

**Village Board of Trustees  
Meeting Minutes of January 5, 2010**

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

Guests: Carm Carmestro, Dave Wright, Jim Bimmler, Scott and Charlene Mason

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

**Retirement Service Credit Benefit**

- Mrs. Surridge informed the Board that while comparing our benefits to other Monroe County Villages, she learned about Section 41-J of the Retirement & Social Security Law which allows employees to use up to 165 days of unused sick time for additional service credit upon retirement. A letter was sent to the NYS Retirement System inquiring on what it would cost to add this benefit to Hilton's plan. For \$1,146 per year, we can add this benefit and it would cover every employee who is currently enrolled in the retirement system. Mrs. Surridge is recommending that we adopt this plan. Discussion followed and the Board felt the cost was very affordable.

**Resolution** BE IT RESOLVED, that the Village Board of the Village of Hilton does hereby elect to provide the additional pension benefits of Section 41-J of the Retirement and Social Security Law, as presently of hereafter amended.

BE IT FURTHER RESOLVED, that the effective date of such shall be the 5<sup>th</sup> day of January, 2010. Motion made by Trustee Gates, seconded by Trustee Horylev. Carried unanimously 5-0.

- Mrs. Surridge mentioned that we need to put the appropriate language in the Employee Handbook to define this benefit further. Discussion followed.

**Resolution** to replace Section 806 Sick Leave in the Employee Handbook with the following new text:

1. Short term illness defined as 15 days or less: Any full-time employee will be compensated at his or her regular pay for up to three (3) weeks missed from work per year due to illnesses, upon the approval of the Department Head, provided that the Department Head is notified immediately by the employee of such illness. If an illness continues more than one (1) workday, said notice must be provided on a daily basis. If an illness continues for three (3) days or more, the employee must provide the Department Head with a physician's opinion stating that the employee's medical condition is such as to preclude him or her from working. The Department Head will require the employee to provide a physician's opinion upon returning to work.
2. Long term illness defined as 16 days or more: Any full-time employee will be compensated at his or her regular pay for up to twelve (12) weeks missed from work per year due to an illness, upon the approval of the Department Head, and provided that the Department Head is given a physician's opinion stating that the employee's medical condition is such as to preclude him or her from working. The Department Head will require the employee to provide a physician's opinion upon returning to work.
3. Allowance: If a full time employee does not use any sick days during a calendar year, the Village will grant 12 days of sick leave credit to the employee which can accumulate to a maximum of 1,320 hour (165 days) during the course of their employment. In the event of a long term illness that exceeds the 12 week maximum as stated in paragraph #2 above, the employee may use their accumulated sick time credit and receive his or her regular pay for the duration of the illness, or until such time as the sick leave credits have been used up.
4. Separation of employment: An employee whose employment with the Village is terminated for any reason, including retirement, will not receive cash payment for unused sick leave.
5. Retirement credit: The Village Board has elected to provide Section 41(j) of the NYS Retirement and Social Security Law and allows credit for up to 165 days of accumulated sick leave at the time of retirement. To be eligible, an employee must retire directly from covered employment. The additional service credit is determined by dividing the total unused, unpaid sick leave days by 260. For example: 130 unpaid sick leave days divided by 260 = .50 or 6 months additional service credit

6. If an employee should miss work as a result of an injury incurred in the course of employment, the Village will pay the employee an amount equal to their normal scheduled work week, for a period not to exceed twelve (12) weeks. Such benefits shall be paid only upon receipt of a doctor's opinion, or other determination, that the employee is unable to work and is further subject to approval of the Department Head on an individual basis. The Village will be entitled to reimbursement of all or any portion of these benefits from Worker's Compensation benefits of the employee, as permitted by law.

Mayor Gursslin made the motion, Trustee Lee seconded the motion. Carried unanimously 5-0

- **Resolution:** Whereas, the Village of Hilton has adopted Section 41-J of the Retirement & Social Security Law, and

Whereas, Thomas Tilebein has been employed with the Village of Hilton since June, 1976 and has had less than 10 sick days during his 33 years of service,

Now, therefore, be it resolved that the Village of Hilton grants to Mr. Tilebein a sick time bank of 165 days that he can use towards his retirement service credit, but he shall not receive any cash payment from the Village for these days.

