

**Village Board of Trustees
Meeting Minutes of December 4, 2012**

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

Guests: Dave Wright

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

Public Forum

Dave Wright, 173 South Ave, said that at the last meeting the Board discussed the possibility of installing new stop signs on Raintree Lane. He is in favor of this action because he has witnessed speeding traffic before and feels the stop signs are needed.

Treasurer's Report

Maryalice Edwards reported that our projected NYS Retirement costs for this fiscal year will be \$15,000 higher and explained why. She requested a budget amendment to cover this expense.

Resolution to amend the 2012-13 budget as follows: Motion made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 5-0

Increase A9010.4	\$15,000 (Retirement expense acct)
Decrease A1990.4	\$15,000 (contingency)

Code Enforcement Report

Mr Lissow reported on his monthly activities. General discussion followed.

Official Zoning Map: Mr Lissow mentioned that we need to update this map since rezoning changes have occurred. He suggested that we hire our engineering firm, MRB Group, to do the work since they already have the map in their computer database.

Resolution to hire MRB Group to update our Official Zoning Map at a cost not to exceed \$2,000. Motion made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously 5-0.

Superintendent's Report

Mr McHenry reported on the following:

- Two incidents that damaged our street lights
- Community Center repairs:
 1. After investigating the roof leak, we will have to replace approximately 6,480 sq ft which is about 1/3 of the total square foot of the roof. A preliminary estimate is about \$33,000.00 which is not a budgeted item. Mr McHenry will continue working with contractors to see if he can get a lower price, but if he can't we will have to go through the bidding process.
 2. An estimate to replace the building identification sign that was destroyed during Hurricane Sandy was obtained for \$3,095.00. Mr McHenry will obtain a second quote to compare prices and then select a contractor to do the work. The Board authorized him to proceed. This is an insurance claim.
- Raintree Lane and Archer Drive traffic concerns: At the last meeting, residents requested additional stop signs to slow down traffic. Mr McHenry has given this some more thought and even though the Monroe County Dept of Transportation does not recommend that stop signs be used for this purpose, he feels they are warranted in this situation and he gave his reasons why. After a brief discussion, the following decision was made:

Resolution to schedule a public hearing for January 8th 2013 at 6:00 pm to consider a local law to revise the Traffic Control Ordinance for the placement of two stop signs at the intersection of Raintree Lane and Archer Drive (both east bound and westbound directions). Motion was made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 5-0

- **Resolution** to renew the Monroe County All Seasons Agreement with the amended terms. Motion made by Trustee Speer, seconded by Trustee Bimmler. Carried unanimously 5-0

Clerk's Report

Resolution to authorize the Apple Festival Committee to use Village property at #135 South Avenue on October 5th and 6th 2013 to allow the visitor transport buses to turn around, and to authorize the use of the Community Center building and grounds. Motion made by Trustee Bimmler, seconded by Trustee Speer. Carried unanimously 5-0.

Resolution to renew the following contract with Energy Services Group for professional services relating to the operation of our Municipal Electric Program:

FOURTH ADDENDUM TO THE SERVICES AGREEMENT

THIS IS THE FOURTH ADDENDUM ("FOURTH ADDENDUM") TO THE Services Agreement ("the Agreement"), dated November 7, 2006 between The Village of Hilton, subsidiaries & JV partners ("Client"), and Energy Services Group, Inc., is entered into on December 4, 2012. Client and ESG are also referred to in this Fourth Addendum individually as a "Party" and collectively as the "Parties."

WHEREAS, ESG and Client are Parties to the Agreement;

WHEREAS, the Parties wish to amend the Agreement to revise certain responsibilities, as set forth below;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

1. Modify Schedule 8- Volumetric Fee Scale to include revised pricing as outlined below:

Tiers (Mwh)	Pricing/Mwh
0-1,500	\$1.35
> 1,500	\$1.00

2. Modify Section 2.1 to extend term for a period of two years from original termination date, The revised termination date will be effective January 1, 2015 unless earlier terminated in accordance with the provisions of Section 9 hereof.
3. Unless expressly changed by this Fourth Addendum, all other terms of the Agreement shall remain in full force and effect.

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

Resolution that in accordance with Section 802 (A) (4) of the Employee Handbook for health insurance, the Village Board hereby establishes that for calendar year 2013, the Village of Hilton will contribute 80% of the annual deductible amount for active full time employees and 100% for eligible retired employees. The Treasurer is authorized to deposit the Village's share into the employee's health saving accounts according to the following schedule: On January 2nd the employees shall receive a pro-rated share for the months of January through May 31st; On June 3rd, the employees shall receive the balance of the Village's contribution. Motion made by Trustee Gates, seconded by Trustee Fowler. Carried unanimously 5-0.

Manager's Report:

- 10 Canning Street: Mrs Surridge reported that the buyer has removed all of his contingencies in the purchase & sale contract, however, his bank requested more information on the findings reported in the Phase I Environmental Report. The Buyer is requesting a 30 day extension on his contract dates. A brief discussion followed.

Resolution to grant a 30 day extension to the prospective buyer of #10 Canning Street in order to complete further environmental investigations. Motion was made by Trustee Fowler, seconded by Trustee Bimmler. Carried unanimously 5-0

- Municipal Electric: Mrs Surridge informed the Board that the NY ISO requested a copy of our Risk Management Policies and Procedures. Since we do not have such a policy, she had to create one. The new policy was reviewed and discussed.

