

Avon Village Board Meeting
Monday, January 25, 2010

VILLAGE BOARD MEETING MINUTES:.....	3
FIRE TRUCK BIDS:	3
EXECUTIVE SESSION:	6
TOM LAUFFER:	7
VOUCHERS AND MANUAL CHECKS:	7
CLOSED PROJECTS:	10
TRUSTEE'S UPDATE:	11
DPW UPDATE:	13
CODE ENFORCEMENT OFFICER UPDATE:	13

Avon Village Board Meeting
Monday, January 25, 2010

The meeting of the Board of Trustees of the Village of Avon was held at the Avon Village Hall, 74 Genesee Street, Avon, New York on Monday, January 25, 2010.

Present: Thomas Freeman, Mayor
Mark McKeown, Trustee
William Zhe, Trustee
Timmy Batzel, Trustee
Robert Hayes, Trustee

Staff: John Barrett
Reid Whiting
Ryan Colvin

Visitors: Jeremy Batzel, Fire Chief
Bryan Scott
Barb Ippolito
Scott Sutherland
Ernie Wiard
Dan Snyder
John Orman
John Kellen, Jr.
Joe Eichorn
Jim Fusco
Tom Lauffer, Raymond F. Wager, CPA, P.C.

Mayor Freeman opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

Avon Village Board Meeting
Monday, January 25, 2010

Mayor Freeman updated the Board that MRB has a floor planner on staff which will come out to the Village and layout some plans for possible renovations for the Village Hall.

Ryan Colvin, Engineer from MRB discussed briefly the 5 & 20 Project. Mr. Colvin informed the Board that the project will not be closed out for another couple of months and that there will be quite a bit of money left over from the project.

Mayor Freeman suggested that Ryan Colvin set up a meeting with someone from the D.O.T. to finalize everything.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Hayes the minutes from January 4, 2010 meeting are hereby approved as submitted. Trustee Zhe seconded the motion and it was carried by the following vote:

Thomas Freeman, Mayor	Abstained	
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

FIRE TRUCK BIDS:

Mayor Freeman stated that the sealed bid was opened on January 4, 2010 for a Multi Purpose Pumper and Response Fire Vehicle. The bid came in at \$604,474.00 from Pierce.

Mayor Freeman asked the Fire Truck Committee if they were disappointed that there was not more than one bidder.

Chief Batzel – It would have been nice to have others bid on it but the one quote came in under bid.

Avon Village Board Meeting
Monday, January 25, 2010

Mayor Freeman – We did the 11 days so it could meet our Estoppel. Was that enough time?

Dan Snyder – I feel 11 days is ample time. Attica had six days and had three bidders.

Mayor Freeman – What could we have done differently to secure more bidders?

Chief Batzel – I don't think anything. I've e-mailed vendors and they didn't bid.

Mayor Freeman – We need to make sure that all procedures were followed, and we need to satisfy ourselves how we spend \$600,000. If we had five vendors would the bids come in lower?

Trustee McKeown – Part of the issue was that people knew who wrote the original specs. Other vendors felt the specs were written so tight that they wouldn't have a chance.

John Orman – We did most of the work. We did have some questions but we put as much knowledge and experience into those specs that we could.

Mayor Freeman – Would it have been beneficial to have a Board Member sit in on the Truck Committee. We cautioned you several times that we need to have multiple bidders.

Bryan Scott – It's pretty standard practice to have someone help write the specs. Without reading the specs they are just assuming it was too tight, it's not a valid point.

Chief Batzel – Would we get the five bidders if we were to put it out for bid again?

Dan Snyder - E-1 wrote the specs for Attica and they had three bidders. Anyone who puts out a bid has help writing the specs.

Trustee McKeown mentioned that he had called three different companies and asked questioned concerning the Fire Department RFQ for the Pumper Truck.

