell Girl Scout cookies on a Saturday or Sunday in November. She noted she has sold cookies at the Big M store for years, but the new TOPS market is prohibiting anyone from soliciting or selling goods in front of the store.

Mayor Lee stated the board will be discussing the use of the property later this evening and the Clerk will get back to both parties with a response.

Mayor Lee closed the public portion of the meeting.

## **Code Enforcement**

- Mike Lissow distributed to the board the annual Storm Water Coalition report for their review.
- **ATV Complaint:** Mike Lissow stated after last month's complaint regarding ATV's riding in the Parma View and Doud Circle area. Mr. Lissow made contact with the manager, Tom Beach, at Midlakes Development. Mr. Beach stated no one has permission to ride the ATV's on Mr. Howitt's property. They have placed no trespassing signs up; however, they always get torn down. Mr. Lissow stated he has an article going in the newsletter advising the riding of ATV's on Village streets is illegal.

Other miscellaneous items were discussed.

## **Public Works**

- **2011/2012 Sanitary Sewer Improvement Project:** Mike McHenry stated the project is complete. The budget was \$85,000.00; the actual project cost was \$74,116.00, which is \$10,884.00 under budget. Mr. McHenry also noted there was minimal impact to the residents and the lifespan of the sewer improvement is 75 years.
- **New Loader:** The new loader is in service and the John Deere loader was taken to auction. The Village purchased the loader in 1996 for \$69,246.00 and received \$47,800 at the auction. Mike McHenry stated this is an example of keeping the equipment in excellent condition and receiving a great return on our investment.
- **40 Grove Street Remediation:** Mr. McHenry stated the first hole has been back filled and they are delayed on the larger hole until Waste Management gets their paperwork up to date.

Other miscellaneous items were discussed.

## **Clerk's Report**

- **Employee Health Insurance:** Open enrollment will begin soon for our health insurance; Shari Pearce will inform the board on the new rate amounts when they are announced. All plans we have are anticipating a 13-20% rate increase.

- **Springbrook Upgrade:** Janet and myself are researching two different options to upgrade our software to either version 6.07 or migrate to version 7. Currently, there is a substantial price difference between the two. Version 6.07 will not give us new features, but is compatible with Windows 7. Version 7 is a complete upgrade; we will be scheduling a time within the next month to view version 7 and make an informed recommendation to the board within the next couple of months.
- **Water Shut Offs:** On October 26<sup>th</sup>, water shut offs will take place. Typically, the DPW has to turn off less than ten homes. Shari Pearce will have a completed report to you by the next meeting on collections and how many homes were shut off.

### **Village Manager**

Mrs. Surridge was on vacation; Shari Pearce updated the board on her report.

- HDK Mold #6 Upton Street: A signed mortgage release from the Small Business Association was finally obtained; the attorneys can now close this deal.
- Electric Program: A couple of changes are being implemented by the NY ISO on October 1<sup>st</sup>. They are the following:
  - a) They will issue weekly invoices instead of monthly.
  - b) They have requested a copy of our most recent audited financial statements.

### **Minutes**

**Resolution** to approve the meeting minutes of September 6, 2011 as corrected. Motion made by Trustee Horylev, seconded by Trustee Gates. Carried unanimously 5-0.

### **Vouchers**

**Resolution** to approve the abstract of vouchers with the following additions: Zee Medical, \$60.00, NATW, \$164.50, \$3320.00 Monroe County Environmental Stormwater Coalition, \$700.00 Mary Lissow, \$17,265.50 HSBC Bond Anticipation Note, a deduction of \$139.95 from Gemplers. Totals as follows:

General fund	\$	64,055.73
Water fund	\$	37,049.25
Sewer fund	\$	4,284.50
Gas&Electric	\$	9.06

Prepaid	\$	116,009.10
T&A	\$	12,162.77
Total	\$	233,570.41

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

### **Letter of Credit**

**Resolution** to release the letter of credit to Mr. Jack Howitt, Creek Crossing Subdivision for \$74,504.97 since all improvements have been completed and satisfied. Motion made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 5-0.

### **Halloween Festival**

**Resolution** to authorize the Town of Parma Recreation Department to use Village Streets and the Community Center grounds for their annual Halloween festival. Trustee Horylev made the motion, seconded by Trustee Gates. Carried unanimously 5-0.