Resolution to adopt the following Energy Risk Management Policy for the Municipal Electric Program. Motion was made by Trustee Fowler, seconded by Trustee Speer. Carried unanimously 5-0

Village of Hilton Energy Risk Management Policy

I. INTRODUCTION

It is the policy of the Village of Hilton to provide reliable and affordable electricity to its industrial, commercial and residential customers in an environmentally sustainable manner.

The Village of Hilton's Energy Risk Management Policy ("Policy") details the key control structures and policies for prudent risk management processes based on sound energy risk management principles while ensuring adherence to financial requirements set forth by Village Board of Trustees as well as all pertinent legal requirements. The control structures and policies are focused on the following issues:

- Clearly defined segregation of duties and delegation of authority
- Organizational structure for risk management controls
- Policies related to setting acceptable risk parameters and risk limits.
- Policies for risk reporting.
- Permitted transaction and product types.

The Energy Risk Management Policy serves as the key policy level document on energy risk management. This Policy is supported by more detailed operational-level documents: the Energy Risk Management Procedures for the Front, Middle and Back Offices.

II. APPLICABILITY

This Energy Risk Management Policy applies to all Village of Hilton employees engaged directly or indirectly in transacting with the NY ISO. The first objective of this Policy is to build risk awareness within the Village. Consistent with the Village Board's desire for the Village to be an active manager of risk, the organization must maintain awareness of the risks faced. It is critical that all members of the organization have awareness that participation in the energy business entails a host of risks and that all members have knowledge of the Energy Risk Management Policy.

III. ENERGY RISK MANAGEMENT PHILOSOPHY

The Village Board recognizes that certain risks are inherent in the energy business environment.

The Village Board seeks to minimize risks in order to provide rate stability to its customers and a stable financial return to the Village's Electric Fund. The basic premise underlying the Village's Energy Risk Management Policy is that no activities related to energy purchases and sales should unduly expose the Village to the possibility of financial losses.

IV. ENERGY RISK MANAGEMENT OBJECTIVES

The primary objectives of energy risk management activities are to balance the business goals of: (1) providing stable electric rates to end users, (2) preserving a supply cost advantage through obtaining the best available price, and (3) managing business processes to allow the Village to work efficiently and cost effectively.

1. Retail Rate Stability

Stable rates are of high value to the citizens and businesses in Hilton. However, electric commodity market prices are extremely volatile. Therefore, a primary objective is to manage the risks inherent in the electric commodity markets in which the Village of Hilton participates. The rate stability objective is to mitigate market risk, weather risk, and volume risk to avoid frequent rate changes.

Reserve balances maintained by the Municipal Electric Utility provide financial liquidity and flexibility for entering into long-term contracts and for purchases of electricity in the spot and forward market as needed to meet the projected load. Reserve funds are designed to cover short-term price exposure due to market changes, and to avoid rapidly changing rates to cover those events. Maintaining the adequacy of these reserve funds in accordance with Village Board approved reserve policies is a matter of the highest priority for the Village Board.

2. Preserve a Supply Cost Advantage

Village staff will endeavor to: (a) reduce exposure to potential adverse electricity price movements; (b) enhance value by taking advantage of flexibility inherent in Hilton

contracts and resources; and (c) enhance value by offering cost-effective commodity products that address customer needs.

3. Efficient and Cost Effective Business Processes

Village staff will utilize business practices and controls that are sufficient to identify, evaluate, and manage risks through appropriate recording, analysis and reporting requirements. The Village Manager will determine the sufficiency of control and reporting requirements. Staff will strive to improve the risk management procedures to enhance productivity, reduce the cost of conducting risk management activities, and maintain transparency and the value of the risk management process.

When the above goals are in conflict, the Village Manager will collaborate with the Utilities Advisory Committee to resolve the conflict.

V. OVERSIGHT BODIES

1. Village Board

The Village Board is responsible for making high-level broad policy and strategy statements as contained in this Policy document and as such approves the Policy. The Policy shall guide the general vision of the Village of Hilton's business practices, articulating the Village's risk philosophy, and establishing risk tolerances. The Village Board reviews and adopts the Energy Risk Management Policy as developed and delegates the Village Manager to implement it. The Village Board will review the Policy annually or more frequently if significant changes occur. Additionally, the Village Board shall receive reports quarterly from the Village Manager regarding energy risk management activities.

2. Village Manager

The Village Manager has overall responsibility for executing and ensuring compliance with the policy adopted by the Village Board. The Village Manager reports quarterly to the Village Board regarding energy risk management activities.

3. Utilities Risk Oversight Committee

The Utilities Risk Oversight Committee (UROC) is responsible for advising the Village Board on long-range planning and policy matters relating to the Municipal Electric Utility. While it has no formal responsibility in energy risk management, the UROC does receive and review regular management reports prepared by the Village Manager for the Village Board. In addition, the UROC can serve as an important source of advice and comment to the Village Board on risk management.

The Utilities Risk Oversight and Coordinating Committee (UROCC) consists of the Village Manager(Chairperson), the Village Clerk, Village Treasurer, Trustee Larry Speer and Trustee Andrew Fowler. A quorum consists of at least three voting members of the UROC.

The UROC is responsible for overseeing a sound approach to managing risks which is consistent with the business strategy and risk tolerance of the organization, as defined by the Village Board. The UROC is critical to overseeing and reviewing the risk management process and infrastructure and ensuring proper management of the Municipal Electrics' risk exposure.