CALL #1 he left a message and received no call back. **CALL #2** informed him that they just found out about the RFQ via email from a 3rd party. The spec is so tight and specific to one truck manufacturer that people will not waste the time or effort reviewing or engineering the specs. They felt they needed more time to review the specs and provide a quote, and 2-3 weeks is too short a time. They said they would be interested in reviewing an RFQ if there is a re-quote. **CALL #3** said they were aware of the RFQ but the specs were written for a particular manufacturer and truck. The example they gave was that the specs call for Torq's head fasteners and not Philips head (standard) screws. They felt that they did not have a good opportunity to quote. They prepared a letter but did not send it. They felt it was a waste of time. They felt the playing field was not level and would be interested in quoting if there is a re-quote. More than two weeks is needed to prepare a RFQ reply.

Chief Batzel – How would they know the specs were tight if they didn't pick up the specs?

Attorney Whiting – Is the pumper truck so sophisticated that it requires more time to review and quote?

Dan Snyder - The ladder truck would take more time.

John Orman – Numerous times it was asked by the Truck Committee can anyone bid on these specs? We were told absolutely. Nothing in the specs is just Pierce.

Trustee McKeown – If I go buy a new car or truck I usually go out and hit three stores.

Chief Batzel – Your not buying a car.

Trustee McKeown – I'm asking as a taxpayer, did you get three quotes?

Dan Snyder – In my mind we've given the public a fair shot. We put it out to bid, did our public hearing and no one showed up.

Mayor Freeman – Did we get put on the dodge report for fire trucks?

Chief Batzel – I don't know.

Trustee Zhe – I'm concerned over the lack of bids.

Trustee Batzel – We probably should have one of us sit in on the Board. I don't know what the answer is. Legally we're ok.

Trustee Hayes – I take the lead of the Truck Committee, and if they're satisfied, I'm ok. Other companies didn't feel compelled to bid on it.

Attorney Whiting – Some manufacturers were taking time off because of the time of the year. I think the time of year had a lot to do with it.

Trustee McKeown – I still think we need to have three bids. I could spend \$600,000 in many other ways. For piece of mind, I want three bids.

Upon review of the bid package by the Fire Truck Committee and Attorney Whiting, a formal recommendation of the fire Truck Committee and upon a motion made by Trustee Batzel, the bid of Pierce is hereby accepted in the amount of \$604,474. The motion was seconded by Trustee Zhe and carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Mark McKeown, Trustee	Voting	No

Avon Village Board Meeting
Monday, January 25, 2010

William Zhe, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

There were two small things the Fire Truck Committee disputed, and Pierce is taking care of them. Attorney Whiting instructed the Fire Truck Committee that if they had any other questions on provisions or details that needed to be worked out to contact him. Otherwise, he was satisfied.

Attorney Whiting discussed the payment options with the State Comptroller and will be discussing it again at a later date with Chuck Bastian and Tim McGill and Treasurer Quinlan. The fixed interest rate is something to consider, but what if Pierce had some financial problems. You shouldn't pay for any goods in advance.

The Fire Truck Committee will report back to the Board on February 15th with a timeline for the delivery of the truck.

Chief Batzel updated the Board on the Firefighters Grant Application, and discussed with the Board the plans to sell the pumper.

Chief Batzel mentioned there were two line items that needed to be discussed, 1) WARRANTY, 3 YEAR BUMPER TO BUMPER - \$8,400. 2) 1500' OF 5" HOSE - \$8,970.

Trustee McKeown – What is a normal warranty?

Chief Batzel – One year.

Mayor Freeman – Could you get us three quotes on the hose?

Chief Batzel – I'll call a few vendors and get prices.

EXECUTIVE SESSION:

Upon a motion made by Trustee Batzel, the Board went into executive session at 6:55 p.m. to discuss personnel matters. Trustee Hayes seconded the motion and the Board exited executive session at 7:30 p.m. The motion was carried by a unanimous vote.

TOM LAUFFER:

Tom Lauffer from Raymond F. Wager's firm presented the corrective action report to the Board for discussion.

