

Village Board of Trustees
Meeting Minutes of February 2, 2010

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

Guests: Carm Carmestro, Dave Wright, Jim Bimmler, Tom Tilebein, Susan Toal, Steve Fowler, Peggy Christensen

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

Mayor Gurslin administered the Oath of Office to our new Superintendent of Public Works, Michael McHenry. The Village Board congratulated him on his new position and wished him well.

Code Enforcement

- 42 Peach Blossom Drive South: Mr. Lissow reported this house has extensive water damage that was discovered over the weekend. The home is vacant and the Village DPW has turned the water service off to the property.
- Sunny Slope Drive Fire: Mr. Lissow stated he responded to a very serious house fire at 20 and 22 Sunny Slope Drive on Sunday, January 30th in the early morning. Both homes sustained heavy fire, smoke and water damage. The house of origin will most likely need to be torn down and the other house is in the process of being gutted currently. Mr. Lissow remarked he has been a member of the Fire Department for many years and this was the first two working house fires that the Fire District attended to at once. He noted that fifty two members were present at the fire and both fires were contained before any neighboring departments arrived. He noted the Fire Department did an excellent job controlling and putting the fires out. No one was injured.
- Post Office: Mr. Lissow stated a car had driven into the side entrance of the post office pushing the mailbox receptacle into the building. No one was injured.
- Building Permit Fees: The board had a discussion on waiving building permit fees for residents that have had their homes damaged or destroyed by a fire and need a permit to rebuild or remodel their home. General discussion followed.

Resolution to waive building permit fees for any Village resident that has had their home damaged or destroyed by a fire. Motion made by Trustee Gates, seconded by Trustee Lee. Carried unanimously 5-0.

Trustee Speer commented on what a tremendous job Mr. Lissow has done handling the fires on Sunny Slope Dr. He has had to act as the Code Enforcement Officer/Fire Marshall, member of the Fire Department and a neighbor to the victims in the house fires, this situation was not easy for him. He commends him for a job well done.

Public Forum

Mayor Gurslin opened the public forum of the meeting at 5:20 p.m. He welcomed Judge Maley to the meeting. Mr. Gurslin remarked the Village Board is trying to determine the merit of the Community Service Program. Judge Maley is present to personally give his viewpoint on this subject matter.

Judge Maley, Town of Parma Judge, he stated he appreciates the opportunity to speak before the board regarding this useful program. He would like to see the Community Service Program continue and expand if possible. His reason for this is if there is a defendant that has a minor

violation or is a minor, the Community Service program provides the Judge an alternative to a fine or in addition to a fine. Also, a person who does damage to property, this gives the court the opportunity to have the person clean up or repair the property, not just pay a fine. If the defendant cannot afford to pay the fine, the judge can assign Community Service to complete the sentence. Judge Maley spoke about expanding the service to nonprofit groups, i.e., Rotary, Lions Club and Churches. They would need a coordinator for this to work.

Mayor Gursslin stated a letter has been received by Judge Sciortino regarding this subject matter. The letter is submitted for the record and reads as follows:

“Thank you for your kind correspondence of January 27, 2010 regarding the above referenced matter. My understanding is that the subject matter of the Community Service Program will be on the Village Board agenda for discussion during this evening's meeting. My further understanding based upon your correspondence is that the Village Board is trying to determine the merit of the program and the positive aspects this program provides. You encouraged the Justice Court in the Town of Parma to provide the Village Board with our opinion and views on the program.

