

*Village Board of Trustees  
Meeting minutes of October 3, 2006*

Present: Mayor Larry Gursslin  
Trustees Horylev, Gates, Lee and Speer  
Clerk-Treasurer, Janet Surridge  
Supt of Public Works, Tom Tilebein  
Code Enforcement Officer, Mike Lissow (6:40 p.m)

Guests: Attorney Dan Bryson, Dave McCracken, Carm Carmestro, Robert & William Holden, Lorraine Ophardt

The meeting was called to order at 5:00 p.m. followed by the pledge of allegiance to the flag.

**Public Forum:**

Mr Carm Carmestro was present to talk with the Board about the snow plowing contract for the 2005-06 winter months. Mayor Gursslin made a motion to enter in to executive session, seconded by Trustee Horylev. Carried unanimously 5-0

Executive session ended at 5:20

**Resolution** that based on new facts received from Mr Carmestro, the Board hereby agrees to pay the sum of \$2,000 for snow plowing services rendered by Mr Carmestro in 2005-06. This decision is made in accordance with the terms of the easement agreement attached to our property at #10 Canning Street. Motion was made by Mayor Gursslin, seconded by Trustee Lee. Carried unanimously 5-0

Further discussion followed on whether or not the easement agreement should continue in the future. Mr Carmestro stated he is in favor of eliminating it, which would mean he would provide maintenance and snow plowing services for his property only and the Village would no longer be liable to share these expenses 50-50. After this comment was made, Mr Carmestro left the meeting.

Comments from the Board: Trustee Horylev was concerned that if the agreement were eliminated, is our lot big enough to accomodate a new building and adequate parking for any potential buyer? Mr Tilebein stated that a smaller building would have to be constructed than what was there before but yes, there is enough room to create parking. In knowing this, the other Board members felt that the easement agreement has outlived it's useful purpose and should be terminated.

**Resolution** to authorize our attorney to pursue the termination of the easement agreement that exists for the two properties at #10 and #50 Canning Street. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

**Public Works:**

Hilton Milling Station: Mr Tilebein reported that concrete curbing is complete and the stone base is set for paving on October 11th. He is still pursuing the legal documents for #3 and #5 Upton Street which will allow us to complete the roadway improvements.

38 East Avenue: Our crew has excavated the parking area and installed drainage and electric conduit. Mr Tilebein stated he has met with the adjacent property owner, Dr Dan Scheg, and discussed our plan to use part of his driveway for the entrance and exit to the expanded municipal parking lot at the rear of #38 East Avenue. Dr Scheg is supportive of our plan and steps are being taken with our attorney to prepare the legal documents to allow this to happen. As for the \$65,000 grant we applied for to expand our municipal parking area, we have received notification from Empire State Development that it was approved. Forms have to be filled out and returned to New York State and then the money will be released to us.

**Resolution** that Tom Tilebein, as Superintendent of Public Works of the Village of Hilton is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$6,300, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to this Village for tree planting. Motion was made by Trustee Lee, seconded by Trustee Horylev. Carried unanimously 5-0

Roof repair: The job has been completed.

Refuse carts: Mr Tilebein reported that we have an option to purchase our refuse carts through the City of Rochester at the price of \$34.00/each as compared to the \$65.00 cost we have been paying to a private vendor. He will be ordering a supply of these carts at a cost not to exceed \$4,000 which is the budgeted amount.

### **Clerk-Treasurer**

Municipal Electric:

A) As mentioned at the September 11th meeting, the Board needs to adopt a budget for the electric fund:

**Resolution** to adopt the following budget for the Electric Utility Fund:

E960 Appropriations	\$940,000
E510 Estimated Revenues	\$940,000

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

B) Energy Services Company: Mrs Surridge contacted this company again and discussed their proposed consultation fees. She was very pleased to report that the company has revised their proposal by eliminating their \$20,000 set up fee. ESG now proposes to bill Hilton on a per megawatt price, the same as Fluent and Energetix proposed. She asked the Board to set up a meeting to interview this company. A date of October 12th at 12:00 noon was set.