Motion was made by Trustee Gates, seconded by Trustee Horylev, carried unanimously 5-0.

### **Code Enforcement**

- 3 Upton Street: Mr. Lissow stated he has discovered a problem with this property being illustrated incorrectly on the official Village zoning map. The property is currently colored coded Residential, when it should be Industrial. Mr. Lissow has conferred with Village Manager Mrs. Surridge regarding this issue. He has researched the history of the property and he is confident that when the zoning maps were updated, there was a mistake with the zoning map. The property has only ever been utilized as Industrial.

Mr. Lissow is also recommending changing the address from 3 Upton Street to 99 Hazen Street. This property is located on Hazen Street, not Upton Street. He is recommending that when the Village has to reproduce the map, the correction be made.

Mayor Gursslin stated he has a conflict of interest with this property. He is interested in purchasing the property. Any decisions regarding this subject matter, he will abstain from discussions.

**Resolution** to acknowledge the Village Zoning map is in error for 3 Upton Street. The property should be labeled as Industrial. Motion made by Trustee Horylev, seconded by Trustee Speer. Carried 4-0-1. (Mayor Gursslin abstained)

- Census Data: Mr. Lissow reported he will be working on the data for the Census and adding Creek Crossing to the data base.

Other miscellaneous items were discussed.

### **Clerk's Report**

- Records Grant: Shari Pearce reported, herself, Mrs. Surrige and Donna Curry met with our consultant Caroline Gallego of Gallego Information Services. She submitted the draft proposal and is in the process of completing the final report. The State also informed the Village and the Town that our grant monies have been reduced by \$842.00. After informing Ms. Gallego of this change, she agreed to reduce her invoice by that amount. The payment of \$8,533.00 is included in this month's vouchers.

### **Elections**

**Resolution** that the next Village election shall be held on March 16, 2010, the polling place will be at the Hilton Community Center, 59 Henry Street and the voting hours shall be 12:00 noon thru 9:00 p.m. Be it further resolved that there shall be no Village registration day since the County of Monroe will provide a list of registered voters. Motion made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0.

**Resolution** to appoint Muriel Davenport (Chairperson) and Sandy Popowich as election inspectors at a rate of \$10.00/hour. Trustee Speer made the motion, Trustee Lee seconded the motion. Carried unanimously 5-0.

**Resolution** to approve Shari Pearce to attend an election seminar on 1/20/2010 sponsored by NYCOM at a cost of \$50.00 and to authorize the Treasurer to expend the registration fee. Mayor Gursslin made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

### **Apple Festival**

**Resolution** to allow the Hilton Apple Festival to use the Community Center and surrounding grounds on October 2<sup>nd</sup> and 3<sup>rd</sup> and a few days prior to the event. They are also requesting the Department of Public Works assist in placing the banners on the lampposts two weeks prior to the event. Trustee Horylev made the motion, seconded by Trustee Speer. Carried unanimously 5-0.

## Holidays

**Resolution** to approve the following holiday schedule for 2010: Motion was made by Trustee Horylev, seconded by Trustee Speer. Carried Unanimously 5-0

Holiday	All Departments Closed	Refuse & Recycling
New Years Day	Friday January 1 <sup>st</sup>	
Martin L. King	Monday January 18 <sup>th</sup>	Tuesday January 19 <sup>th</sup>
Presidents Day	Monday February 15 <sup>th</sup>	Tuesday February 16 <sup>th</sup>
Good Friday	Friday April 2 <sup>nd</sup>	Not Applicable
Memorial Day	Monday May 31 <sup>st</sup>	Tuesday June 1 <sup>st</sup>
Independence Day	Friday July 2 <sup>nd</sup>	Not Applicable
	Monday July 5 <sup>th</sup>	Tuesday July 7 <sup>th</sup>
Labor Day	Monday September 6 <sup>th</sup>	Tuesday September 7 <sup>th</sup>
Columbus Day	Monday October 11 <sup>th</sup>	Tuesday October 12 <sup>th</sup>
Veterans Day	Thursday November 11 <sup>th</sup>	Friday November 12 <sup>th</sup>
Thanksgiving	Thursday November 25 <sup>th</sup>	<b>Wednesday Nov. 24<sup>th</sup></b>
	Friday November 26 <sup>th</sup>	Not Applicable
Christmas	Friday December 24 <sup>th</sup>	Not Applicable
New Years 2010	Friday December 31 <sup>st</sup>	Not Applicable

## Manager's Report

- Shared Services Project: Mrs. Surrige stated she met with Mike McHenry, Steve Ayers and Brian Speer to discuss the upcoming grants available to apply for. Mr. Ayers relayed to the team he is supportive of this project with or without State funding. Mrs. Surrige stated the State has announced an early round for grant applications, due by February 24<sup>th</sup>.

After meeting with the team, they would like to proceed in applying for a Planning and Design grant instead of an Implementation grant. If approved, the grant will pay for the architectural/engineering fees and document the cost savings to each municipality, all of which are extra points towards an Implementation Grant. The drawback is we would be spending the money the board gave us for John Steinmetz's fee (\$1700.00) and we may need additional grant writing funds to re-apply again in September. The funding for this grant is up to \$26,000. Mrs. Surrige would like the board to recognize the change in direction for this project. The cost to write a Planning and Design grant would not exceed \$5,000.00.

**Resolution** to proceed with Mrs. SurrIDGE's recommendation to change direction and apply for a Planning and Design grant. Motion made by Trustee Speer, seconded by Trustee Lee. Carried unanimously 5-0.

- **NYSERDA:** Bergmann Associates has started the last part of the study and Mrs. SurrIDGE is expecting it to be completed by January 15<sup>th</sup>. The Community Center boilers are in need of major work in the coming year since the bottoms are rusting out. She has instructed our engineer to focus on this problem and include it in the study. She noted the State is giving out one hundred percent funding and we are aligning ourselves to apply for this funding.
- **Historian:** Last month, Mrs. SurrIDGE reported the Historian's Office will be receiving \$10,000.00 in a donation from the estate of Eloise Newcomb Ley. We actually received \$ 15,000.00 as a donation, which is \$5,000.00 more than anticipated.
- **10 Canning Street:** Mrs. SurrIDGE stated there is a developer that may be interested in purchasing the property. Trustee Horylev stated based on the Village Manager's description, the proposed design fits with our vision for this area.

A detailed discussion took place between the members on selling the property as is with the concrete slab or removing the slab and increasing the selling price. Trustee Horylev recommends to remove the concrete slab and market the property at a higher price point. Trustee Gates prefers to not sell the property. After a general discussion, the following resolution was brought before the board.

**Resolution** to remove the existing concrete slab on 10 Canning Street for a cost of \$15,000.00 and authorize Assistant Superintendent, Mike McHenry to hire Villager Construction Inc. for this job. Be it further resolved to amend the 2009-10 budget as follows: Trustee Horylev made the motion, seconded by Trustee Lee. Carried 4-1. (Mayor Gurslin opposed)

Increase Revenue	A599	Appropriated fund balance	\$15,000.00
Increase Expense	A5110.4I	Canning Street Project	\$15,000.00

**Resolution** to entertain a proposal from MST Construction for the purchase of 10 Canning Street with the review and approval of the Village Board. Trustee Horylev made the motion, seconded by Trustee Speer. Carried 4-1. (Trustee Gates opposed)

- **Five Year Plan:** A discussion took place on the five year plan that Mrs. SurrIDGE developed. Trustee Horylev suggested adding to the plan a vision of five to tens years including items other than regular scheduled maintenance items. The board would also like input from the Planning Board on what they see for the Main Street area.

## **Superintendent of Public Works**

**Resolution** to authorize Assistant Superintendent, Mike McHenry to prepare bids and specs for the water main materials for installation on Old Hojack Lane. Trustee Gates made the motion, seconded by Trustee Lee. Carried unanimously 5-0.

**Resolution** to authorize two employees to go to the Western New York Water Works School on February 3, 2010. The fee is not to exceed \$20.00 for each employee, Mike McHenry and Doug Jock. Trustee Horylev made the motion, seconded by Mayor Gurslin. Unanimously carried 5-0.

At this time, the Department of Public Works and the Village Office staff joined the meeting.

The Village Board extended their extreme gratitude to Mr. Tilebein for 34 years of service and wished him well in his retirement. At this time, Mayor Gurslin presented Mr. Tilebein with a plaque for his service and all board members wished him well.