4. *Management Oversight*

Risk management oversight at an operational level is accomplished through supervisory review and approval and appropriate separation of duties. The functions of the Front Office, Middle Office and Back Office are detailed as follows:

a. *Front Office - Planning and Procurement-*

The Village Manager, the Front Office, is primarily responsible for resource planning and procuring energy supplies and services. The Front Office, by delegation of the Village Board, has a critical role in risk management through its transacting operations. The Front Office has the authority to commit the capital of the Village of Hilton to electricity transactions with the NY ISO. As such, the Front Office is a central clearing point for risk assumption and risk mitigation. The Front Office roles in risk management include:

- Develop and implement Utility Director-approved, Front Office procedures consistent with Board approved Policy.
- Develop and implement electricity portfolio management plans, strategies and guidelines in support of Village of Hilton objectives and in accordance with the Village 's Energy Risk Management Policy and legal and regulatory requirements.
- Develop and recommend for annual approval retail rates and financial plans including electric reserves in support of Village Board objectives.
- Ensure adherence to Energy Risk Management Policy and Procedures including proper recording of transactions, monitoring and valuation of risk.
- Report position, valuation and market conditions and energy portfolio risk and report to the UROC.
- Ensure proper reporting of contractual commitments to the Village financial reporting system.

Front Office Procedures are developed by staff, approved by the Village Board of Trustees.

b. *Middle Office - Risk Management Controls and Reporting*

The Village Clerk, the Middle Office, provides the primary independent oversight role. The Middle Office institutes, supervises, and reviews all risk management activities including portfolio exposure, credit exposure, transaction compliance and transacting limits. The Middle Office responsibilities include monitoring the Village of Hilton's risk exposures and ensuring compliance with policies and procedures. Additionally, the Middle Office is responsible for reporting to the UROC on risk management issues, and recommending when

changes in policy or operating procedure are required. These recommendations may relate to the temporary or permanent halting of transactions with the NY ISO, exceptions to rules and procedures, other operational exceptions, and any other topic the Risk Manager believes represents an unacceptable risk exposure.

The Middle Office recommends as necessary updates to the Energy Risk Management Policy and Procedures so that portfolio management functions occur in compliance with the Board-adopted Energy Risk Management Policy and UROC

Middle Office Procedures are developed by staff, approved by the Village Board of Trustees.

c. Back Office - Settlement and Recording

The Village Treasurer, the Back Office, is primarily responsible for settlement of bills, recording transactions, bookkeeping and accounting, and contract administration. The Back Office roles in oversight are ensuring that bills reflect orders, independently monitoring and recording transactions into a tracking database, and verifying and reporting on compliance with procedures as reflected in the deal tracking documentation.

Back Office Procedures are developed by staff from NY State Comptroller rules and regulations for municipal governments.

VI. COMPLIANCE & MONITORING

An annual independent audit will be conducted to review risk management practices and procedures to provide assurance on their efficiency and relevance to the Village Board.

VII. SCOPE

The Energy Risk Management Policy shall apply to the Municipal Electric Utility which is part of the electric enterprise funds that deal directly with the acquisition of energy supply resources.

The Energy Risk Management Policy prescribes the management, organization, authority, processes, tools and systems to monitor, measure, and control risks to which the Village is exposed in its normal course of business, including wholesale and retail operations.

The Policy does not address general business risks such as fire, accident, casualty, worker health and safety, and general liability. Neither does the policy cover the water or sewer funds.

VIII. TRANSACTING POLICY

The Village of Hilton's transacting policy is to ensure transactions carried out are done in a manner consistent with the authority granted by the Village Board; and are carried out to manage risk which is inherent to the electricity supply portfolio and to ensure the Village is not exposed to unnecessary risk. The policy is based on four key elements:

1. Anti-speculation

Speculative buying and selling of electricity is prohibited. Speculation is defined as buying electricity not needed for meeting forecasted load or selling electricity that is not owned. In no event shall transactions be entered into in order to speculate on market conditions.

2. Maximum Transaction Term

The maximum term of any supply resource transaction (purchase or sale) is one year, unless specifically approved by the Village Board, to meet long-term portfolio planning objectives.

3. Portfolio Performance and Value Reporting

Front and Middle Office staff shall prepare performance reports containing an analysis of physical and financial positions of all electric commodity contracts. The performance reports for each oversight body shall be distributed quarterly.

IX. AUTHORIZED PRODUCTS POLICY

The types of products the Village Manager is authorized to purchase from the NY ISO include electricity, capacity, and ancillary services.

Transactions of products not approved by the Board are strictly prohibited.

The Village Manager shall forecast the monthly electricity load that is needed to meet the needs of our customers. The Board recognizes the market volatility of electricity costs which makes it difficult to establish transaction limits. Based on the current number of customers enrolled in the Municipal Electric Program, the Village Manager is authorized to transact with the NY ISO to purchase products up to \$6,500/per day. This limitation will be reviewed periodically.

X. COMMODITY PRICING POLICY

Retail prices for energy supplies will be fair and equitable to all customers and will recover all incurred costs. The commodity pricing policy will be used for the development of standardized customer contract rates. The Village Manager is responsible for implementing this policy and overseeing the process for all commodity rate development and ensuring that all procedures are followed consistently and that all calculations are appropriately documented.

