

**Village Board of Trustees
Meeting Minutes of July 7, 2009**

Present: Mayor Larry Gursslin
Trustee Horylev, Gates, Lee & Speer
Village Manager, Janet Surridge
Village Clerk, Shari Pearce
Asst. Superintendent of Public Works, Mike McHenry
Code Enforcement Officer, Mike Lissow

Absent: Superintendent Tom Tilebein

Guests: Larry Schwind, Giorgio Cianci, Michael Cianci, Ken Sixt

Executive Session

Motion made by Mayor Gursslin to enter into executive session at 4:38 p.m. to discuss a legal matter with Attorney Larry Schwind regarding the easement agreement at 10 Canning Street. Seconded by Trustee Gates, carried unanimously 5-0.

Trustee Horylev made a motion to exit out of executive session at 5:08 p.m. Seconded by Mayor Gursslin, carried unanimously 5-0.

Resolution to approve the proposal to amend the existing Boundary Line and Easement Agreement as submitted to the Village by Mr. Carmestro's Attorney, Mr. Daniel Mastrella dated October 11, 2006 with the following condition: Mr. Carmestro shall pay \$10,000.00 to the Village of Hilton to help offset the loss of parking. Mayor Gursslin made the motion. Trustee Horylev seconded the motion. Carried unanimously 5-0.

Mayor Gursslin called the public meeting to order at 5:10 p.m. with the pledge of allegiance to the flag.

Upton Street and Canning Street Vandalism

Mr. Ken Sixt was present to discuss with the Village Board problems with vandalism in the Upton Street/Canning Street area and particularly his building. He described incidents that have happened in the past three weeks, which include teenagers smashing his windows and doors, spray painting the building, cutting electrical wires, removing window screens, throwing rocks at the building and kids trying to break into vehicles around the area. Mr. Sixt remarked he has

filed five police reports with the Sheriff's office. Mr. Sixt also owns property at 42 Lake Ave in the Village and some of his tenant's belongings have been stolen. He reported all of the incidents are happening during the day.

Mr. Sixt is concerned with all the vandalism in the Village and is questioning if the Village Board can request more patrol cars be put in the area and alert the Sheriff's Department of these issues.

Mayor Gursslin remarked there is always one Sheriff's car in Hilton and a second car is shared with the neighboring towns. Mayor Gursslin will contact the Captain and have a dialog with him regarding these incidences.

Code Enforcement

Mike Lissow reported June was a very busy month. He issued 34 building permits. Assistant Jim Volkmar will continue to inspect and close out expired permits.

- 38 East Ave; Mike Lissow reported the new funeral home is moving forward and work should begin very soon.

Other miscellaneous items were discussed.

Manager's Report

- Gazebo Railings: A discussion took place regarding the replacement of the wood railings on the Community Center Gazebo. The wood railings are twenty-four years old and are starting to rot. Janet Surridge along with employee Tom O'Leary have been researching a product called Severe Weather Rail System being sold by Lowes Home Improvement as an alternate to wood railings. These railings are made of vinyl and reduce maintenance cost, however, it does change the appearance of the structure. After a general discussion, the board agreed to proceed with the vinyl railings and wrap the wood posts with vinyl to reduce maintenance costs. The board decided they would like to have the colonial style posts to keep with the Architectural design of the Gazebo.
- Community Center Fire Inspection: Mrs. Surridge reported when the State Inspector was here to license the additional room being rented by the Daycare, he cited the Village for not having enough smoke detectors in the hallway. Fire Marshall, Mike Lissow informed Mrs. Surridge there is only one detector at the north end of the building on the first floor and two detectors on the second floor. The inspector stated the Village will need nine more units to be in compliance. Mrs. Surridge obtained a quote from SG Securities for \$2300.00 and she is recommending it be accepted.

Resolution to hire S.G. Security Systems to install nine additional smoke detectors in the Community Center for a cost of \$2,300 which will bring the building up to code. Be it further resolved that the Treasurer is authorized to amend the 2009-10 budget by transferring \$2,300 from the contingency account. Motion made by Mayor Gurslin, seconded by Trustee Horylev. Carried unanimously 5-0.

- **Resolution** to recognize that two planned expenditures for the 2008-09 budget did not occur, therefore the Board hereby resolves to amend the 2009-10 budget to roll the money from one fiscal year to the next: Increase A5110.4 \$30,000 for the Henry Street project; Increase A5182.4 \$6,300 for street lighting repairs; Increase appropriated fund balance by \$36,300. Motion made by Trustee Gates, seconded by Trustee Lee. Carried unanimously 5-0.
- Fema Project: A discussion took place on the year to date expenditures thus far. A final report will be generated in the near future.
- Self Insurance Dental Plan: Mrs. Surrudge reported the Village has concluded its second year on May 31, 2009 with very positive results.
- Rezoning update: Mr. John Collins has withdrawn his request for rezoning his property from Residential to Limited Commercial on Hale Haven Drive. He is pursuing a purchase offer with an interested party.

Other miscellaneous items were discussed.

Clerk's Report

- Annual Insurance Renewal: Shari Pearce was pleased to report the Village will save approximately \$1,267.00 in premium costs from the previous year. She is recommending the board accept the proposal to renew the Village's insurance with Selective Insurance Group for the 2009-2010 year.

Resolution to renew our insurance coverage with Selective Insurance Group effective July 1, 2009 for a cost of \$49,977. Motion made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0.

Superintendent of Public Works

Assistant Mike McHenry was present on behalf of the Superintendent.

Resolution to authorize bids & specs to be prepared for the purchase of a new leaf machine. Mayor Gursplin made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

- Fire Hall Demolition: Mr. McHenry reported 1,600 tons was recycled from the demolition. A total of 40 tons of material was taken to the land fill.
- North Avenue sewer district – Mr. Tilebein is requesting direction from the board on the charges for the sewer connection for the seven homes. The board had a discussion on this subject and no decision was made.

Other miscellaneous items were discussed.

Site Restoration/135 South Ave

Janet Surridge stated the Village has received two quotes from architects who can design a nice landscaping plan for site restoration for the vacant property at 135 South Ave. A discussion took place on what FEMA will allow for site restoration. The grant money will only pay for grass seed and top soil. The Village would have to design and pay for any additional landscaping themselves.

This item was tabled until the next meeting. Mrs. Surridge will inquire to FEMA on what exactly is permissible landscaping.

Vouchers

Resolution to approve the abstract of vouchers with the following additions: Ron Mittleman, \$55.00, Janet Surridge \$390.13, North Wind and Power \$5000.00 and Larry Gursplin \$4.00. Totals as follows:

General fund	\$ 150,146.66
Water fund	\$ 24,608.43
Sewer fund	\$ 4,397.56
Capital	\$ 5,259.20
Gas&Electric	\$ 5,076.61
Prepaid	\$ 153,351.63
T&A	\$ 9,321.76
Total	\$ 352,161.85

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

Minutes

Resolution to approve the meeting minutes of May 12, 2009 as submitted. Trustee Gates made the motion, Trustee Speer seconded the motion. Carried unanimously 5-0.

Resolution to approve the meeting minutes of June 2, 2009 as submitted. Trustee Gates made the motion, Trustee Horylev seconded the motion. Carried unanimously 5-0.

Carnival/Parade

Resolution to allow the Hilton Fire Department to use our property at 135 South Ave from July 22nd – 25th, 2009 for the purposes of parking & public access during the annual Hilton Firemen's Carnival. Trustee Horylev made the motion, seconded by Trustee Lee. Carried unanimously 5-0.

135 South Ave Entrance

A discussion took place regarding if the Village wants to keep the existing entrance at 135 South Avenue where it is or should it be moved further south for public safety reasons. The Village Board concluded the existing entrance is sufficient where it is.

Time Warner Cable Access

Resolution that the Village of Hilton designates Time Warner Cable to administer the playback of programming on PEG access channels 12 and 15 on its system serving our community. Motion made by Trustee Horylev, seconded by Trustee Lee. Carried unanimously 5-0.

Training

Resolution to authorize up to 3 members each from the Planning & Zoning Boards, as well as Mike Lissow, Amy Harter & Debbie Jones to attend the annual NYPF conference in Lake Placid, NY from September 13th-15th and to authorize the Treasurer to expend the registration fees. Trustee Horylev made the motion, Trustee Lee seconded the motion. Carried unanimously 5-0.

Resolution to authorize Shari Pearce & Maryalice Edwards to attend the annual Municipal Clerks Training conference in Albany, NY from Sept 21st – 25th and to authorize the Treasurer to expend the registration fees. Trustee Horylev made the motion, seconded by Trustee Lee. Carried unanimously 5-0.

Miscellaneous Item

Mayor Gurslin has observed resident Mr. Robert Linton, 282 West Ave, mowing his neighbor's lawn and taking out a dumpster at his own expense to aid in cleaning up the property. Mr. Linton's neighbor had passed away and he is trying to make the property appear better. Mayor Gurslin suggested reimbursing Mr. Linton the \$95.00 dumpster fee for his kind deeds. General discussion followed.

Resolution to reimburse Mr. Robert Linton \$95.00 for the dumpster he rented from the Village. Motion made by Mayor Gurslin, seconded by Trustee Lee. Carried unanimously 5-0.

Double Recoveries Act Bill

Village Clerk Shari Pearce received an email from Mr. Barry Schwartz, Senior Counsel at the New York City Law Department asking if the Village Board would support the proposed Collateral Source Bill that would end unfair double recoveries against public employers. General discussion followed.

Resolution to support Bill S.4080-A sponsored by Senator Schneiderman which reads as follows: Motion made by Trustee Horylev, seconded by Mayor Gurslin. Carried unanimously 5-0.

WHEREAS, under current state law, public employees hurt on the job are paid twice, both times out of the taxpayers pocket for the same lost future earnings; and

WHEREAS, there is a bill proposed by the NYS Trial Lawyers Association has now been introduced in the Legislature (SA080-A by Senator Schneiderman/A.7504-A by M. of A. Weinstein) which, in addition to ending the unfair double recoveries against public employers, it removes an impediment to the settlement of tort actions; and

WHEREAS, the bill would protect all parties in the lawsuit (including public employer defendants) who settle the case from then being subjected to a claim by a health benefit provider or other collateral source payor for reimbursement of monies paid to the plaintiff--unless there is a statutory right to such reimbursement, thereby encouraging settlements;

NOW, THEREFORE, BE IT RESOLVED, that the Hilton Village Board supports these bills and urges our lawmakers to vote these into law; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Peter J. Kiernan, Counsel to the Governor; New York State Senate Majority Leader Malcolm A. Smith.; New York State Assembly Speaker Sheldon Silver; Senator Elizabeth Little; and Barry P. Schwartz Senior Counsel New York City Law Department.

North Wind and Power Update

Trustee Speer reported after reviewing the feasibility study that was submitted by North Wind and Power, the next step would be to apply for Clean Energy Renewable Bonds which have low interest rates and the deadline to apply is August 4, 2009. Trustee Speer remarked that Patrick Doyle stated the energy bond may not be available next year to apply for. Patrick Doyle stressed the importance of applying for the bonds because without them, the project is not feasible.

There was a detailed discussion on the various issues that would encompass a wind farm project in Hilton i.e., public input, funding, environmental concerns.

At this time, the Village Board is not willing to apply for the bonds without first talking with the public. Trustee Gates stated he is not in favor of putting our tax payers at risk by borrowing such a large sum of money for this type of project.

After further discussion, this item was tabled.

Mayor Gursslin made a motion to adjourn the meeting at 7:30 p.m., seconded by Trustee Horylev. Carried unanimously 5-0.

Respectfully Submitted,

Shari Pearce, Village Clerk