Tom Lauffer informed the Board that he had met previously with Bill Zhe, Tim Batzel, Chris Quinlan, Gary Margiotta and Patty Baker to discuss the deficiencies and implementation of the proposed plan.

Trustee Batzel discussed with the Board implementing policies regarding fraud, credit cards, meals and travel reimbursement and cell phones.

Attorney Whiting - Any physical benefit or improvement, land, furniture, machinery, and apparatus is considered a capital project according to Section 11 of the Local Finance Law Book.

The Board along with Mr. Lauffer discussed capital projects and capital reserves and accounting procedures.

Trustee McKeown – We have to be aware of what we call things so we're not classifying them incorrectly.

Attorney Whiting - Building material purchases are not a capital project, or sidewalks are not a capital improvement.

Superintendent Barrett - CHIPS money can be used for sidewalks.

Mayor Freeman – We would like a little more time to review and finalize the corrective action plan.

Mayor Freeman was instructed to contact HUD regarding the Avon-On-The-Green monies received annually.

VOUCHERS AND MANUAL CHECKS:

Upon a motion by Trustee Batzel, the following vouchers are approved for payment.

Fund #1 General Fund	\$33,721.81
Fund #4 Schedule C	\$44,545.50
Fund #5 Water	\$ 4,730.73

Avon Village Board Meeting
Monday, January 25, 2010

Fund #6 Sewer	\$ 5,171.52
Fund #9	\$
Fund #10	\$
Fund #11	\$ 526.96
Fund #17	\$ 4,671.56
Fund #44	\$ 132.75
Fund #45	\$
Fund #47	\$
Fund #48	\$
Fund #49	\$
Fund #50	\$ 5,490.00
Fund #53	\$
Fund #54	\$
Fund #55	\$
Fund #56	\$
Fund #57	\$
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$
Fund #63	\$
Fund #64	\$
Fund #65	\$
Fund #66	\$ 3,584.04
Fund #67	\$
Fund #68	\$
Fund #69	\$
Fund #70	\$
Fund #71	\$
Fund #72	\$

Avon Village Board Meeting
Monday, January 25, 2010

Fund #73	\$
Fund #74	\$
Fund #75	\$
Fund #76	\$
Fund #77	\$
Fund #78	\$
Fund #79	\$
Fund #80	\$
Fund #81	\$
Fund #82	\$
Fund #83	\$
Fund #84	\$
Fund #85	\$
Fund #86	\$
Fund #87	\$
Fund #88	\$
Fund #89	\$ 1,850.25
Fund #90	\$
Fund #91	\$ 1,850.25
Fund #92	\$
Fund #93	\$ 108.26
Fund #94	\$ 44.32
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$ 2,388.85
Fund #99	\$
TOTAL	\$108,816.80

Manual Checks:

Avon Village Board Meeting
 Monday, January 25, 2010

Law Enforcement Officers Union – Police Dues	\$ 323.56
SEIU 200 United – DPW Union Dues	\$ 307.53
NYS Income Tax Processing-Pay. Of State Taxes	\$ 2,219.53
Nationwide Retirement – Deferred Comp.	\$ 1,476.26
NYS Child Support-Employee - Child Support	<u>\$ 230.00</u>
	\$4,556.88

Trustee Hayes seconded the motion and it was carried by the following vote:

Mayor Thomas Freeman	Voting	Yes
Trustee Mark McKeown	Voting	Yes
Trustee William Zhe	Voting	Yes
Trustee Robert Hayes	Voting	Yes
Trustee Timmy Batzel	Voting	Yes

CLOSED PROJECTS:

Upon a motion made by Trustee Zhe the following projects are hereby closed and the remaining monies returned to its original funding source:

<u>Project Name</u>	<u>Balance Remaining</u>	<u>Original Source</u>
H66-Repair Fence	\$453.64	HR32-Water Eqt.
H80-Membership Incentive	\$1865.24	HR21-Fire Eqt.
H98-PH Meter Replacement	\$6015.83	HR33-Water Filt.