Initially, all of us at the Parma Town Court sincerely appreciate you contacting us regarding our opinion and views on the Community Service Program. It is very much appreciated as we rely upon the Community Service Program as an available condition of a sentence. It is my opinion that the Community Service Program is an asset to the Village of Hilton and Town of Parma. Specifically, there are numerous cases which originate from the Village of Hilton involving defendants of all ages. At times, the maximum sentence of incarceration is too strict of a penalty where the conviction is to a lower level violation and the facts do not warrant incarceration. Even a term of probation may be unwarranted or unavailable in lower level violations, or with traffic matters. In that regard, the Community Service Program is an excellent alternative where a defendant who has admitted his or her guilt may reflect upon *his* or her actions for at least eight hours or as many hours as the Court deems appropriate. Generally speaking, individuals who are sentenced to community service in the Village of Hilton by the Parma Town Court have either charges originating in the Village of Hilton or live within the Village of Hilton with very little means to travel outside of the Village. Having the Community Service Program inside the Village of Hilton permits these defendants to satisfy their community service hours within the community that was impacted by the crime, or within the only community that the defendant may reside and only has access to. Defendants are also held accountable for their behavior as well during community service. Tardiness, disruptiveness, lack of interest, and insubordination are not tolerated. In the event the defendant fails to complete the community service hours, he or she is required to come back to court for re-sentencing to additional community service hours, monetary penalties, probation, or incarceration, as permitted by the level of conviction.

In addition, the Community Service Program may also act as a deterrent to criminal activity when individuals see defendants engaged in community service activities around the Village. It also provides a means for completing a sentence when a defendant is indigent and has no income to pay monetary penalties. Ultimately, the Community Service Program ensures that justice is met within our community and beyond.

Accordingly, it is my opinion and view that the Community Service Program has indeed been a significant part of our sentencing structure, has provided the Parma Town Court with an alternative to incarceration, probation, or monetary penalties for indigent defendants, and has truly had a positive impact on the community.

Once again, thank you for the opportunity to provide you and the Village Board with an opinion and view on the Community Service Program. Please feel free to contact me with any additional questions you or your distinguished Village Board members have, or if there is anything further you require. “

Judge Maley stated he would like the Village to consider each case individually. The Village can either accept or deny an application into the program. He also noted at anytime the person does not follow the rules or instructions, Village Officials need to return them back to the court and the court will deal with them.

Mayor Gursslin stated he is very supportive of this program and personally believes it is a beneficial program. We have had one or two incidents that have not gone well and we are currently investigating the worthiness of the program. The Village Board thanked both judges for taking the time to address the Village Board.

Mrs. Surrige and Mr. McHenry both stated they have to monitor the community service workers and it seems more like a babysitting job at times.

Mayor Gursslin asked if any other persons wanted to address the board at this time.

Susan Toal, 197 Collamar Road, she stated she is an employee of the Ben Franklin Store and she wanted to let the board know how much she cares about the store and the Village. She realizes there are issues with the business and feels the Ben Franklin is a staple in the Village.

Dave Wright, 173 South Ave, had a question regarding the resolution last month on the zoning of 99 Hazen Street. Mrs. Surrige explained to him that the underlying zoning has always been in place for 99 Hazen Street. The board passed a resolution to update the map to reflect the true zoning of the property. The property was not rezoned.

The public portion of the meeting was closed at 5:35 p.m.

Village Clerk

- **Retirement update:** The New York State Retirement system has instituted new reporting regulations for newly appointed and elected officials.

Basically, the new procedures state that any elected or appointed official must keep time records for a said period of time in order to establish a standard work day. After the standard work day has been determined, the hours would be reported to the retirement system on the monthly report. The new procedures will take effect after the April appointments.

- **Election Inspector:** Shari Pearce is requesting the board pass a resolution to appoint an alternate election inspector. She is recommending Ms. Barbara Szczepanski to be the alternate. She resides at 44 Leith Lane.

Resolution to appoint Barbara Szczepanski as an alternate election inspector at a rate of \$10.00/hour. Trustee Speer made the motion, Trustee Lee seconded the motion. Carried unanimously 5-0.

Superintendent of Public Works

- **Resolution** to authorize the Superintendent to prepare bids and specifications for the purchase of concrete for sidewalks. Mayor Gursslin made the motion, seconded by Trustee Speer. Carried unanimously 5-0.
- **Resolution** to authorize the Superintendent to prepare bids and specifications for a three year contract for street lighting repairs to expire on December 31, 2012. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 5-0.
- **Resolution** to authorize Superintendent Mike McHenry to attend Cornell Local Roads Program on May 12, 2010 at a cost of \$40.00. Trustee Speer made the motion, seconded by Trustee Horylev. Carried unanimously 5-0.
- **Bucket Truck Rental:** Mr. McHenry is requesting approval to rent a 42ft. bucket truck for the month of February to assist in trimming the Village Street trees. The cost to rent the truck is \$2,350.00, from Penske Truck Rental.

