

***Village Board of Trustees
Meeting Minutes of September 2, 2008***

Present: Mayor Larry Gurslin
Trustees Horylev, Gates, Lee and Speer
Janet Surridge, Clerk-Treasurer
Mike Lissow, Code Enforcement
Mike McHenry, Asst Supt of Public Works

Guests: Ed Evans, John & Bobbie Corzine, Dave McCracken, Steve Fowler, John Lewis, Jim Smith, Tod Edenhofer, Donna & Roger Jestel, Scott Frearson, Ray Ward, Eric Guest, Captain Bergmann & Deputy Kevin Baily.

Mayor Gurslin called the meeting to order at 5:00 p.m. followed by the pledge to the flag.

Wind Energy

Mr Ed Evans was present to discuss the technology about wind energy systems. The Village Board is interested in learning about this to determine if we could achieve any energy savings for our residents. Mr Evans handed out several pieces of literature and pictures for the Board to study. There are different size wind towers. A tower that can produce 1.5 megawatts will be able to provide electricity for about 600 homes. The estimated cost for a large sized tower is close to \$2 million dollars. The discussion lasted about 45 minutes.

Public Forum

Mayor Gurslin opened the meeting for public comments:

John Corzine was also in attendance to talk about wind energy systems. He was recently in Iowa and saw a tremendous amount of wind towers. About 20% of Iowa's power comes from these towers and he encouraged the Board to look into them.

Code Enforcement

Mr Lissow gave the Board a brief update on the activity within his department the past month. There were no action items.

Clerk's Report

X Mrs Surridge informed the Board that Article 12-B of the General Municipal Law requires us to submit certain proposed zoning and planning actions to the Monroe County Department of Planning for their review and approval. A good percentage of them are stamped "local matter" and returned without any further comments. This additional paperwork can be eliminated if the Village Board were to enter into an agreement with Monroe County to exempt these types of actions from their review. Discussion followed.

Resolution to enter into the following Agreement with Monroe County:

AGREEMENT

THIS AGREEMENT, made this 2nd day of September 2008 by and between MONROE COUNTY, NEW YORK, a municipal corporation, with offices at 39 West Main Street, Rochester, New York 14614 (the "County"), and the Village of Hilton, with offices at 59 Henry Street, Hilton, New York 14468 (the Village)

WITNESSETH:

WHEREAS, Article 12-B of the General Municipal Law provides for submission of certain proposed municipal zoning actions and subdivision plats to a county planning agency for its review and recommendation; and

WHEREAS, Sections 239-m and 239-n of Article 12-B of the General Municipal Law provide for an exception to mandated county planning agency review of such matters as may be made subject of an agreement approved by the governing bodies of the municipal agency and the county planning agency that such matters are of a local rather than an inter-community or county-wide concern; and
WHEREAS, the Monroe County Department of Planning and Development and the Village of Hilton have identified certain matters which are of a local rather than inter-community or county-wide concern, and should therefore be deleted from the Monroe County Department of Planning and Development review process; and

WHEREAS, by Resolution No. 322 of 1993, the Monroe County Legislature approved a listing of local municipal zoning and subdivision matters exempted in accordance with Sections 239-m and 239-n; and

WHEREAS, the Village of Hilton approved a listing of local municipal zoning and subdivision matters exempted in accordance with Section 239-m and 239-n; and

WHEREAS, the parties desire to enter into this Intermunicipal Cooperation Agreement pursuant to the authority provided in Article 12-B of the General Municipal Law, to effect the removal of such matters from review at the County level.

NOW, THEREFORE, in consideration of the promises and the mutual benefits to be realized by the provisions herein contained, the parties hereto mutually agree as follows:

FIRST: The following matters are hereby agreed by and between the parties hereto to be of local rather than inter-community or county-wide concern, and are therefore eliminated from the Monroe County Department of Planning and Development review process: (attached Schedule "A")

SECOND: The Village agrees that public hearing minutes should note which matters are exempted under this Intermunicipal Agreement. For matters not subject to a public hearing, minutes of the meeting at which the Village took action should note which matters are exempted under this Intermunicipal Agreement. In both cases, copies of the minutes shall be sent to the Monroe County Department of Planning and Development, unless such Department advises the Village in writing that it is no longer necessary to forward the minutes.