Trustee McKeown seconded the motion and it was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
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Avon Village Board Meeting
Monday, January 25, 2010

William Zhe, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Robert Hayes Trustee	Voting	Yes

TRUSTEE'S UPDATE:

The Board agreed to have the Village Planning submit an opinion for the Special Use Permit Proposal for Senior Citizen Housing.

Last year the Town and Village Court jointly were awarded grant money for construction of the courtroom, signage, flags, bulletin board, television set, security system enhancements and audio equipment. The total amount of the grant money was \$21,725 and was paid to the Village of Avon. At this time everything has been constructed or purchased and is in place in the new courtroom with the exception of the television, which will be purchased soon. The remaining difference is \$8300.

Correspondence was received from the Avon Town/Village Court asking that the remaining money totaling \$8,300 be dispersed to the Town of Avon and it would be applied to courtroom construction costs. A Certificate of Payment for construction was submitted.

The Board felt there need to be accountability and should be spent on court room items, not construction. Mayor Freeman agreed to discuss it further with Supervisor LeFeber.

The Board reviewed request forms for employees wishing to attend a conference. The request must be submitted 30 days prior to the conference.

The following requests were made:

John Barrett
Tom Moran
Kirk Vanderbilt
Ken Farrell
Jim Fusco

Avon Village Board Meeting
Monday, January 25, 2010

To attend a Western New York Water Works Conference on February 3, 2010 in Batavia. The conference is needed to meet the accreditation standards of the Department of Health. The cost of the seminar is \$25 per person.

A request was also made by:

Bonnie Taylor-Davis

Because of the timing of the conference and the Board meeting Ms. Davis attended a conference for Rochester Roots Community Garden Conference. It was held on Saturday, January 16, 2010 in Rochester. There was a cost of \$25.00.

After discussion and review, a motion was made by Trustee Zhe to approve the requests as submitted. The motion was seconded by Trustee Hayes and carried by the following vote:

Mayor Thomas Freeman	Voting	Yes
Trustee Mark McKeown	Voting	Yes
Trustee William Zhe	Voting	Yes
Trustee Robert Hayes	Voting	Yes
Trustee Timmy Batzel	Voting	Yes

Correspondence received from New York State Department of Environmental Conservation was discussed. The DEC strongly encouraged the Village to begin an operator trainee program. It is imperative to begin training another operator, and have them certified with a Grade 1 certification, and work towards a Grade 2 operator certification. The question is when James Fusco leaves would we hire someone for the WWTP or train someone from the DPW?

Superintendent Barrett will notify DEC that we are working on a solution for backup for Ken Farrell.

Attorney Whiting has been working on the agreement with NYS Parks as to the funding and maintenance for the project of the Erie-Attica Bridge & Trail. Federal funding is in place and will be administered by the New York State Department of Transportation. The matching funds will include monies from the Village and NYS Parks.

Upon completion, the bridge and trail will be owned by NYS Parks with the adjacent parking area and egress owned by the Village.

Attorney Whiting - According to the agreement the Village would be responsible for the maintenance of the bridge and the construction of the bridge would require competitive bidding. Does the Village want to get involved in that? When I shifted the bridge cleaning and construction to the NYS Parks they balked. I feel a little uncomfortable with this.

Avon Village Board Meeting
Monday, January 25, 2010

Attorney Whiting and the Board agreed to sit on this for the time being and wait for a response.

DPW UPDATE:

Superintendent Barrett updated the Board on several items.

- Possibility of training a DPW employee to work as an Arborist
- Looking to purchase a skid steer from state bid this year
- Currently working on the budget
- Looking at grinding and paving Valley Lane and River Street this year

CODE ENFORCEMENT OFFICER UPDATE:

Code Officer Cappello informed the Board that there is an individual interested in purchasing 190 Clinton Street. She is a licensed masseuse; therefore, it follows the same type of business as was there previously.

Attorney Whiting – It was a pre-existing, non-conforming use but has been used as a medical facility, and no one is complaining?

Upon a motion, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk