

**Village Board of Trustees
Meeting Minutes of December 7, 2010**

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

Guests: Carm Carmestro, Alex Pirnie, Mike Spoonhower, Mary Eichas-Gavigan, Ken Gavigan, Jacob Kryk

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

Public Forum

Mayor Lee opened the meeting to the public at 5:01 p.m.

Alex Pirnie, 69 Leith Lane, he is representing the Homeowners Association of Unionville Station. He was present to submit a petition to the Village Board requesting closure of the stub road at the end of Leith Lane. The residents of Unionville Station have concerns on traffic, noise and construction vehicles if at some point in the future the Village opens the road up for any development. Mrs. SurrIDGE explained the Village Board does not have the authority to change the map and also said to Mr. Pirnie that the Planning Board has held two public hearings on this issue and they voted to keep the stub road both times. The board advised Mr. Pirnie to have the Homeowner Association's attorney contact the Village attorney on the legality of the situation. Mr. Lissow remarked to Mr. Pirnie that changing the map does not guarantee that development may not happen in the future.

There being no further public discussion, the public portion of the meeting was closed at 5:15 p.m.

Code Enforcement

- **Parking on Village Property:** Mr. Lissow stated last month a Monroe Tech vehicle was parking on the Village's property at 135 South Avenue. He has noticed they are now parking in the Big M Plaza and he feels the issue may have resolved itself. Trustee Horylev remarked a lot of Villages desire open space and we do not want to encourage visual pollution and allow any parking in that area other than for an emergency basis. The other board members remarked that they did not feel this was a problem since the van was only parking there on occasion.
- **291 East Ave:** Mr. Lissow remarked he spoke with Mr. Goodrich from the CLIO Lodge and they are not interested in purchasing the property at 291 East Ave from the Village for the asking price. No further action was taken.
- **Fitness Warehouse:** Mr. Lissow remarked the owners of Fitness Warehouse have received a Conditional Certificate of Occupancy and they have opened for business on December 1, 2010. Mr. McHenry stated that Mr. Bob Trowbridge from the Fitness Warehouse had a lot of positive comments about Mr. Lissow working with him during the remodeling. Trustee Speer remarked he has also heard a lot of positive feedback regarding Mr. Lissow.

Public Works Report

- **DPW Addition:** Mr. McHenry stated there is one item remaining that needs to be completed on the addition. The construction phase was completed under budget at a cost of \$234,638.85. None of the contingency fund was used. The DPW employees will be finishing the landscaping around the building in the spring.
- **Sanitary Sewer Project:** The project is completed for the winter and the grading and seeding will be finished in the spring of 2011. Mr. McHenry noted he will be

withholding \$2,000.00 of the contractor's money until he finishes the grading at 64 South Avenue in the spring.

- All Seasons County/Town Work Agreement: Mr. McHenry is requesting permission from the board to continue with the All Seasons County/Town agreement for one year.

Resolution to enter into an agreement with the County of Monroe. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

Resolution to create a new Public Works position that will be entitled "Parks Maintenance Laborer" that is as follows: Trustee Bimmler made the motion, seconded by Trustee Gates. Carried unanimously 5-0.

Distinguishing features of the class: This is an entry level, unskilled position involving a variety of routine heavy and light manual labor tasks. Operate machinery and hand tools to maintain property owned by the Village of Hilton. The employee reports directly to and works under the general supervision of the assistant superintendent or other higher level employees. Supervision of others is not a responsibility of this class. The job requires physical endurance. This position will require:

- working outdoors in all kinds of weather
- working overtime as necessary
- may include scheduled weekend duties
- twenty-four (24) hour call, seven (7) days a week for emergencies.

Primary work responsibilities:

- Primary responsibility is to maintain the parks, grounds and facilities owned by the Village which includes, but is not limited to:
- plant and prune trees
- grading
- weeding
- rake leaves
- cut grass and brush
- maintain flower beds
- cut wood
- Meet renters of the Jennejahn Lodge
- Clean the Jennejahn Lodge
- Assist with special events sponsored by or supported by the Village (such as Applefest, Memorial Day, Christmas tree lighting, etc.)