C) Marketing: An e-mail was sent to all Monroe County Villages offering them the opportunity to enroll their municipal buildings in our electric program. The Village of Pittsford as well as the Village of Webster are interested in receiving a quote from us for a fixed price.

Municipal Gas: As per our meeting on September 22nd, Mrs Surridge solicited a bid for the supply of natural gas to the School District for their 2007-08 fiscal year.

**Resolution** to accept the bid from National Fuel for the supply of natural gas to the Hilton Central School and Hilton East at a total price of \$9.42/dk for the period 7/1/07 - 6/30-08. Motion was made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 5-0

Community Center: Mrs Surridge reported that as a result of the threatening letter we sent to the Day Care Center about non-payment of rent, we received a substantial payment from them. Discussion followed on whether or not the Board wanted to renew the lease or stay on a month to month arrangement. It was decided to stay on a month to month basis.

Website update: The new website has been launched, but there are still some areas under construction by our provider. Mrs Surridge went on-line and showed the Board the changes that were made.

### **Vouchers**

**Resolution** to approve the abstract of vouchers, with the additions and/or changes noted:

General -	\$49,270.40
Water -	\$22,926.13
Sewer -	\$ 1,209.91
Gas -	\$ 163.48
T/A Fund -	\$20,318.08
Prepaid -	<u>\$ 2,516.91</u>
Total -	\$96,404.91

Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

### **Minutes**

**Resolution** to approve the meeting minutes of September 5<sup>th</sup> 2006. Motion was made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 4-0-1 Trustee Horylev abstained as he was absent.

**Resolution** to approve the meeting minutes of September 11<sup>th</sup> 2006. Motion to approve was made by Trustee Gates, seconded by Trustee Lee. Carried unanimously 4-0-1 Trustee Horylev abstained as he was absent.

**Resolution** to approve the meeting minutes of September 20<sup>th</sup> 2006. Motion was made by Mayor Gursslin, seconded by Trustee Speer. Carried unanimously 3-0-2 Trustees Horylev and Gates abstained as they were absent.

**Resolution** to approve the meeting minutes of September 22<sup>nd</sup> 2006. Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0

### **Village Park**

The Board discussed the next phase of development for our Village Park. They would like to develop trail ways and enhance access to Salmon Creek and Unionville Station Subdivision. Trustee Gates suggested that we should also consider a small playground that would include a swing set and slide as he feels it would enhance the use of Jennejahn Lodge if these were available for kids to play on. The Board agreed. Mr Tilebein was asked to start the research and planning to include this project in next year's budget.

### **Time Warner Cable**

The Board reviewed the request from Time Warner Cable to renew their Franchise Agreement, which expires on May 12, 2007 for a term of 15 years. It was felt that 15 years was too long of a time since technology is always changing and other options may become available in the future that the Board may want to consider.

**Resolution** that the Village Board hereby rejects the offer from Time Warner Cable to renew the existing franchise agreement for a period of 15 years and offers in it's place an initial renewal of 5 years, plus two options to renew for additional 5 year terms. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0.

### **Moratorium**

Mayor Gursslin stated that our zoning law requires building plans for new homes to include the construction of a garage, yet we have no legislation to prevent a garage from being converted to living space. In his opinion, the Village should not allow this to happen. Without a garage, people tend to leave their belongings outside which becomes unsightly for the neighborhood. He is aware of two building permit applications that may be submitted to our Code Enforcement Office in the very near future. He asked the Board to enact a moratorium on this issue so that the building permits will not be granted. During the moratorium, the Board would discuss legislation to address this issue.

***Resolution*** to enact a moratorium to stop the issuance of building permits to allow a garage to be converted to living space. Said moratorium shall be in place for a period of six months, to expire March 3, 2007. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0.