The commodity pricing policy is composed of the following five principles with the first principle having priority over the remaining four:

a. Direct Cost Recovery

All direct costs of providing commodity service will be recovered in commodity rates and/or through the use of Utilities' reserves.

b. Risk Management

To the extent practicable contract terms must protect the Village of Hilton from major contingencies. To the extent that Village of Hilton assumes risk to provide commodity products to customers, the customer shall pay reasonable compensation for bearing that risk.

c. Indirect Cost Recovery

To the extent practicable, it is an objective to recover all indirect costs of commodity service from commodity customers.

d. Nondiscrimination

All customers within a customer class shall be treated in a fair and impartial manner and be entitled to acquire commodities at the same or substantially similar terms and conditions.

e. Nonsubsidization

To the extent practicable, costs will be allocated to customers and customer classes according to how those costs are incurred. Thus, commodity rates will not be established in a manner that permits one class of customers to be subsidized by another.

XI. RISK MANAGEMENT REPORTING POLICY

Key to energy risk management is the monitoring of risks and the accurate and timely information that must be provided to all parties involved in any aspects of energy risk management to allow them to perform their functions appropriately. Quarterly reports will be provided for distribution to the UROC and the Village Board which provide details on the Village 's forward purchases, market exposure, credit exposure, transaction compliance and other relevant data.

XII. CONFLICT OF INTEREST POLICY

In accordance with NYS law, personnel involved in transacting and oversight of the Village of Hilton Utilities supply resource acquisition, contract negotiation, risk management, and back office programs may not participate *in* decisions in which they have a financial conflict of interest. All personnel are required to complete, on an annual basis, the Form 700 Disclosure forms and submit these forms to the Village Clerk. Each staff member engaged in energy transacting, risk management, or energy back office operations has the sole responsibility of identifying and reporting any potential conflict of interest, and ensuring that he or she does not participate in decisions when a financial conflict of interest exists. If the employee has a reportable interest, it is their responsibility to disclose the interest and have their supervisor sign-off on the form so that their supervisor is aware of the potential conflict. Supervisors should ensure employees are not involved in a decision-making capacity with respect to any of their reportable interest.

XIII. Training

The Village Board will provide training for its employees whenever practical and necessary. The Village Manager has been operating the Municipal Electric Program since its inception in 2007 and has enough experience to understand the systems and markets in which she transacts.

Self-Insured Dental Plan

A few months ago, Mrs Surridge ran an analysis on this program and discussed the findings with the Board. She was asked to obtain a 5 year history of Excellus dental rates before a decision could be made. These rates were obtained and Mrs Surridge said on average the rates went up about 2.5% per year. Lengthy discussion followed.

The analysis indicates the following:

- That our employees would have a better dental benefit for just about the same cost if we insured through Excellus (i.e. coverage for dependent children and employee cost share)
- Insuring through Excellus eliminates the Village's risk exposure.
- Insuring through Excellus eliminates the Village's administration time it takes to run the self-insured program.

Resolution that effective 1/1/13 the Village of Hilton will not continue its self-insured dental plan. The Village Clerk is hereby authorized to obtain an Excellus Dental plan for all qualified employees, retirees, and Village Board members. Be it further resolved that Sections 802 A & B within the Employee Handbook is amended accordingly. Motion made by Trustee Gates, seconded by Trustee Speer, carried 4-1. Trustee Fowler is opposed because he feels Village Board members should not receive medical or dental insurance.

Public Hearing

Mayor Lee opened the public hearing at 6:00 p.m to consider Local Law #6 2012.

Mrs Surridge and Mr Lissow gave an overview of the proposed law. Section 24-602, sign regulations, would be deleted in its entirety and replaced with new regulations for obtaining permits, the types and sizes of signs permitted, and the maintenance and enforcement of signs.

There being nobody in attendance to discuss this proposal, Mayor Lee closed the public hearing.

Mr Lissow presented and reviewed the SEQR information. He said the proposed local law is a Type I classification because it involves more than 25 acres. However, because there are no other agencies or municipalities involved, we do not have to give a 30 day notice or waiting period.

Resolution that the proposed local law to establish new sign regulations is classified as a type 1 SEQR action and the proposal will not cause substantial adverse change in community character, aesthetics, design and natural features. Based on its review, the Village Board has determined that the action will not have a significant impact on the environment and hereby issues a negative declaration. Motion made by Trustee Speer, seconded by Trustee Gates. Carried unanimously 5-0.

Mr Lissow read the response from the Monroe County Department of Planning: “Add to E (7) the following statement: Any sign proposed to be located in the street ROW is subject to approval from the municipality having jurisdiction of the roadway.”

Resolution to adopt Local Law #6 2012 which reads as follows: Motion made by Trustee Fowler, seconded by Trustee Speer. Carried unanimously 5-0.

24-602 SIGNS

A. Purpose

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating Signs of all types within the Village. It is intended to ensure right to free speech as protected under the Constitution, protect property values, create a more attractive economic and business climate and enhance and protect the physical appearance of the community. It is further intended to provide effective means of identification while minimizing visual clutter by preventing excessive and confusing Sign displays, reducing Sign or advertising distraction that may contribute to traffic accidents, preventing Signs from obstructing the view of other Signs and curbing the deterioration of natural beauty. No Sign or outdoor advertising of any character shall be permitted in any zoning district of the Village of Hilton except in conformity with the regulations of this section.

B. Definitions

As used in this Article, the following terms shall mean and include:

ABANDONED SIGN – Any sign advertising an establishment which has ceased to operate on the site for a period of more than 30 days.

AWNING SIGN – Any visual message incorporated into an awning attached to a building.

AUTOMATIC CHANGEABLE COPY SIGN – A sign which changes its content automatically on a frequency of more than once every 12 hours whether by electronic or mechanical means.