THIRD: The Village may submit an exempted matter to the Monroe County Department of Planning and Development for review if the Village wishes to have advice on the matter from the County. Matters submitted for review on which the Monroe County Department of Planning and Development recommends modification or disapproval shall require the Village to meet the voting requirements in Sections 239-m or -n of the General Municipal Law.

FOURTH: None of the matters listed in this Intermunicipal Agreement are exempted from the review, approval or permit issuing authority of any other County agency or of any State or Federal agency. All other applicable requirements of Sections 239-m and -n of the General Municipal Law and the Monroe County Charter remain in effect.

FIFTH: The term of this Agreement shall commence upon the date first above written and shall continue in full force and effect until mutually amended or terminated by either party upon written notice given at least 30 days prior to the termination date.

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

SCHEDULE A

List of Municipal Zoning and Subdivision Matters subject to exemption from review by the Monroe County Department of Planning and Development.

A. Variances; conditional or special use permits; and temporary, temporary and revocable and seasonal use permits for:

- * 1. Front, side and rear setback variances as long as such variances do not permit any property improvement to be closer to a County or State highway right-of-way line than currently permitted by a municipal zoning ordinance or local law.
- * 2. Lot area, lot coverage and/or lot dimensions.
3. Floor area for principal and accessory structures.
4. Heights of structures excluding signs, as long as the height will not exceed fifty (50) feet above finished grade elevation at the structure location.
5. First floor elevation to be lower than the crown of the fronting street.
6. Buffer and/or landscaping requirements.
- * 7. Type of use, as long as the use does not have direct access to a County or State road.
8. Reduction in parking lot aisle and/or parking space size.
9. Increase building-mounted or window-mounted sign face size or area. This exemption does not apply to signs which face a County or State road or other County or State property.
10. Number of building-mounted or window-mounted signs. This exemption does not apply to signs which face a County or State road or other County or State property.
11. Freestanding sign heights and sign face area. Such items are also exempt from review where they are next to or face a County or State road or other County or State property as long as the height and/or sign face area will not exceed the specifications listed in Appendix 1.
12. Sign, canopy, or awning illumination as long as signs, canopies or awnings visible from County or State roads or other County or State property are illuminated from a constant source, and do not include flashing, intermittent, pulsating, alternating, strobe or other forms of non-constant illumination.
13. On-site directional and information signs as long as these signs are designed exclusively to provide information to persons already on the site and are not located or designed so as to be readable by or attract the attention of motorists on a County or State road.
14. Temporary signs as long as the signs will not be in the right-of-way of a County or State Road or on other County or State property.
15. Temporary structures as long as the structure will not be located in the right-of-way of a County or State road or on other County or State property.
16. Height, type and location of fences as long as the fence: (1) is not to be located closer than ten (10) feet to the right-of-way line of a County or State road or other County or State property, or (2) will not be located in a clear vision zone of an intersection involving a County or State Road. A clear vision zone is a triangular area defined by the point of intersection of right-of-way lines with the point extended along the lines for a distance of thirty-five (35) feet from the intersection.
17. Fences to be located over easements as long as the applicant receives written permission by the easement owner.
- ** 18. Temporary or seasonal displays; temporary events such as amusement rides, carnivals and field days, antique and arts and craft shows, bazaars, charity and promotional events, grand openings, and tent sales as long as the proposal is not located in the right-of-way of a County or State road or on other County or State property. Events such as "walk-a-thons" along County or State roads are also exempted from review as long as permission is received from the appropriate County, State and/or local law enforcement agencies.
19. Keep animals as pets. However, applications involving birds, pigeons and the like, are not exempt from review.
- * 20. Permits to change from an existing permitted use listed in a zoning district to another permitted use listed in the same zoning district.
- * 21. Utility substations, as long as access is not to a County or State road.