### **Gazebo Sound System**

Trustee Lee stated that we should purchase a sound system for the gazebo because it's very difficult to hear what's being said during ceremonies and other functions for which it is used. He has obtained a cost estimate which was presented to the Board. The Board was in favor of the concept, but since this is not a budgeted item it will have to wait until next year. Questions such as outside storage and electrical needs would have to be addressed.

### **Local law #1, 2006**

Mayor Gursslin opened the first public hearing at 7:00 p.m. to discuss proposed local law #1, 2006 which would amend the Property Maintenance Code, Chapter 15B relative to the storage of unlicensed vehicles. He explained that the intent of the law is to strengthen our current code and to give our Code Enforcement Officer the authority to issue storage permits in certain circumstances.

Robert Holden, 27 Peach Blossom Road South: He asked if this included the inside storage of a vehicle, like a garage? The Board replied that the intent is outside storage only. We realized that this was not clear in the proposed law, so the Board changed items one and three by adding the word "outside."

Lorraine Ophardt, 15 Grove Street: She asked if the proposed law includes vehicles that are being worked on? She is bothered by the smell of paint fumes and other odors stemming from body repair work being done in a residential area. This is also a noise concern. Mayor Gursslin replied that this is not a regulated item under the proposed law.

Mike Lissow, Code Enforcement Officer: Asked how many renewals and how many permits can be given per address? The Board asked for his recommendation and Mike replied that in most instances, one permit should suffice but he recommended one permit with up to three renewals in a year. Anything more would require approval from the Village Board. The Board agreed and made this change in the law.

There being no other public comments, the hearing was closed at 7:15 p.m.

**Resolution** to adopt local law #1, 2006 which will read as follows: Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

Section 1: Section 15B-3 of the Property Maintenance Local Law is hereby amended by adding the following paragraph (M) Abandoned, Unlicensed, Inoperative, Junked or Discarded Vehicles:

- 1) It shall be unlawful for any owner of or occupant of any real property in the Village of Hilton to have or permit outside storage on said real property, for a period of longer than seven days, any automobile or other motor vehicle that is required to be licensed and/or registered and not bearing a current and valid license plate, registration sticker, and inspection sticker properly displayed according to the Vehicle and Traffic Law.
- 2) The Code Enforcement Officer may grant permits for a period of no longer than three months, allowing the outside storage of a vehicle that does not have a current and valid license plate, motor vehicle sticker, and inspection sticker properly displayed. Such permits may be renewed a maximum of three (3) times by the Code Enforcement Officer upon good cause shown, including but not limited to, the following:
  - a) The motor vehicle is up for sale
  - b) The motor vehicle is being stored for winter months Nov - Mar
  - c) Owner is serving in the armed forces
  - d) Owner is temporarily relocated by his/her employer
  - e) Owner is attending school out of area

The application fee for permits or renewals thereof shall be as set from time to time by resolution of the Village Board of Trustees.

- 3) It shall be unlawful for any owner of or occupant of any real property in the Village of Hilton to have or permit the outside storage of any motor vehicle on said real property that is not required to be licensed or not usually used on the public highway, which is:
  - a) Wrecked, stored, discarded, dismantled and or which is not intended or in any condition for legal use.
  - b) Being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming for use some of the materials therein for the purpose of disposing of the same;

Section 2: In all places throughout Chapter 15-B, replace the words "Village Administrator," "Village Zoning Enforcement Officer," and "Village Building Inspector" with the words "Code Enforcement Officer"

Section 3: This local law shall take effect upon publication and filing with the Secretary of State as required by law

### **Local law #2, 2006**

Mayor Gursslin stated the intent of this local law is to have more control over the size of sheds and accessory structures that are installed in high density areas. He then opened the public hearing at 7:17 p.m.

Lorraine Ophardt, 15 Grove Street: She submitted a letter to the Board stating her approval of the proposed law and said it's very much needed. Her neighbor put in a shed that is way too large for the size of the lot and it depreciates the value of her home. Furthermore, she said the proposed size of 12' x 12' is still too large and suggested that it be reduced.