BANNER/PENNANT – A sign that is painted or displayed on a sheet composed of plastic, paper, fabric or other non-rigid material, fastened to the exterior of a building or structure or a flagpole, but excluding any flag representing federal, state, or other governmental entity and political unit or of any charitable, educational, philanthropic, civic or religious organizations.

DIRECTORY SIGN – A listing of two or more establishments on one sign.

ESTABLISHMENT – A business, residence, public or private organization or similar.

FREE-SPEECH SIGN – A sign that does not advertise, identify or promote any establishment, business, service product or organization but rather states an opinion.

FREESTANDING SIGN – A sign not attached to or part of any building but separate and permanently affixed by any other means in or upon the ground. Included are monument signs and masonry wall-type signs.

ILLUMINATED SIGN – Any sign illuminated by electricity, gas or other artificial light.

INSTRUCTIONAL SIGN – A sign that defines and/or prohibits an activity.

NONCONFORMING SIGN – A sign which exists at the time of enactment of this Article and which does not conform to the regulations and restrictions imposed herein.

OFF-SITE SIGN – A sign located on one site that relates to a different site.

PORTABLE OF MOBIL SIGN – A sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building or structure. Portable signs may or may not have wheels.

PROJECTING SIGN – A sign which is attached to the exterior of a building beyond the surface of that portion of the building to which the sign is attached and not parallel to the face of the building.

ROOF SIGN – A sign that is mounted upon the roof of a building or which is wholly dependent upon a building for support and which projects more than six inches above the highest point of a building with a flat roof; an eave line of a building with a gambrel, gable or hip roof; or the deck line of a building with a mansard roof.

SANDWICH BOARD SIGN – A sign composed of two panels set up as a triangle shape, hinged along the top.

SIGN – Any material, structure or device or part thereof composed of lettered or pictorial matter or a logo, which is located out-of-doors or on the exterior of any building or inside a building in view of the general public from a street or public way and displays an advertisement, announcement, notice or name.

SIGN AREA – The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in such a way as to form an integral background for the display.

SIGN STRUCTURE – The supports, uprights, bracing and framework for the sign.

TRAFFIC CONTROL SIGN – A sign directing and guiding traffic and parking but bearing no advertising matter.

WALL SIGN – A sign which is attached to the outside wall of a building, with the face of the sign in plane parallel to such wall and not extending more than twelve inches from the face of the wall.

WINDOW/DOOR SIGN – A sign visible from a sidewalk, street, off-street parking area or other public place, painted or affixed on glass or other window material or located inside within three feet of window, but not including graphics in connection with customary display of products.

C. Procedure for obtaining a permit.

1. Except as otherwise provided in this Article, no Sign shall be installed, enlarged, redesigned, relocated, placed or modified without first obtaining a permit in accordance with this Article.
2. Application for a Sign permit shall be made in writing by or on behalf of the owner, lessee or occupant of the property on which the Sign is to be installed, and must be accompanied by a drawing which shows proposed dimensions, text, color, design, location and other such information as may be deemed necessary or appropriate by the Code Enforcement Officer.
3. The fee for the issuance of a Sign permit shall be set by the Village Board. Any changes to an existing Sign shall be by permit application, as prescribed above. These fees may be amended by the Village Board from time to time.
4. A Sign permit shall become null and void if the construction of the Sign for which the permit was issued has not begun within a period of six (6) months of the date of issue of the permit, or has not been completed within one year after the date of issue of the permit.

D. General Requirements

Except as specifically set forth to the contrary, the following applies to all Signs which are installed or modified after the effective date of this code:

1. No Sign shall be located on a public right-of-way or public property.
2. All Signs shall be located on the same site as the use they identify or advertise except where a conditional use permit has been granted for an off-site location.
3. No Sign shall obstruct the view at the intersection of any street.
4. No Sign shall be constructed or installed so as to be confused with or mistaken for traffic management Signs or signals.
5. Any Sign that no longer advertises the use of the property or no longer serves the purpose for which it was installed must be removed within 14 days after written notification from the Code Enforcement Officer.

E. Signs authorized without a Permit:

Except as set forth herein to the contrary, the following types of Signs may be installed in the Village without obtaining a permit. Although permits are not required for these Signs, the Signs shall conform to the applicable height, setback and size requirements detailed in this Article:

1. Any official Sign, public notice Sign, or warning Sign required by federal, state or local law (Example: NYS inspection station or authorized repair shop identification.)
2. Any Sign within a building not visible from the street or adjacent lots.
3. Any Sign within an enclosed outdoor space, such as athletic field, where the Sign is not visible beyond the property lines.
4. Banners or Pennants only if all of the following conditions are satisfied:
 - a. No more than one (1) banner per establishment is displayed at one time.
 - b. It is displayed for no more than 14 days in any 90 day period.
 - c. It does not have a total face area in excess of 100 square feet nor a height of more than 4 feet.
 - d. It does not extend above the first floor facade of the building or project beyond property lines.
 - e. It is not illuminated.
 - f. It is not placed in such a manner as to impede pedestrian traffic.
5. Holiday decorations not displaying a commercial message.
6. One construction or home improvement Sign per construction project, not exceeding six square feet in area in residential districts or 12 square feet in all other districts, provided that such Sign shall be removed five days after the completion of construction. Such Signs shall be confined to the property on which the construction is taking place.