- * 22. Home occupations as long as the use does not have direct access to a County or State road.
- 23. Permit renewals, unless such renewal is contrary to a prior recommendation or condition by a County or State agency.
- * 24. Relief from prior stipulations placed on uses, structures or property by a municipal board or official, unless such stipulation was the result of a County or State recommendation or condition.
- * 25. Continuance of a legal non-conforming use, structure or sign unless such continuance is contrary to a prior recommendation or condition by a County or State agency; expansion of legal non-conforming uses unless such expansion is contrary to a prior recommendation or condition by a County or State agency or unless the expansion has direct access to a County or State road or is adjacent to other County or State property.
- * 26. Changes in ownership of use or property.
- * 27. Re-use of non-residential floor space. However, the new use is not exempt from review if it will result in a substantial increase in traffic over the previous use, and its parking area has direct access to a County or State road.
- 28. Applications involving architectural review.
- 29. Applications involving interpretation of zoning ordinance and/or subdivision regulation provisions.
- 30. Applications involving changes to zoning ordinance or subdivision regulation fees and administrative provisions (i.e., general provisions, permit application and review procedures, powers and duties of boards and other municipal officials, public hearing requirements, amendment procedures and penalties).

B . Subdivisions and Site Plans:

- 1. Final plats as long as the preliminary plat was reviewed by the County Planning and Development Department (Department) and Monroe County Development Review Committee (DRC), and any substantial changes between the preliminary and final plats are not in conflict with the Department's and/or DRC's report.
- 2. Preliminary plats previously reviewed by the Department and the DRC where filing or other deadlines have lapsed and any substantial changes to the plat are not in conflict with the Department's and/or DRC's report.
- * 3. Alteration of existing lot lines as long as no additional lots are created along a County or State road.
- 4. Concept or sketch plans for uses which do not propose to have direct access to a County or State road.
- 5. Site plans for interior/exterior structure remodeling.
- * 6. Site plans for accessory structures or minor building additions.

* Before any of these matters are approved, they should be reviewed by the Monroe County Health Department if: (1) the site involves an existing or proposed sewage disposal (septic) system or, (2) the matter is next to a parcel which involves an existing or proposed sewage disposal system.

** All events and/or vendors proposing to serve food to the public (temporary food service establishments) may first need to obtain a permit from the Monroe County Health Department. For additional information, contact the Health Department's Food Protection Division at 753-5064.

Motion to enter into this Agreement was made by Trustee Gates, seconded by Trustee Lee.
Carried unanimously 5-0

- X Natural gas: Mrs Surridge & Trustee Gates reported that the School elected to lock in 50% of their supply for the winter months of fiscal year 2009-10. The NYM EX price they received was \$9.87/decatherm.
 - X Electric: A review of current market prices took place. Mrs Surridge stated that prices are rising due to the price of oil.
 - X **Resolution** to modify the lease agreement with VIA Dance Studio Ltd effective 9/1/08 which would reflect the rental of an additional room (#15A) by said tenant for an additional monthly rent of \$439. Motion was made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 5-0
 - X Automated Teller Machines: Mrs Surridge and the Office Team would like to research an idea of placing an ATM in the Community Center. The Board authorized her to conduct an investigation but to report back her findings before making any decision.
 - X Building software: Mrs Surridge requested approval to spend \$950 to connect an additional PC to this software. The funds would be obtained from the savings achieved on the stove project for the Community Center.
- Resolution** to approve the expenditure of \$950 to place the BAS building software on an additional office computer and to authorize the Clerk-Treasurer to amend the budget by taking the funds from the contingency account. Motion was made by Mayor Gurslin, seconded by Trustee Horylev. Carried unanimously 5-0

Public Works

Assistant Superintendent Mike McHenry was present to review the monthly report:

- X Intermunicipal agreement with the Village of Spencerport: Mr Tilebein's report indicated that we should have an agreement with Spencerport to give us a secondary means of emergency maintenance for the street lighting system. The current maintenance agreement with Powers LLP is working fine but Mr Tilebein would like to protect our system from unknown situations. After reviewing this proposed agreement, the Board had some questions that Mr McHenry was not able to answer. A decision was tabled until next month.
- X Parking lot lease: Mr Tilebein reported that he is very concerned about the fact that one property owner has refused to sign a lease agreement for the parking area at East & South Avenue with the Village. The Public Works Department performs a variety of services in this area, some as often as the weekly sweeping route. Without the lease agreement, the Village does not have the authority to expend public funds and labor on private property. Therefore, he has suspended all maintenance in this parking area until this matter is resolved. Mayor Gurslin stated that he tried to set up a meeting with Mr & Mrs Fertitta to discuss this issue but they refused to attend. Mayor Gurslin was instructed to send the property owner a letter stating our concerns and the suspension of services that will result.
- X **Resolution** to authorize Tom Tilebein and Keith Brown to attend the NYCOM Public Works School in Saratoga from October 20th - 22th and to authorize the Clerk-Treasurer to expend the registration fees. Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0.
- X Trustee Speer commended the DPW for their work to clean the concrete swales. It's not an easy job, especially in the summer heat. Great job!

Parma Special Police

Parma Town Board Councilman, Jim Smith, and members of the Parma Special Police (PSP) were present to discuss the concerns and complaints that contributed to the decision the Village Board made at the August meeting to limit the duties of the Parma Special Police to traffic control only.

The PSP members asked for a description of the complaints the Village Board has received. Mayor Gursslin stated that we have nothing in writing but the Village Board is aware of incidents that have happened during the recent Firemen's carnival and last year's Apple Festival, and some of the merchants have complained about the PSP issuing parking tickets. Discussion followed on those incidents. Mayor Gursslin said the Board took the action they did because we are concerned about liability issues. Even though the Town of Parma controls the PSP, the Village could become involved in legal matters when the PSP are acting within the Village.

Councilman Smith said that he has spent several hours this past month interviewing merchants within the Village and he's heard nothing negative about the PSP. He also met with Captain Bergmann of the Monroe County Sheriff's Department and learned that he is supportive of this group of volunteers. Overall, Mr Smith thinks that with improved communication between the Town, Village and PSP we can hopefully resolve everyone's concerns.

Tod Edenhofer explained the procedures the PSP follow when they issue Village parking tickets. They are not really parking tickets, only "courtesy" tickets which is a warning to the vehicle owner that they were parked in a handicapped spot or had violated another parking ordinance. They are not enforceable tickets.

Trustee Lee asked Tod if he had ever been invited to attend a Village Board meeting? Tod said that Mayor Gursslin had given him an open invitation several years ago to attend any meeting he wished to promote communication, but he was never invited specifically or recently to attend any meeting with the Village Board to discuss recent complaints. Trustee Lee emphasized how important it is to improve communication so that these types of situations don't happen again.

Lengthy discussion followed about traffic control during Apple Fest and the Firemen's Carnival, and questions and dialog followed about the training provided to the PSP. Tod replied to the training questions by saying they get 16 hours on one course and 12 hours on the second course. They have a meeting once a month that touches on training issues, such as report writing, identifying dangers, metal detectors, handcuffing, etc. On average, Tod said each PSP person gets 20-30 hours of in-house training a year, which is conservative, and he has documented proof in his office that can be provided to the Village Board upon request.

Jim Smith emphasized the importance of the PSP, and said he will continue his round of meetings with the MC Sheriffs Office and will make sure that the Village and Town Boards get copies of any incidents that happen in our community.

Trustee Speer made a few statements about the service the PSP gives to our community. It's not easy to get volunteers these days and he thanked the members for the time they put in. He stressed how important it is to keep the Village Board informed on a regular basis. He also said that since the two biggest events of the year, (Apple Festival and Firemen's Carnival) are held within the Village, the Village Board should have some input on their duties and responsibilities. If we can all work together to improve the communication, we should be able to help minimize any problems in the future.

Ray Ward is the Chairman of the Carnival Committee and he discussed the issues that are a concern for the Fire Department. They are dissatisfied with how the PSP do not have enough people to control and direct traffic. Tod responded by saying his group is made up of volunteers and it's very hard to get all of them into service by 5:00 pm when they are just getting home from their regular jobs. He will work on this issue to improve their service for next year.

Capt Bergmann and Deputy Baily joined the meeting at 6:30 pm and gave the PSP commendations for their efforts. Communication is a key and sometimes that breaks down. They don't have the training that the policemen do and that sometimes is an issue but the PSP rides with the Sheriff's patrol sometimes to gain more knowledge about law enforcement.

In conclusion, Mayor Gursslin asked both Liaisons of the Village and Town Board to meet with the PSP and come back with recommendations on what tasks will be undertaken to improve on communication and prevention of other incidents.

Trustee Horylev recommended that the PSP should "blow their own horn" about the positive things they do for our community because all the Village Board ever hears about is negative. That's not fair to the PSP.

Community Vandalism

Capt Bergmann discussed the large number of larceny incidents that have occurred in the Village the past few weeks. Some of the advice he can give our residents is to lock their cars, don't keep anything of value in the cars and increase their lighting (i.e. porch and garage lights). Anything suspicious should be reported to 911. Police patrols have been increased but no arrests have been made.

Public Forum

John Lewis, who resides at 50 Peach Blossom Rd N, was present to request permission to have his Halloween haunted house attraction. He said that there were about 3,200 people from all over the County who visited his haunted house last year and he would like to do it again. He does not charge an admission fee. After a brief discussion, the Board referred him to discuss this with our Code Enforcement Officer.

Parks

Mayor Gursslin discussed the funds that we have raised by charging a Recreation Fee on building permits for new homes. He also provided a copy of the Village Park Master Plan which indicates the next phase of development should be to define trail ways. Ideas were exchanged as to how to spend this money but a decision was not reached at this time.

Pedestrian signs

A letter has been received from Pastor Myke Merrill about pedestrian and bicycle safety. The letter described how difficult it is for handicapped people and pedestrians to cross Main Street and South Avenue because vehicles do not stop for them. Spencerport and Brockport have reflective signs to instruct drivers to stop for pedestrians in crosswalks and he is asking the Village Board to do the same for our community.

Mr McHenry informed the Board that the cost for these signs would be between \$200 - \$300 each.

There is a high probability that these signs will get run over or stolen, and they give a false sense of security to pedestrians who may step out in front of a vehicle and that vehicle won't stop. There are only 3 spots in village that they could be used. After a brief discussion, it was decided not to pursue this further.

Vouchers

Resolution to approve the abstract of vouchers with the following additions: Suit-Kote \$13,684.27 and Ben Franklin Store \$7.50. Total approved as follows:

General fund	\$ 68,843.17
Water fund	\$ 36,859.30
Sewer fund	\$ 158.13
Electric fund	\$ 122.63
T/A fund	\$ 10,424.71
Capital fund	\$ 50.00
Prepaid	<u>\$291,538.43</u>
Total	\$407,996.37

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

Minutes

Resolution to approve the meeting minutes of July 29th 2008. Motion was made by Trustee Horylev, seconded by Trustee Gates. Carried unanimously 5-0

Resolution to approve the meeting minutes of August 5th 2008. Motion was made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0

Planning/Zoning Training

Resolution to authorize the following people to attend the NY Planning Federation Conference in Saratoga Springs from October 12th - 14th: Bob Cusenz, Rich LaForce, Richard Bjornholm, Mark Hedberg, Bob Hunte, Chris Brower, Amy Harter, Mike Lissow & Deb Jones. Be it further resolved that the Clerk-Treasurer may expend the registration fees. Motion was made by Trustee Horylev, seconded by Mayor Gursslin. Carried unanimously 5-0

Village Board Reports

Each member of the Board made a Liaison report for their respective Boards and/or committees.

Executive Session was called at 8:15 p.m. for the purpose of discussing a legal matter.
Executive session ended at 8:30 p.m.

The Board acknowledges the fact that on August 18th Attorney Ron Mittleman notified Janet Surridge that Mr & Mrs Beehler have filed an Appeal on the court's ruling to the annexation petition.

Resolution to re-hire Attorney Ron Mittleman to represent the Village of Hilton during the Court of Appeals proceeding. Motion was made by Trustee Horylev, seconded by Trustee Gates. Carried 4-0-1. Mayor Gursslin abstained.

Meeting adjourned at 8:30 p.m

Janet Surridge
Clerk-Treasurer