### **135 South Ave Property Use**

The board discussed their position on allowing organizations to use Village property at 135 South Ave for the purpose of selling their fundraising products.

After a detailed discussion, the board's position is to not allow the property to be used by volunteer organizations except for the Hilton Fire Department and the Apple Festival. Trustee Horylev stated the main reasons are traffic control and insurance liability. In the November 2010 minutes, the board stated they are not in favor of allowing organizations to use the property; they are reaffirming this statement.

**Resolution** acknowledging the Village Board's position on not allowing any organization to use Village property at 135 South Ave with the exception of the Hilton Apple Festival and the Hilton Fire Department.

### **DPW Addition/Bond Anticipation Note**

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

WHEREAS, the Village Board ("Board") of the Village of Hilton (the "Village") having authorized the issuance of General Obligation serial bonds to finance the construction of an addition (the "Addition") to the Public Works Facility in the Village of Hilton for the Village's

use in the aggregate principal amount of \$115,000.00 (the "\$115,000 BAN") pursuant to a bond resolution adopted by the Board on May 25, 2010, a copy of which is attached hereto; and

WHEREAS, the \$115,000 BAN will mature on October 18, 2011,

NOW, THEREFORE, IT IS HEREBY

**RESOLVED**, by the Village Board of the Village of Hilton, located in the County of Monroe, New York, as follows:

Section 1. The Treasurer of the Village shall pay \$15,000. on the principal balance of the \$115,000 BAN plus interest due to HSBC Bank USA, N.A. ("HSBC") on October 18, 2011 and shall renew the Bond Anticipation Note for the Addition with HSBC for a term of one (1) year. The renewal serial bond amount shall be \$100,000 and shall mature on October 17, 2012.

Section 2. This Resolution shall take effect immediately upon its adoption.

The motion having been duly made and seconded was unanimously adopted by the Board.

### **Town of Parma Intermunicipal Agreement**

**Resolution** to renew the following Intermunicipal Agreement with the Town of Parma for the plowing of Town sidewalks: Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0.

AGREEMENT made this 6th day of September 2011 by and between the Village of Hilton, a municipal corporation having offices located at 59 Henry Street, Hilton New York, (hereinafter referred to as "Village") and the Town of Parma, a municipal corporation having offices located at 1300 Hilton Parma Corners Road, Hilton New York (hereinafter referred to as "Town").

WHEREAS, the Town is responsible for snow removal on the following sidewalks:

- 1) East Avenue, a distance of 343 feet, beginning at the Village's east corporation line, on the south side of the street.
- 2) West Avenue, a distance of 1,161 feet, beginning at the Village's west corporation line on the north side of the street.
- 3) West Avenue, a distance of 827 feet, beginning at the Village's west corporation line on the south side of the street.
- 4) Underwood Avenue, a distance of 570 feet, beginning at the Village's north corporation line on the west side of the street.

5. Underwood Avenue, a distance of 570 feet, beginning at the Village's north corporation line on the east side of the street.

and,

WHEREAS, the Village owns a sidewalk plow designed for snow removal;

and

WHEREAS, the Town does not own or otherwise have access to such equipment,

Now, therefore, be it resolved, 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) The Village will provide snow removal services to the aforementioned sidewalks.
- 2) Said snow removal services shall be performed on an as needed basis, as determined by the Village Superintendent of Public Works.
- 3) The Village shall be liable for any negligent act resulting from the operation of its machinery or by its own operator. In the event damages are caused as a result of directions given by the Town, then the Village shall be held harmless by the Town. Except as a result of the negligent or intentional actions of a Village operator, the Village 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. The Town shall indemnify and save harmless the Village 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 the Town, 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 further of the within Agreement.
4. The Village shall remain fully responsible for its own employees, including salary, benefits, worker's compensation.

This Agreement shall be for a term of 10 years following execution. However, either party hereto may cancel and terminate this Agreement, upon 60 days prior written notice to the other party. It is hereby acknowledged and agreed that the within Agreement has been approved by a majority vote of the governing body of each municipality.

There being no further business, the meeting was adjourned at 7:00 p.m.

Respectfully Submitted,

Shari Pearce, Village Clerk