Resolution to approve the bucket truck rental and amend the budget 2009-10 budget as follows:

Increase	A5110.4H	\$2500.00
Decrease	A5410.4	\$2500.00

Larry Speer made the motion, Trustee Horylev seconded the motion. Carried unanimously 5-0.

- Mobile One Truck: Mr. McHenry stated he would like to have the hood repainted where there are some rust spots and have a protection guard applied to the lower part of truck. This should help preserve the truck for the next five years.

Resolution to approve up to \$2,000.00 to refurbish Mobile One. Motion made by Trustee Gates, seconded by Trustee Lee. Carried unanimously 5-0.

- 10 Canning Street: Mr. McHenry reported that Villager Construction is scheduled to remove the concrete slab from the property starting April 5, 2010 for a cost of \$15,000.00.
- Hazardous Mitigation Plan: Mr. McHenry reported Jack Barton from the Town of Parma and himself are looking at a mitigation grant for a retention pond to be located off of Old Hojack Lane between the Town and the Village. This would help alleviate the possibility of flooding behind Tallwood Drive, Rolling Meadows and Country Village Meadows.

Manager's Report

- Audit: The board reviewed the Management letter compiled by Raymond Wager, CPA regarding our annual audit. Mrs. Surrige stated the overall audit was good. She stated they made some suggestions and we are taking them into consideration.
- Energy Grant: Mrs. Surrige reported the energy conservation study was submitted and it included several recommendations for possible improvements. Some of the suggestions are replacing the existing hot water boilers, add digital controls and a variable flow hot water system. The estimated costs are \$357,000 and the proposed savings are \$9,348 annually. Unfortunately, NYSERDA set the energy savings threshold too high and our project is not fundable.
- Community Development: The management team is going to prepare a grant application that will hopefully provide funding for our next sewer improvement project. Mr. Tilebein was successful in obtaining \$11,800 for the initial study of the 18" main. The team intends to apply for \$50,000 to pay for engineering and construction costs to rehabilitate 16 sanitary sewer manholes along the 18" trunk line that is located on the north side of Salmon Creek starting at South Avenue and ending near the Village's east boundary line. This application is due by February 12, 2010.

Resolution: Whereas approximately 1,000 L.F. of sanitary sewer main located on the east side of South Avenue needs to be repaired, and

Whereas, this project is located in Census Block Group 148.04 which has been deemed by the 2005 U.S. Census Bureau as a low to moderate income area which makes the project eligible for funding under the 2010 Community Development Block Grant program (CDBG) and

Whereas, the project cost is estimated to be \$65,000 plus \$12,000 for engineering fees,

Now therefore, be it resolved that the Village Manager is hereby authorized to apply for a CDBG in the amount of \$40,000 to finance this project with the Village of Hilton's share being \$32,000 which will be budgeted in the 2011-12 fiscal year.

Be it further resolved that the Village Board of the Village of Hilton has reviewed the SEQR form prepared by the Village Manager and makes the following determination: The Village Board of the Village of Hilton will act as lead agent and hereby declares that the proposed action will not result in any significant adverse environmental impacts. Therefore, this is a Type II Unlisted Action.

The resolution was passed with a motion from Trustee Larry Speer, seconded by Trustee Walter Horylev and it was duly carried unanimously 5-0

- Community Center/DPW Building Improvement Project: The management team is recommending that we take another look at the costs to build an office area, break room and a female locker room for the Department of Public Works. Mike McHenry and Keith Brown have come up with a new design that will lower the overall costs substantially. They are estimating the project cost of \$200,000 or less. There is \$66,000 remaining in the savings account that was established for this purpose.

Mrs. Surridge asked the board if they would consider combining the DPW project with the energy improvements for the Community Center. She noted the 1956 boiler will need replacing in the near future. The board concluded they prefer to keep the projects separate and the addition to the DPW building be a priority before the Community Center project.

Resolution to authorize Superintendent Mike McHenry to solicit engineering firms and make a recommendation to the board regarding the Department of Public Works addition. Trustee Horylev made the motion, seconded by Trustee Lee. Carried unanimously 5-0.

- 30 Mariah Street: A discussion took place regarding this property on whether to demolish the house or list the property for sale. After a general discussion, no formal action was taken.
- Employee Handbook: Mrs. Surridge is recommending the board pass a resolution to update the employee handbook. Some of the language was outdated and needed to be corrected.

Resolution to update the Employee Handbook and make the following corrections, subject to the employees input:

Section 403 Probationary Period:

Replace the current language with the following:

- 1) Has satisfactorily completed a probationary period which commences the first day of work by the employee with the Village, and is completed ninety (90) calendar days thereafter, regardless of the actual number of days worked during this period.
- 2) Has satisfactorily completed a physical examination within thirty (30) days following commencement of employment. Such physical examination must be performed by a physician licensed to practice internal medicine in the State of New York and the physician must affirmatively state that the employee is physically capable of performing the tasks required by the position for which he or she is being employed. The cost of such physical examination shall be paid by the Village.

Section 704: Pay Period and Check Distribution: Add Historians are paid on a quarterly basis.

Section 801: Qualifications for Benefits: Change 35 hours to 40 hours. Delete the language that reads “and has worked for the village for four (4) or more months”

Section 802: Health Insurance: Delete Paragraph E “1 Year Agreement”

Section 809 Bereavement: Add Grandparent in-Law to allow one eligible day off.

Section 811: Flex Spending Account: Delete “For the period January 1, 2007 – December 31, 2007 the Village will match the sum of money being contributed by the employee up to \$100.00 annually.”

Section 812 Disability Insurance: The benefit should read: “The Village has established a qualified Disability Insurance plan in which any qualified employee *or part time employee* may participate at the employee’s sole expense.”

Section 817 Group Cellular Service: Delete this section.

Trustee Gates made the motion, seconded by Trustee Lee. Carried unanimously 5-0.

- **General Efficiency Planning Grant**

Resolution: To support the joint application by the Hilton Central School District, Town of Parma, Village of Hilton and the Hilton Parma Fire District to the New York State Department of State's 2010-11 Local Government Efficiency Grant Program for the purposes of seeking funding for a General Efficiency Planning Grant to enter into study of constructing a shared storage and maintenance building and salt shed with the intent to achieve cost savings and economies of scale,

WHEREAS, the New York State Department of State is offering "General Efficiency Planning Grants" for 2010 to help identify and study opportunities through collaboration among local governments to improve local government efficiency and cost savings for which there is a 10% matching requirement, and

WHEREAS, the Village and Town Highway Superintendents, the Business Director for the Hilton Central School District and the Hilton Parma Fire Commissioners have met and reviewed said request with a majority of the members voting approval, and

RESOLVED, that the Village of Hilton is in support of a regional study of collaboration for which the Hilton Central School District will take the lead to increase efficiency and reduce buildings and grounds services in the Hilton Central School District and Town of Parma, and

FURTHER RESOLVED, that the Village Manager of the Village of Hilton is authorized to apply for a 2010-2011 NYS DOS Local Government General Efficiency Planning Grant and will participate as a co-applicant in the above-specified application, in which the grant request will not exceed \$27,000.00 and in which the Hilton Central School District will act as the lead applicant, and

FURTHER RESOLVED, that the Village of Hilton will contribute an equal share of the 10% cash match required by the grant program, as reflected by the number of municipalities participating as co-applicants, and not to exceed the sum of \$2,000.00,

Motion made by Mayor Gurrslin, seconded by Trustee Horylev and it was duly carried unanimously.

At 7:05 p.m., the Village Board took a five minute recess and reconvened at 7:10 p.m.

Vouchers

Resolution to approve the abstract of vouchers with the following additions: Keith Brown \$12.30, Janet SurrIDGE \$51.00, Time Warner \$81.95, Monroe County Planning and Development \$25.00. Totals as follows:

General fund	\$ 88,039.02
Water fund	\$ 25,277.00
Sewer fund	\$ 283.78
Gas&Electric	\$ 433.00
Prepaid	\$ 264,404.71
<u>T&A</u>	<u>\$ 11,381.93</u>

Total \$ 337,660.50

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

Minutes

Resolution to approve the meeting minutes of January 5, 2010 with the understanding the verbiage for the sickness benefit is not finalized. Trustee Gates made the motion, Trustee Lee seconded the motion. Carried unanimously 5-0.

Planning Board Resignation

Resolution to accept the resignation of Joseph Galatio as a member of the Planning Board, effective January 13, 2010. Mayor Gurrslin made the motion, seconded by Trustee Horylev. Carried unanimously 5-0.

A general discussion took place regarding filling the vacancy on the Planning Board. It was decided that Chairman Mark Hedberg should conduct the interviews and make a recommendation to the Village Manager.

10 Canning Street

Easement Agreement: There was a discussion on the dissolution of the easement agreement that exists between the owners of 10 and 54 Canning Street. The board discussed the issue on who would pay for the legal fees to prepare the documents to dissolve the agreement. There was also discussion on the intended proposal to purchase 10 Canning Street by Copper Mountain Development.

Resolution to recognize that the easement agreement between the property owners of 10 and 54 Canning Street no longer serves the purpose for which it was intended and to instruct the Village attorney for to prepare the necessary legal document that will void this agreement. Said legal fees shall not exceed \$1,000.00 and be paid by the Village of Hilton. Motion made by Trustee Horylev, seconded by Trustee Lee. Carried 3-2 (Mayor Gurrslin opposed, Trustee Gates opposed).

Resolution: Whereas, the Planning Board recently granted permission to allow Village owned property at 10 Canning Street to be subdivided into two parcels, Now, therefore, be it resolved that Canning Street is hereby recognized as a Village street and that the land owned on the east side of the road shall be retained by the Village for municipal parking and the property on the west side of the road is not needed for public purposes and can be sold for fair market value. Be it further resolved that a public hearing on this matter shall be held on March 2, 2010 at 6:00 pm. Motion made by Trustee Speer to adopt as written, Trustee Horylev seconded the motion. Carried unanimously 5-0.

Resolution that the document entitled "Offer To Purchase Real Estate", submitted from Copper Mountain Development on January 22, 2010 for the property at 10 Canning Street, meets the objectives of the Village Board and that the intended buyers are hereby instructed to submit a formal purchase offer contract for our approval. Mayor Gurrslin made the motion, seconded by Trustee Lee. Carried 4-1 (Trustee Gates opposed. He stated he feels it is a mistake selling this property)

Sewer Fees

Mrs. Surridge provided the following recommendation on new home sewer fees to the board.

	<u>Current Fee</u>	<u>Proposed Fee</u>
<u>Property within the village limits:</u>		
Residential use (per unit charge)	\$100	\$250
Commercial/industrial use	\$100	\$350
<u>Property outside the village limits</u>		
Residential use (per unit charge)	\$500	\$1,500
Commercial/industrial use	not established	\$3,000

Resolution to approve the recommendation given by Mrs. Surridge to approve the sewer rates for properties within the Village limits. Motion made by Trustee Speer, seconded by Trustee Horylev. Carried unanimously 5-0.

A discussion took place on the proposed fees for properties outside of the Village limits. Trustee Gates stated he prefers to wait and make a determination on the sewer rates until the pending lawsuit with the Village and James Beehler is resolved. Trustee Horylev stated he would like to have the rates approved and have them on record.

Resolution to accept the recommendation given by Mrs. Surridge for sewer fees for properties outside the Village limit as proposed. Motion made by Trustee Horylev, seconded by Trustee Lee. Carried 4-1 (Trustee Gates opposed)

Special Meeting

Resolution to approve a special meeting that has been called by Mayor Gursslin for Feb 16, 2010. Motion made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0.

There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Shari Pearce, Village Clerk