Other miscellaneous items were discussed.

### **Public Hearing**

Mayor Gurslin opened the public hearing at 6:05 p.m. to consider the adoption of Local Law #1, 2009.

Mr. Scott Mason, 43 Mariah Street, he stated he fully supports the proposed law.

Mr. Mike McHenry, 130 Dunbar Rd, stated that he is speaking for Jim Jackson, 48 Mariah St. Mr. Jackson could not attend the meeting, however, he is also in favor of the proposed local law.

Mayor Gurslin closed the public hearing 6:10 p.m.

**Resolution** to adopt Local Law #1 2009 to amend the traffic control law which reads as follows: Motion made by Trustee Gates, seconded by Trustee Speer. Carried unanimously 5-0.

Local Law #1, Chapter 21-4 and 21-5 to amend the Traffic Control Ordinance. This proposed Local Law will not result in any significant adverse environmental impacts. This action is a Type II unlisted action. The proposed law is as follows:

Section 1: Section 21-4 of the Traffic Control Ordinance is hereby amended as follows:

- a) Section 21-4 A (3) delete the words “the Penn Central Railroad” and replace it with “Railroad Avenue”.
- b) Delete Section 21-4 (10) in its entirety and replace it with “Both sides of Mariah Street from Brook Street to Salmon Creek.”

c) Delete Section 21-4 (15) in its entirety and replace it with “The east side of Henry Street.”

d) Delete Section 21-4 (17) in its entirety.

Section 2: Section 21-5 of the Traffic Control Ordinance is hereby amended as follows:

a) Atcheson Drive is hereby corrected to read Atchinson Drive

b) Bernie Whelehan Road is hereby changed to Bernie Whelehan Drive

c) Stothard Street is hereby changed to Stothard Drive

d) Add a Stop Sign on Carter Drive with the direction of travel South at the Intersection of Green Lane

e) Add a Stop Sign on Green Lane with the direction of travel East at the Intersection of Peach Blossom Road North”

f) Add a Stop Sign on Marple Lane with the direction of travel South at the Intersection of Archer Drive

g) Add a Stop Sign on Peach Blossom Road North with the direction of travel North at the Intersection of Timberwood Drive

h) Add a Stop Sign on Shirleen Drive with the direction of travel East at the Intersection of Leith Lane

i) Add a Stop Sign on Shirleen Drive with the direction of travel West at the Intersection of Leith Lane

j) Add a Stop Sign on Stothard Drive with the direction of travel West at the Intersection of Leith Lane

k) Add a Stop Sign on Timberwood Drive with the direction of travel West at the Intersection of Carter Drive

Section 3: Section 21-10 Fire Lanes is hereby amended as follows:

a) Section 21-10(A) delete the words “Building Inspector” and replace it with “Code Enforcement Officer”

Section 4: Section 21-12 Abandoned Vehicles is hereby amended by changing the word “Administrator” to “Manager”

Section 5: This local law shall take effect upon filing with the Secretary of State.

### **Community Center Use**

***Resolution*** to use the Village Community Center building and grounds on Saturday, May 1, 2010 for the purpose of supporting a fundraiser for the Hilton Fire Department. Trustee Horylev made the motion, Trustee Speer seconded the motion. Carried unanimously 5-0.

### **Vouchers**

**Resolution** to approve the abstract of vouchers with the following additions: Shari Pearce \$8.00, Amy Harter \$7.20, Janet SurrIDGE \$19.87, UGI \$2804.12, WNY Water Works, \$55.00, UNYMWCP, \$9,031.25. Totals as follows:

General fund	\$ 88,039.02
Water fund	\$ 27,720.94
Sewer fund	\$ 153.42
Gas&Electric	\$ 56.85
Prepaid	\$ 151,854.90
<u>T&amp;A</u>	<u>\$ 13,084.18</u>
Total	\$ 280,909.31

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

### **Minutes**

**Resolution** to approve the meeting minutes of December 1, 2009 as submitted. Trustee Gates made the motion, Trustee Lee seconded the motion. Carried unanimously 5-0.