7. Signs which provide direction and are located entirely on the property to which they pertain, do not advertise an establishment and do not exceed four square feet in area. Directional Signs include Signs identifying public rest rooms, public telephones, walkways or Signs providing direction, such as parking lot entrance and exit Signs, and those of a similar nature. Such directional Signs shall be allowed within the street right-of-way and side and rear yards. Any sign proposed to be located in the street right-of-way is subject to approval from the municipality having jurisdiction of the roadway.

E. Signs authorized without a Permit:

8. Drive-in facilities.
 - a. Establishments with drive-in facilities may have one Sign, not exceeding 24 square feet for each drive-in lane. The Sign shall be located adjacent to the drive-in lane and shall be easily visible to motorists using the lane. If the drive-in lane or facility is removed or not operating for a period exceeding 30 days, the Sign must be removed.
 - b. Such Signs shall only provide information which will assist the motorist in using the facility. Such Signs may include but shall not be limited to menus, instructions and other Signs of a similar character.
9. Flags, emblems or insignia of any nation, political subdivision, business or commercial enterprise. Business or commercial enterprise flags shall be limited to one per lot and shall be included in the calculation of permitted wall signage.
10. Gasoline service station price signs: Signs not exceeding three square feet advertising the price of gasoline and indicating self-service or full-service, when attached to a gasoline pump or pump service island.
11. Government Signs: Signs installed and maintained pursuant to and in discharge of any government function. There are no size restrictions for government Signs.
12. Home occupation signs: one Sign for each legally established home occupation, not to exceed two square feet in area, indicating the name, location or identification of a home occupation. The Sign shall be attached to the structure in which the home occupation is housed.
13. House numbers and nameplates not exceeding two square feet in area for each dwelling unit.
14. "No Trespassing" and "No Dumping" signs not to exceed four square feet in area per sign. Such signs shall be permitted within the street setback and side and rear yards.

E. Signs authorized without a Permit:

15. Temporary Signs:

- a. Political and campaign signs on behalf of candidates for public office or measures on election ballots, in all zoning districts, provided that the signs are subject to the following regulations:
 - i. The signs shall not be put up earlier than 45 days prior to an election. All Signs shall be removed within ten days following said election.
 - ii. The number of signs on any one parcel of land is not restricted, but the total combined size of the signs on any parcel shall not exceed 32 square feet in area, no sign shall exceed five feet in height from the surrounding grade and in Residential Zoning Districts, no individual sign shall exceed 16 square feet in size.
 - iii. Signs shall not be installed in such a manner as to constitute a roof sign.
 - iv. No signs shall be located within or over a public right-of-way.
 - v. All signs shall comply with the provisions of § 24-604, Clear-Vision Areas.
- b. One non-illuminated, one or two sided portable sign per parcel not to exceed 16 square feet in size and 5 feet in height, in the following situations:
 - i. New establishments awaiting the installation of a permanent sign, not to exceed a period of 30 days.
 - ii. An establishment which has lost the use of a permitted existing sign by reason of fire or other catastrophe, not to exceed a period of 30 days.
 - iii. The portable sign is placed at least 10 feet from all property lines.
- c. One real estate sign on any lot or parcel, provided that such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six square feet in area per side and does not stand more than five feet in height. All such signs shall be removed within seven days after the sale, or lease of the property.

E. Signs authorized without a Permit:

15. Temporary Signs (continued)

- d. Signs and notices advertising an open house, garage sale or similar events that are placed no more than five days prior to the event and which must be removed within three days of the conclusion of the event. These Signs must be placed on the property where the open house, garage sale or similar event is being held.
- e. Signs or notices advertising events or activities of churches or other not-for profit organizations may be placed no more than 30 days prior to the event and must be removed within three days of the conclusion of the event. Maximum size is 18"x24"

F. Permitted Signs

The "Table of Sign Regulations", located in Table X, lists the requirements for different types of permitted Signs that might be proposed for installation in the Village. The Table addresses each type of Sign by zoning category, listing whether each Sign type is permitted in each zone, the number of Signs permitted per site, and the information on Sign size, setbacks, and lighting requirements subject to additional requirement and/or regulations set forth in this Article

G. Prohibited Signs

The following types of Signs are prohibited:

- 1. Any sign for which a permit is required but not issued, or for which a permit has been revoked.
- 2. Any sign that contains words or pictures of an obscene or pornographic nature.
- 3. Any sign that emits audible sounds or discharges odor or visible matter
- 4. Any sign that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle.
- 5. Signs that interfere with official traffic lights or traffic control devices;
- 6. Flashing, rotating, revolving signs/lights, except barber poles or holiday decorations; which do not violate 3, 4 or 5 above or any other provision of this Article.
- 7. Any sign with unshielded lighting devices or reflectors placed to outline or provide the background of a sign.
- 8. Automatic Changeable Copy Signs, Digital Message Boards, Animated Signs, or Signs utilizing full motion or video technology.
- 9. Signs with mirrors.
- 10. Permanent banner, pennant, windblown or inflated Signs. These may be permitted as a temporary Sign to communicate the opening of a new establishment for a total of thirty (30) days.

11. Any sign placed on a curb, sidewalk, hydrant, utility pole, tree or other object located on or over any street unless otherwise permitted.
12. Any sign, banner or pennant mounted on or extending above the roof of any building or structure.
13. Any sign painted directly on an exterior wall.
14. Free standing signs supported by a single post. Commonly referred to as “Pole Signs”.