Mayor Gursslin replied that the Board is trying to design a law that meets our community's standards. We first looked at trying to create a law that would limit the size of the shed based on the lot size but it became too difficult to do. It ended up being more of a generic law to try and make a standard that everyone can live with.

Mike Lissow, Code Enforcement Officer: He questioned item #2 on motor vehicles. Would a motorcycle or ATV be prohibited? The Board changed the law to define it as automobiles and trucks. ATV's are allowed to be stored in accessory structures. Mike also asked if we want to regulate animal shelters and dog houses? He briefly explained why he brought this up. Afterwards, the Board decided to amend (1) (b) by adding the words: The footprint shall be over 25 sq ft and less than 144 sq ft.

Other changes made by the Board:

Item #2 was changed by adding the word "detached" structure.

Item 1-F was copied to paragraph 2 as well

Add other the words "must be maintained" to 2-e

The hearing was closed at 7:35 p.m.

**Resolution** to adopt Local Law #2, 2006 which will read as follows: Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

Section 1: Section 24-302 is hereby amended by adding the following subsection (E) entitled "Accessory buildings and structures":

- 1) Any toolshed, garden shed, utility shed, cabana or similar structure, which is not utilized for housing automobiles and trucks, is permitted provided that such structure is incidental to the principal or primary residential use on the property and subject to the following restrictions:
  - a) Only one such accessory structure will be permitted on any real property and shall not be used for housing animals or their wastes.
  - b) The foot print shall be over 25 sq ft but shall not exceed 144 square feet.
  - c) The height of any accessory structure shall not exceed 12 feet as measured from the average grade at the front of said accessory building to the highest point of such accessory structure.
  - d) Must be erected behind the front main foundation line of the principal dwelling on any lot and ten feet from any building used for residential purposes which is located on an adjacent lot.
  - e) a side and rear setback of no less than five (5) feet must be maintained.
  - f) If erected on a corner lot, accessory structures must be located behind the street main foundation lines of the principal dwelling and behind the side foundation line on the side facing the street.
  - g) On through lots, any accessory structure shall not be located nearer than thirty (30) feet from either street line.
  
2. Any detached structure utilized for the storage of automobiles and trucks is permitted, subject to the following restrictions, provided that such structure is incidental to the principal or primary residential use on the property:
  - a) Must be placed on an approved foundation in accordance with the NYS Building Code.
  - b) The foot print shall not exceed 720 square feet.
  - c) The height shall not exceed 35 feet as measured from the average grade at the front of said structure to the highest point of such structure.
  - d) Must be erected behind the front main foundation line of the principal dwelling and at least ten feet from any building used for residential purposes which is located on an adjacent lot.
  - e) a side and rear setback of no less than eight (8) feet must be maintained.
  - f) If erected on a corner lot, accessory structures must be located behind the street main foundation lines of the principal dwelling and behind the side foundation line on the side facing the street.

**Resolution** to establish the following fee schedule for any storage permit issued for an inoperative or unlicensed vehicle, as per Local Law #1, 2006:

<u>Reason for storage:</u>	<u>Fee</u>
a) The motor vehicle is up for sale	No charge
b) The motor vehicle is being stored for winter months Nov - Mar	No charge
c) Owner is serving in the armed forces	No charge
d) Owner is temporarily relocated by his/her employer	No charge
e) Owner is attending school out of area	No charge
f) All other	\$10.00

Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

### **Local law #3, 2006**

Mayor Gursslin opened a third public hearing on proposed Local Law #3, 2006 which would replace our existing Chapter 4 of the Hilton Code regarding the enforcement of the NYS Fire Prevention & Building Codes. New York State is mandating that municipalities across the state adopt the new law by January 1, 2007. As there was no one in attendance to discuss this proposal, Mayor Gursslin immediately closed the public hearing.

Board discussion took place with Mike Lissow, who explained that if we adopt the law as proposed, it will contradict some of our existing local laws. Some of the neighboring towns have gotten together to discuss this new code and the goal is to keep it as consistent as possible for everyone. In addition, the new law would require us to issue operating permits in the future and this is something we don't do currently. There are a lot of unanswered questions that Mike has at the moment and he requested the Board to give him time to do some research on the matter before adopting the law.

**Resolution** to table a decision on proposed local law #3 at this time. Motion was made by Mayor Gursslin, seconded by Trustee Speer. Carried unanimously 5-0

### **Code Enforcement**

Mr Lissow talked about a new kind of technology that's come on the market for home heating - outside wood boilers. The NYS Fire & Building Code does not regulate these boilers yet because it's a new issue. However, NYS recently distributed a several page document to all municipalities on this topic but Mike has not had time to review it in detail yet. He asked the Board for direction in case a building permit application is received. From what he's learned so far, these units can cause a lot of trouble for us down the road.

**Resolution** to enact a moratorium to prohibit the issuance of building permits for the installation of outside wood boilers until such time that regulations can be put in place to control them to protect the health and safety of our community. Said moratorium shall exist for six months, to expire on March 3, 2007. Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0.

Mr Lissow also discussed a telephone conversation that he had with the Town of Parma Building Inspector, Jack Barton, in regards to the possibility of the Village and Town sharing Building Inspector & Fire Marshall services. Since this was not an agenda item, the Board was unable to discuss this matter at this time.

### **Public Works - continued**

Mr Tilebein stated that we will need an environmental report before we can transfer a piece of our property to HDK Mold in return for the property we need from them for the roadway improvements. The estimated cost will be about \$1,000. The Board authorized the expense.

Street lighting purchase: Mr Tilebein met last week with RG&E and the Village of Spencerport Highway Superintendent. The good news is, RG&E has approved the Village of Spencerport as an authorized contractor to disconnect the service points. The bad news is once we close on the deal with RG&E, we only have six months to complete that work. As we approach winter months, time could be a factor against us. The Village

of Spencerport is not able to do all of the work in that time frame so we have two choices: a) hire an additional approved RG&E contractor to assist with the project or b) let RG&E do the work. Based on estimated prices so far, a private contractor is our best option as RG&E prices are about 50% higher. Mr Tilebein will continue to pursue this matter and keep the Board informed.

### **Village Office Security**

Trustee Lee stated we should consider improving office security because a local store was robbed a few weeks ago. He wants to make sure our staff has enough protection and understands what to do if a robbery should occur. It was decided to have an office meeting and make recommendations to the Board for any improvements.

### **Mock Disaster Drill**

Mayor Gursslin talked with the Board about the need to conduct a mock disaster drill for our community. This should be a joint effort between the Town of Parma and the School District so that everyone learns what to do in case of an emergency. Trustee Horylev stated he participated in the drill conducted for the Town of Ogden by Mr Jeff Tewksbury several months ago and he highly recommends that we conduct a drill of our own. After a brief discussion, the Board supported the idea.

**Resolution** to hire Jeff Tewksbury to conduct a mock disaster drill for the Hilton Parma community at a cost not to exceed \$1,500. This fee would be shared with the Town of Parma and the School District if they agree to participate. Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried 4-1. Trustee Gates opposed.

### **Parade**

**Resolution** to authorize Hilton Parma Recreation to use village streets for their annual Halloween parade on October 21st. Motion was made by Mayor Gursslin, seconded by Trustee Horylev. Carried unanimously 5-0

### **Hilton Rotary**

**Resolution** to recognize the Hilton Rotary for 50 years of service to our community. Motion was made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 5-0

### **Eagle Scout**

**Resolution** to recognize Paul Smith for achieving his Eagle Scout award. Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0

At 8:40 p.m. Mayor Gursslin called for executive session to discuss a personnel matter. Executive session ended at 9:00 p.m.

Meeting adjourned at 9:00 p.m

Janet Surridge  
Clerk-Treasurer