### **Public Access T.V.**

Mayor Gursclin stated Mr. Brian Caterino wrote him a letter requesting the Village Board to consider renewing their commitment to independent local programming (Channel 12).

After a general discussion, the Village Board concluded they are not in favor of renewing the contract with Educable Communications Corporation. They personally do not support or see the value in this.

### **Employee Health Insurance**

**Resolution** that in accordance with Section 802 (A) (4) of the Employee Handbook for health insurance, the Village Board hereby establishes that the Village of Hilton will deposit 90% of the employee's annual deductible into each eligible employee's health savings account for calendar year 2010:

Family plan deductible is \$5,200/per year	Village 90%	\$4,680
Single plan deductible is \$2,600/per year	Village 90%	\$2,340

Be it further resolved that the Village Treasurer is authorized to make payments to the employees according to the following schedule:

For the period January 1<sup>st</sup> – May 31<sup>st</sup>      \$1,950/per family plan and \$975/per single plan  
(payable on 1/6/2010)

For the period June 1<sup>st</sup> – December 31<sup>st</sup>:      \$2730/per family plan and \$1,365/per single  
plan (payable on 6/1/2010)

If any eligible employee needs additional funds from the Village prior to June 1<sup>st</sup>, the Treasurer, upon request from the employee, is hereby authorized to make payment to that employee as needed but in no event shall the Village's payment exceed the 90% share.

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

### **Health Care Consortium**

Mayor Gursslin explained to the board that Administrator, Mr. Bill Carpenter from the Town of Pittsford is trying to develop the formation of a United Health Care Plan and is looking for support from all the municipalities. Unfortunately, a municipality needs to have 50 or more employees to qualify. Mr. Carpenter is asking for support of the plan by resolution even if we are under the required number of employees,

**Resolution** to support the formation of a Health Care Consortium with other Monroe County Villages & Towns even though by law we do not have 50 or more employees to take an active role in joining. Motion made by Trustee Horylev, seconded by Trustee Speer. Carried unanimously 5-0.

### **Recreation Commission**

**Resolution** to reappoint David Tresohlavy to the Recreation Commission for a term to expire on December 31, 2013. Trustee Horylev made the motion, seconded by Trustee Lee. Carried unanimously 5-0.

Respectfully Submitted,

Shari Pearce, Village Clerk

The Village Board by resolution has dedicated this page of the minutes to Mr. Tom Tilebein.

**Resolution to recognize Tom Tilebein:**

**Whereas**, Tom has decided to retire after 34 years of service to the Village of Hilton, twenty-one as the Superintendent of Public Works, and

**Whereas**, during his tenure with the Village of Hilton since 1976, through his dedication and leadership he was promoted to Assistant Superintendent and Community Center Manager in 1980. Tom was instrumental in many accomplishments for the Village of Hilton, especially after his appointment in 1989 as Superintendent of Public Works. The cleaning and relining of the water distribution system, the conversion of the Hojack Rail Bed to a major road way, the development of our two parks to include the Jennejahn Lodge bridge improvement, roadways, shelters, and canoe launch, also he coordinated the house tear downs and post office site work to include a unique fence and walkway on the site. They were all accomplished during his watch, and

**Whereas**, Tom has worked with many other Municipalities to share service and equipment, i.e., the sewer machine in order to save taxpayers money.

More recently, Tom oversaw and accomplished the conversion to the Village owned street lighting system (connectors), the completion of Canning, Upton and Hazen Streets as well as “38 East Ave”. In addition, Tom worked on the demolition of the Hilton Fire Department building with emphasis on cost savings and recycling, and

**Whereas**, sometimes unseen, but notable was the completion of the development regulations. He has been an active member on the Monroe County Recycling Advisory Committee and Storm Water Coalition. He also served on the board of directors for the Upstate New York Municipal Compensation Group. Furthermore, in 2006 and 2008 under Tom’s direction the Village of Hilton was recognized as having one of the best safety records by their employees. Tom always stressed safety first to the DPW team on and off the job, and

**Whereas**, one cannot help but drive or walk in the Village to see where Tom’s hand has touched it in some way. Be it the trees on East Ave, the paver brick on Main Street, the recycling totes abound, the equipment used by employees, curbing, sidewalks, resurfacing of streets and lots, the centennial park sign and street banners to mention a few.

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

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