Other work activities: (Not inclusive)

- Refuse or recycling collection
- Assist with installation, maintenance, repair and cleaning of highway, sewer or water system components
- Assist in construction, patching and grading of roads and installation of new sidewalks
- Use of hand tools such as shovels and rakes
- Assist in street snowplowing operations
- Remove snow from sidewalks, parking lots and recreational areas by shoveling or using tractor or pick-up truck and plow
- Repair, clean and flush culverts and basins
- Perform general building cleaning tasks such as dusting, sweeping, mopping and washing
- Operate heavy motor equipment as a trainee under direct supervision;
- Fill appropriate vehicles with dirt, sand, stone
- Load and unload vehicles and trucks
- Direct traffic on road projects
- Pick up dead animals for disposal
- Repair mailboxes, install signs or fence posts, and assemble, set up or remove road signs

- Assist with painting and unskilled carpentry tasks
- Drive pick-up truck or other light vehicle for the delivery of supplies
- Assist mechanic with equipment repairs and service equipment by adding fuel, coolant and lubricants
- Operate telephone or two-way radio

Full performance knowledge, skills, abilities and personal characteristics: Good knowledge of the use of hand tools; working knowledge of methods used to maintain and construct roads, sidewalks, catch basins, etc.; working knowledge of ground maintenance activities; working knowledge of building cleaning methods; working knowledge of specific hazards and safety precautions; ability to do heavy manual labor, including lifting; ability to follow instructions; ability to work under direct supervision; ability to establish good working relationships with others; ability to work under all weather conditions; manual dexterity; endurance; dependability; honesty; physical condition commensurate with the demands of the position.

Minimum qualifications: High School or equivalent diploma.

Special requirements: Depending on the position duties, candidates for employment with the Village of Hilton will be required to pass a pre-employment drug test. Possession of a valid New York State Motor Vehicle Operator's License Class D is required. Candidates are required to pass a physical examination to determine ability to perform manual labor.

Salary and benefits: Starting pay will be \$10.00 per hour, with the opportunity to earn \$13.00 per hour after 3 years of full-time employment. Possession of a Class B Commercial Driver's License would entitle employee to an additional \$.50 per hour. With the exception of overtime, this position is entitled to all benefits provided to full-time employees of the Village of Hilton at the time of hire. Due to the requirements of this position, this does not include the benefit of double time on Sunday's or holidays, or a minimum of 2 hours call back time for work related to their primary work responsibilities (lodge, parks and special events). All other overtime will be compensated as all other Village of Hilton full-time employees.

Wage Bracket: \$10.00 - \$15.00 per hour

- **Resolution** to hire Cody Kelly on January 1, 2011 as a full time employee to fill the newly created Parks Maintenance Laborer position at the rate of \$10.00/hour plus an additional \$.50/per hour since he has a Class B-CDL driver's license. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 5-0.
- **Resolution** to waive the probationary period for Cody Kelly since he has been employed as a seasonal laborer since May 4, 2009. Be it further resolved that this decision makes Mr. Kelly eligible for the Village's health care plan as of January 1, 2011. The Board is not waiving the condition that Mr. Kelly is required to have a physical examination as per Section 403 of the Employee Handbook. Trustee Horylev made the motion, seconded by Trustee Bimmler. Carried unanimously 5-0.
- Sidewalk Plow Route: Mr. McHenry stated it has become evident that we need two machines per snow event to plow sidewalks. Therefore, he has put our backup Bombardier machine in service on a regular basis. Discussion followed.
- NYSDOT Annual Certification of Local Highway Mileage: Mr. McHenry completed the certification and he noted we own a total of 36.10 lane miles in the Village.
- Retirement: Mr. McHenry stated he has two employees that will be retiring this month. Mr. Seb Burritt has worked seasonally for the Village for eleven years and his last day of work was on December 3rd. Mr. John Burch has worked for the Village for over twenty-three years as our mechanic and he will be retiring on December 28, 2010. Mr. McHenry

noted he is the best mechanic he has ever known and has saved the Village thousands of dollars using his expertise in repairing vehicles and machinery.

Resolution to authorize the Treasurer to purchase two gift cards, in the amount of \$100.00 for Mr. Burch and \$25.00 for Mr. Burritt. Trustee Horylev made the motion, seconded by Trustee Gates. Carried unanimously 5-0.