H. Specific Provisions by Zoning Category (See “Table of Sign Regulations,” for Sign allowances)

1. Residential Districts
 - a. Signs advertising use for public, quasi-public, non-profit, church, schools, hospital or other similar uses, shall be located on the same premise as the use being advertised.
 - b. One non-illuminated sign not exceeding 16 square feet in area and 5 feet in height shall be permitted at each entrance of an approved subdivision wherein the intended improvements and construction has yet to be completed, for a period of up to 3 years. If a building permit is not issued within the subdivision for any period of 12 months, or upon completion of the subdivision, such sign must be removed immediately. Such sign may be installed only after approval of the Village Board of the final subdivision plat.
 - c. Entrance Signs or bulletin boards:
 - i. One (1) free standing monument type sign is permitted at each entrance of a residential subdivision or multi-family development.
 - ii. One (1) free standing bulletin board type sign is permitted for a community organization, church, governmental entity or the like.
 - iii. Additional requirements:
 - Sign must be placed at least 10 ft from any lot line
 - Maximum height of the Sign is 6 ft
 - Maximum Sign area is 20 sq ft
 - Internal lighting is not permitted
 - External lighting is permitted

H. Specific Provisions by Zoning Category (See “Table of Sign Regulations,” for Sign allowances)

2. Non-Residential Districts

- a. On buildings having more than one street frontage, the maximum allowable number and square footage of onsite signs, as provided for in Table X, are permitted for each building frontage. Such maximum allowance, however, is not transferable either in whole or in part from one building frontage to another. “Frontage” refers to that portion of a lot which abuts a municipally owned or leased parking area, a public street or a private street for which the street alignments, widths, and design standards have been approved by the Village.

- b. Number of Signs
 - i. For buildings with multiple floors the following number of signs is permitted:
 - (a) For each street level establishment, a maximum of one (1) wall sign, and either one (1) awning sign or one (1) projecting sign shall be permitted for each facade of a structure facing a street. Up to two (2) window signs are allowed only in conjunction with a legally permitted wall, awning or projecting sign. Maximum coverage of window signs is detailed in Table X.
 - (b) For each upper floor establishment, a maximum of one (1) window sign, one (1) street level door sign, and either one (1) awning sign or one (1) projecting sign shall be permitted for each facade of a structure facing a street. Tenant signs are to be located within the facade area of the tenant.
 - (c) One free-standing Sign is allowed per parcel as permitted in Table X.

H. Specific Provisions by Zoning Category (See “Table of Sign Regulations,” for Sign allowances)

ii. For single story buildings the following number of signs are permitted:

- (a) For each establishment, a maximum of one (1) wall sign, and either one (1) awning sign or one (1) projecting sign shall be permitted on each facade of a structure facing a street in accordance with Table X. Up to two (2) window signs are allowed only in conjunction with a legally permitted wall, awning or projecting sign. Maximum coverage of window Signs is detailed in Table X.
- (b) One free-standing Sign is allowed per parcel as permitted in Table X.

c. Sandwich board signs: All sandwich board signs must meet the following conditions:

- i Signs cannot be more than three feet in height, three feet in width and cannot exceed 6 sq ft in area per side.
- ii Signs shall not be illuminated.
- iii. Signs shall be displayed only during business hours.
- iv. Except as otherwise provided, said signs must be located on the parcel on which the establishment is located.
- v. Said signs shall be put up in such a place and in such a fashion as to not impede pedestrian traffic or the maintenance of the right-of-way. The Village shall retain the right to require relocation of any sign if it determines that the sign was not put up in such a fashion or that a different placement would provide less obstruction to pedestrian traffic.
- vi. A conditional use permit and site plan approval from the Zoning Board of Appeals must be granted prior to the issuance of a permit by the Code Enforcement Officer in the following circumstances:
 - (a) The placement of more than one sandwich board sign on a single parcel.
 - (b) The placement of a sandwich board Sign in the right-of-way

I. Construction & Design Standards

1. Design considerations

a. Location:

- i** All signs must comply with the dimension and setback requirements contained in the Table of Sign Regulations (Table X)
- ii** No sign shall be put up, relocated, or maintained so as to prevent ingress to or egress from any door, window, or fire escape, or impede pedestrian or vehicular movement.
- iii** Any sign that covers or causes the removal of architectural details (such as, but not limited to, arches, sills, moldings, cornices, and transom windows), in such a fashion to potentially detract from the aesthetic or architectural quality of the structure on which it is to be installed, shall require a conditional use permit from the Zoning Board of Appeals.
- iv** Signs projecting over walkways or sidewalks must have a minimum clearance of 9 feet between the bottom of the sign and the walkway or sidewalk.

2. Sign Area

- a.** The area of a sign includes all lettering, wording, designs, symbols and background area, but does not include supports, framework, or bracing, if any, utilized for the mounting of the sign.
- b.** When a sign consists of individual letters or symbols attached to or painted on a surface, the area will be considered to be the size of the smallest rectangle that would encompass all letters/symbols
- c.** When computing the area of a double-face sign, both sides are considered to be a single sign.

3. Signs shall be constructed from weather resistant and durable signage materials and constructed and presented in a safe manner.

4. Flat Signs are prohibited. At a minimum, the logo or the letters used to convey the name of the establishment shall be raised, routed into the sign face or designed to give the sign variety and depth. Window, banner and sandwich board signs are exempt from this requirement.

I. Construction & Design Standards

5. Internally lit or channel signs must meet the following requirements:
 - a) Individual UL listing
 - b) Raised or recessed letters
 - c) Encasement in a frame (applies only to internally lit signs)
 - d) Channel letters with an internal light source reflecting off the building face may also be used for “halo” or “silhouette” lighting (applies only to channel signs).
 - e) Any Internal illumination does not project lighting onto adjacent properties or interfere with the public right-of-way.
6. Externally lit signs shall not project lighting onto adjacent properties or interfere with the public right-of-way

J. Maintenance of Signs

All signs and sign supports, framework and bracing shall be properly maintained and shall be kept in good repair at all times. The display surfaces shall be kept neatly painted and cleaned at all times. The Code Enforcement Officer may order the removal of any Sign that is not maintained in accordance with the provisions of this Article.

K. Enforcement

1. Non-conforming signs shall be brought into compliance with this Article upon:
 - a) Any changes to such sign.
 - b) Removal of a non-conforming sign for a period in excess of 14 days or 14 days following an order of removal pursuant to Section I of this Article, whichever is earlier.
 - c) Destruction or damage to said sign to the extent that the cost of necessary repairs exceed 50% of replacement cost, determined as of the time of the destruction or damage.
 - d) Creation of a hazard or disturbance to the health and welfare of the general public as determined by the Code Enforcement Officer.
2. This local law shall be administered and enforced by the Code Enforcement Officer, or any other person designated by the Hilton Village Board of Trustees.

3. Whenever the Code Enforcement Officer determines that a sign is in violation of any provision of this local law, the Officer shall serve notice of such violation or alleged violation to the owner, occupant, agent or operator of the parcel on which the violating sign is located, such notice to be provided by regular mail to the last known address of the person or entity upon which the same is to be served, as shown by the most recent tax record. Such notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time of not less than fourteen (14) days for compliance. Such notice may contain an outline of remedial action that may be taken to effect compliance. The Officer may extend the compliance time specified in any notice issued under the provisions of this Article where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent timely compliance.
4. Whenever the Code Enforcement Officer has determined that a condition exists which poses an immediate threat to life, health or safety, the Officer may without prior notice, issue a notice citing the violation and order that such action be taken as is necessary to remove or abate the hazard or danger. Such notice may include an order to remove the sign or portions of the sign that create such hazard or danger. Notwithstanding any other provision of this local law, such an order shall be effective immediately upon personal service and/or posting on the premises and shall be complied with immediately or as otherwise provided. Expenses incurred in the execution of such order shall be recovered as provided herein.
5. Whenever notice of a condition exists which poses an immediate threat to life, health or safety, has been served as provided herein and such owner, occupant, agent or operator shall neglect or fail to comply with the requirements of such notice or notices within the time provided therein, the Code Enforcement Officer may authorize the remediation of the violation, the cost of which shall be paid out of general Village funds. The Village shall be reimbursed for the cost of such remediation by assessment and levy upon the lots, parcels of land, or premises wherein such work was performed or such services rendered, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.
6. The Code Enforcement Officer shall have the authority, pursuant to the New York State Criminal Procedure Law, to issue an appearance ticket subscribed by the Officer directing the owner, occupant, agent or operator, or designated representative, to appear in a designated local criminal court at a designated future time in connection with the alleged violation of this local law or any order made thereunder.

7. The failure to comply with any provision of this Article shall be deemed a violation and any person who fails to comply with any provision of this Article, or fails to comply with any notice, order or directive of the Code Enforcement Officer after expiration of the time for compliance established in accordance with this local law shall, upon conviction, be punished by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment not to exceed fifteen (15) days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.

L. Severability:

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remaining portions thereof, but shall be confined to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

M. When Effective:

This local law shall take effect upon filing with the Secretary of State as required by law.

Vouchers:

Resolution to approve the abstract of vouchers with the following additions: Sharon Valet \$35.63 & Carl Johnson \$100.00 Totals as follows:

General fund	\$142,903.40
Water fund	\$ 57,066.00
Sewer fund	\$ 48,448.05
Gas&Electric	\$ 21,144.00
Prepaid	\$127,308.89
<u>T&A</u>	<u>\$ 14,291.36</u>
Total	\$411,161.70

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

Minutes

Resolution to approve the meeting minutes of November 4th 2012. Motion made by Trustee Fowler, seconded by Trustee Speer. Carried unanimously 5-0.

Resolution to approve the meeting minutes of November 13th 2012. Motion made by Trustee Bimmler, seconded by Trustee Fowler. Carried 4-0-1. Trustee Gates abstained since he was absent from this meeting.

Resolution to approve the joint meeting minutes with the Town of Parma on November 13th 2012. Motion made by Trustee Fowler, seconded by Trustee Speer. Carried 4-0-1. Trustee Gates abstained since he was absent from this meeting.

Executive Session

Resolution to enter into executive session to discuss litigation matters. Motion was made by Trustee Speer, seconded by Trustee Fowler. Carried unanimously 5-0

Resolution to exit out of executive session. Motion was made by Trustee Gates, seconded by Trustee Fowler. Carried unanimously 5-0

Resolution to authorize the Village Manager to pursue an eminent domain action for the acquisition of property on Hazen Street. Motion was made by Trustee Gates, seconded by Trustee Speer. Carried 4-1. Trustee Fowler opposed.

Resolution that a special meeting will be held on 12/18/12 beginning at 4:30 pm to discuss personnel items. Motion was made by Trustee Gates, seconded by Trustee Bimmler. Carried unanimously 5-0

Meeting adjourned at 7:30 p.m.

Shari Pearce
Village Clerk