Resolution to Recognize John Burch:

Whereas, John has decided to retire after twenty-three years of service with the Village of Hilton as the Department of Public Works Mechanic, and

Whereas, during his tenure with the Village of Hilton, John had an excellent attendance record with only 14 sick days, his safety record was outstanding, with only one injury in 1990, and

Whereas, over the years, John has saved our taxpayers thousands of dollars by being able to repair our equipment and machinery, including the elevator and boilers at the Community Center, and

Whereas, his supervisors could call any time of day or night and ask John to work overtime, but more importantly it was his ability to be able to operate any piece of equipment that made him such an asset to the Village,

Now, Therefore the Hilton Village Board extends congratulations and best wishes to John in his retirement with good health and for continued success in his life's pursuits.

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

Clerk's Report

- Health Insurance: Mrs. Pearce stated there are many updates and proposals to review with the board regarding the retired employees health insurance. Due to how lengthy the presentation and discussion will be, it was suggested to hold a special meeting.

Resolution to hold a special meeting on December 14, 2010 at 4:00 pm to discuss changes to the health insurance plans. Trustee Speer made the motion, seconded by Trustee Bimmler. Carried unanimously 5-0.

- Records Grant: Mrs Pearce stated that she will be working with Town Clerk Donna Curry and Caroline Gallego within the next couple of weeks to start our grant application.
- Safe Place Location: Last year the board voted by resolution to designate the Community Center as a Safe Place Location, which means employees can assist youths ages 12-18 years old that are in crisis. Mike Lissow, Debbie Jones, Jim Jackson, Tom O'Leary, Bill Shubert and Amy Harter were trained as volunteers as well as the Recreation Department and Daycare employees. The Community Center is now completely trained and staffed to be named a Safe Place location.

A Property Tax Cap Must Include Mandate Relief

Resolution to approve and support the NY Conference of Mayor's resolution for "A Property Tax Cap Must Include Mandate Relief" which is as follows: Trustee Gates made the motion, seconded by Trustee Bimmler. Carried unanimously 5-0.

WHEREAS the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS as a solution to New York's property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Village of Hilton, that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Joseph Robach, Member of Assembly Stephen Hawley, and the New York State Conference of Mayors.

Village Manager

- Shared Services Project: Mrs. Surridge reported that LaBella Associates determined after completing the Phase I Environmental investigation on the Town's Grove Street building, (formerly the school's bus garage) that a Phase II study is required. The quote for their services was \$11,075.00. She solicited proposals from two other firms to compare prices and both of them were in the range of \$6,125.00 - \$6,675.00. She is now questioning why there is such a big difference in the costs. Since the Grove Street property is not Village property, she would like to know the Board's position about sharing the cost for a Phase II study. This is not a budgeted item for the project. If the board agrees to share the cost, Mrs. Surridge would recommend the same 17% that we determined to be our share for the salt shed. Since we have not determined who we will hire and how much it will be, she would recommend that any resolution ready "not to exceed \$1,900.00" which is 17% of the \$11,075.00 quote. The board's position is to share the cost of the Phase II Environmental Study; this enables the project to keep moving forward and shows the Village's support and the importance of the project.

Resolution: Whereas it has been determined that before LaBella Associates can proceed with the comprehensive plan for a joint salt storage shed, a Phase II Environmental Study on the site at 40 Grove Street must be conducted,

Now, therefore, be it resolved that the Village of Hilton will share 17% of the cost of the Phase II study with the Town of Parma & Hilton Central School District but in no event shall our costs exceed \$1,900.00. Trustee Horylev made the motion, seconded by Trustee Bimmler. Carried unanimously 5-0.

- Vandalism and Community Problems: Mrs. Surridge stated the Mayor has a meeting scheduled with the Captain of the Sheriff's C-Zone office on December 13, 2010 to discuss the problems within our community.

Employee Handbook:

Mrs. Surridge submitted a letter from the employees who are asking for two benefit changes:

- 1) Eliminate section 807 Family Sick Time and replace it with one 8 hour personal day in Section 805.
- 2) Allow dependent children who are attending college between the ages of 19-22 to be covered under the Village's self insure dental plan at no additional cost.

Resolution to approve the request from the employees to grant one additional personal day in lieu of the Family Sick Time benefit which is hereby eliminated. Motion made by Trustee Speer, seconded by Trustee Gates. Carried unanimously 5-0

Resolution that the Board will allow dependent children attending college between the ages of 19-22 to be covered by the Village's self insure dental plan but the employee shall pay \$122.10/per family. Motion made by Trustee Gates, seconded by Trustee Horylev. Carried 4-1 (Trustee Speer opposed).

Mrs Surridge then presented a list of other changes for the handbook that the management team is recommending. Discussion followed.

Resolution to revise the following sections of the Employee Handbook. A motion was made by Trustee Speer. Seconded by Trustee Horylev. Carried unanimously 5-0.

Section 508 Driver's License is amended by adding "In the event that an employee who is required to possess a driver's license in order to perform certain job duties and responsibilities has his/her such license revoked by the State of New York for any reason, that employee's wage will be decreased by the following amounts until such time as the license is reinstated, at which time the employee's wages will be increased by the amount of the prior decrease:

- A. An employee who is required to possess a Class D driver's license but has obtained a Class B driver's license and is being compensated an additional \$.50/per hour for that Class B: Wages shall be decreased by 5%.
- B. An employee who is required to possess a Class B driver's license: Wages shall be decreased by 10%."

Section 805 Personal Leave is amended as follows: "After one (1) year of part-time permanent employment, an employee who works a minimum of 15 hours per week shall be eligible to receive paid personal leave according to the following schedule:

Years of completed Service	Amount of Personal Time
1-4 years	12 hours per year
5-10 years	20 hours per year
11 years or more	28 hour per year

An employee will be compensated for personal time so long as the personal time is used on a regularly scheduled work day. Paid personal time shall be credited to an employee on January 1st every year and subject to the approval of the Department Head."

Section 403 Probationary period is amended by adding the following: "Waiver of probationary period: The foregoing probationary period may be waived for any employee who was previously employed by the Village of Hilton, and was in good standing at that time, on a part time or seasonal basis upon the recommendation of the Department Head, and in any event, in the sole discretion of the Village Board."

Section 806 Sick Leave: The existing policy was deleted and replaced with the following:

- A. Allowance:

1. Any full time hourly employee who has been employed by the Village for less than one year shall be compensated at his/her regular pay for up to 80 hours for time missed from work due to illness (Sick Leave) upon approval of the Department Head and subject to the requirements set forth hereinafter. This time may not be accumulated.
2. Any full time hourly employee who has been employed by the Village for more than one year shall be compensated at his/her regular pay for up to 480 hours (12 weeks) per calendar year for time missed from work due to illness (Sick Leave) upon approval of the Department Head and subject to the requirements set forth hereinafter. This time may not be accumulated.
3. Any full time salaried employee will be compensated at his/her regular pay for up to 1,040 hours (6 months) per calendar year for time missed from work due to illness (Sick Leave), subject to the requirements set forth hereinafter. This time may not be accumulated.

B. Notification of Sick Time

1. Full Time Hourly employees: In the event an employee must take Sick Leave, the employee must notify the Department Head at least within 30 minutes of the employee's scheduled reporting time. Unless an extended Sick Leave has been authorized, the employee must notify the employee's Department Head each day of the absence. If the Sick Leave continues for more than three (3) work days, the employee must provide the Department Head with a written physician's excuse stating that the employee's medical condition is such as to prevent him/her from working, in which case the employee may, upon Department Head request, be required to provide a written physician's excuse stating that the employee may return to work. Any medical cost incurred by the employee shall not be paid by the Village.
2. Salaried employees: The Village Board of Trustees may require a written physician's excuse for any Sick Leave that continues for more than three (3) work days stating that the employee's medical condition is such as to prevent him/her from working, in which case the employee may also be required to provide a written physician's excuse stating that the employee may return to work. Any medical cost incurred by the employee shall not be paid by the Village.

C. Section 41(j) of the NYS Retirement & Social Security Law

The Village elected for full-time employees to be covered by Section 41(j) of the NYS Retirement and Social Security Law on January 5, 2010. For purposes of Section 41(j) of the NYS Retirement and Social Security Law only, an employee will be credited with a total of ninety-six (96) hours (or one day per month) of Sick Leave for each calendar year of full-time employment, less the total number of hours of Sick Time taken by the employee during the term of their employment. An employee may accumulate Sick Leave credits to a maximum of 1,320 hours (165) days. To be eligible, an employee must retire directly from covered employment with the Village. An employee whose employment with the Village is terminated for any reason, including retirement, will not receive cash payment for unused Sick Leave credits. Sick leave credits will not accrue during any unpaid leave of absence.

Section 802 Health Insurance is amended by:

- Inserting the words "Mayor & Trustees" where applicable to show the eligibility of the Village Board members.

- Adding a new paragraph 3 which reads “Newly elected Mayors and Trustees who take office after January 1, 2011 are not eligible for health insurance
- Creating a new Section 802 (B) entitled “Self Insured Dental” which reads as follows:

1) The Village will provide full-time employees, Mayor and Trustees hired or elected before January 1, 2000 with a self insured dental plan as adopted by the Village Board of Trustees from time to time, and such employees, Mayor and Trustees shall pay the following through payroll deduction: A single plan is \$23.40 annually; A family plan is \$61.05 annually.

2) The Village will provide full-time employees, Mayor and Trustees hired or elected on or after January 1, 2000 with a self insured dental plan as adopted by the Village Board of Trustees from time to time, and such employees, Mayor and Trustees shall pay the following through payroll deduction: A single plan is \$70.20 annually; A family plan is \$183.15 annually.

3) Any full-time employee, Mayor or Trustee who elects to have dental insurance for his/her dependents who are between the ages of 19 & 22, and enrolled in college, shall pay an additional \$122.10 per year for that coverage. Enrollment for said dependents is not automatic. The employee, Mayor or Trustee must complete the necessary enrollment forms and return all dental forms to the Village Clerk within the time indicated. If the required forms are not received at the time specified, dental insurance coverage will cease for said dependents at age 19.

4) Newly elected Mayors and Trustees who take office after January 1, 2011 are not eligible to participate in the Village’s self insured dental plan.

Section 802 C Payment in lieu of health insurance - was amended by adding “Mayor & Trustees”; where applicable.

Section 802 D Medical Insurance for Retirees - was amended by adding “Mayor & Trustees”

Section 800 Introduction – was deleted and replaced with: “The following is an understanding between the Village Board and full-time employees for various benefits and benefit programs set forth herein. These benefits and benefit programs will remain in effect unless either party submits a written request for negotiations to modify these benefits.”

Vouchers

Resolution to approve the abstract of vouchers with the following additions: Creative Bakery \$250.00, Paris Kirwan \$537.82, Denny and Her Escorts \$100.00, Big M \$254.45, Carl Johnson \$100.00, Walt Horylev \$10.00. Totals as follows:

General fund	\$	201,101.48
Water fund	\$	96,814.70
Sewer fund	\$	46,858.58
Gas&Electric	\$	21,140.64
Prepaid	\$	194,778.24
<u>T&A</u>	\$	<u>11,264.75</u>
Total	\$	585,532.19

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

Minutes

Resolution to approve the meeting minutes of November 2, 2010 as written. Trustee Gates made the motion, Trustee Bimmler seconded the motion. Carried 5-0.

75 Gorton Avenue Garage Addition Claim

Trustee Horylev made a motion for a proposed resolution:

Resolution: Whereas on April 6th 2010, the Hilton Village Board's minutes state in part that former Mayor Larry Gurslin authorized payment of an insurance claim as an executive order, the Village Board now feels that statement should be rescinded as a result of further investigation; confirmed by Mr. Kron's correspondence of July 21st which reads as follows: "Mr. Gurslin did not specifically instruct me to pay the claim in full". The record should be replaced with the following statement from the Board of Trustees: "However, during Mr Gurslin's discussions with Mr. Kron of Selective Insurance, wherein it was stated "Mr. Gurslin felt that a mistake had been made by the Building Inspector and that the alleged damages were reasonable under the circumstances. Mr. Gurslin consented to the settlement". Mr. Gurslin's position was not supported by the rest of the Village Board and we feel that his statements influenced the authorization of payment of the claim."

There was no second to the motion. Motion failed.

There being no further business, the meeting was adjourned at 7:30 p.m.

Respectfully Submitted,

Shari Pearce, Village Clerk