

**MINUTES OF A MEETING OF THE
VILLAGE OF AVON BOARD OF TRUSTEES
MONDAY, OCTOBER 18, 2010
6:00 PM; VILLAGE HALL**

I. ATTENDANCE

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

Reid Whiting, Village Attorney
Anthony Cappello, Code Enforcement
John Barrett, DPW Superintendent
James Carney, Police Chief

QUORUM, 5 Present, 0 Absent

II. LEGISLATION

Schoenthal Septic System Agreement

MOTION: Trustee Zhe moved to authorize Mayor Freeman to sign a septic system agreement between Jean Schoenthal of 245 North Avenue and the Village of Avon particularizing their respective rights and responsibilities relative to the septic systems serving three homes, owned by Schoenthal, on Sunset Drive.

Schoenthal shall maintain and repair the three septic systems so they are structurally sound and operating within full compliance of the rules and regulations governing septic systems in the County of Livingston and State of New York. Municipal sewer charges are waived until May 17, 2015.

In the event the Village of Avon installs a sanitary sewer line on a dedicated street within 500 feet of the properties in question, Schoenthal shall be required to connect those properties to the municipal sewer system.

Seconded by Trustee McKeown. Voting in favor were Mayor Freeman and Trustees: Batzel, Hayes, McKeown and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

National Grid Settlement Agreement

MOTION: Trustee Zhe moved to authorize Mayor Freeman to sign a Settlement Agreement between National Grid and the Village of Avon resolving all issues concerning the applicability, assessment, collection and/or payment of the Village of Avon's assessment of local gross receipts tax on the delivery portion of natural gas and electricity Energy Supply Company (ESCO) transactions. Seconded by Trustee Hayes.

Voting in favor were: Mayor Freeman and Trustees: Batzel, Hayes, McKeown and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

New Language for Local Law 5 Property Maintenance

MOTION: Trustee Zhe moved to approve new language for Local Law 5, *Property Maintenance*, seconded by Trustee Batzel. Voting in favor were: Mayor Freeman and Trustees: Batzel, Hayes, McKeown and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

The Village Board will vote on Local Law 5 November 1, 2010.

Projects

MOTION: Trustee Zhe moved to close Project H46-APD portable radios and H52-Bulletproof Vests and return a \$5.00 balance from the latter to its original funding source, A201-General Fund Balance. Seconded by Trustee McKeown. Voting in favor were: Mayor Freeman and Trustees: Batzel, Hayes, McKeown and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

III. APPOINTMENTS

Appointment of a Full-Time Police Officer

MOTION: Trustee Zhe moved to appoint part-time Police Officer Matthew J. McFadden as a full-time officer effective November 1. Seconded by Trustee Hayes. Voting in favor were: Mayor Freeman and Trustees: Batzel, Hayes, McKeown and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

Appointment of Planning Board Members

MOTION: Trustee Hayes moved to appoint Laura Nobles of 352 Rochester Street and Malcolm D. LaFever of 59 Maple Street to the Planning Board. Nobles fills the unexpired term of Thomas Corrigan through April 1, 2014. LaFever fills the unexpired term of Harold *Hal* Cole through April 1, 2013.

Seconded by Trustee Zhe. Voting in favor were: Mayor Freeman and Trustees: Batzel, Hayes, McKeown and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

IV. VOUCHERS & MANUAL CHECKS

Vouchers and manual checks amounted to \$66,814.51 as follows:

Fund 1	General Fund	\$32,890.35
Fund 4	Schedule C	3,646.71
Fund 5	Water Fund	2,337.84
Fund 6	Sewer Fund	7,125.77
Fund 11	Manual Checks	12,199.52
Fund 17	Trust & Agency	4,380.44
Fund 64	River St Resurfacing	2,509.36

Fund 67	Fire Truck	352.52
Fund 87	Bullet Proof Vest Program	1,084.00
Fund 91	Rts 5&20 Sewers	288.00

Trustee McKeown questioned a general fund payment to **Carney's Catering** for the Association of Villages dinner the Village would be hosting Wednesday, October 20, pointing out the Board would be approving payment before services were rendered and the cost known. The Trustee yielded.

Trustee McKeown questioned a general fund payment of \$172.50 to DPW Laborer **Kirk Vanderbilt**, reimbursing him for his commercial driver's license (CDL) fee. DPW Supt. Barrett said the Village generally paid for CDL's when the license was part of the employee's job. A CDL was a 10-year license, he added. The Trustee yielded.

Trustee McKeown questioned a general fund payment of \$1,315.85 to **Hanson Aggregates, Inc.**, for paving material to repair the Collins Street parking lot apron to Peppermint's Restaurant, 244 East Main Street.

The Mayor explained the Village was trying to eliminate parking lot cut-thru's from Collins Street to East Main Street. Signs were going up and, in the process, the Village had agreed to repair the apron at Peppermint's.

Trustee McKeown expressed concern over setting a precedent, but yielded.

MOTION: Trustee McKeown moved for approval of the vouchers and manual checks, seconded by Trustee Hayes. Voting in favor were: Mayor Freeman and Trustees: Batzel, Hayes, McKeown and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

V. EXECUTIVE SESSION - PERSONNEL

MOTION: Trustee McKeown moved to go into executive session for "personnel" at 6:13 PM, seconded by Trustee Batzel. Voting in favor were: Mayor Freeman and Trustees: Batzel, Hayes, McKeown and Zhe. Voting against were: none.

CARRIED, 5 Ayes, 0 Nays

No action was taken. The Board returned to open session at 6:56 PM.

VI. DEPARTMENTAL REPORTS

A. Code Enforcement - Anthony Cappello

Finger Lakes Express, 265-273 East Main Street

The gas station was owned by PEMM, LLC. Peter Bruckel of that firm wished to add a Dunkin Donut franchise. Building and parking modifications were

necessary and Bruckel apparently wanted to move the Finger Lakes Express sign and add Dunkin Donuts signs.

But, Bruckel hadn't gotten any permits, Cappello continued. His contractor had filled out a building permit application that day and Cappello had left him sign and site plan review applications, but he hadn't returned to pick them up.

Bruckel had spoken with Fire Marshall Lee Rodamaker, Cappello continued. Rodamaker had told him a site plan review wasn't necessary. The Mayor expressed concern over the apparent lack of coordination between Cappello and Rodamaker. Rodamaker was the Fire Marshall and his activities were supposed to be limited to that, Cappello responded.

But, Bruckel was active in the Town of Avon and Rodamaker was a code enforcement officer there. Bruckel may have talked to him there, Cappello said.

What would have happened if Rodamaker had issued Bruckel a permit? Mayor Freeman asked.

Bruckel could have started construction and continued until a stop work order was issued, Whiting answered, adding that eventuality could have resulted in a lawsuit.

Trustees felt they needed to clarify Cappello and Rodamaker's roles. And, Cappello and Rodamaker needed to communicate, Mayor Freeman added. In the case of vacations, Cappello and Rodamaker need to understand what's going on.

A dumpster had been placed behind Finger Lakes Express, Carney noted.

And, workers there had pulled a smoke alarm from one of the bays and the Fire Department had responded, Barrett added.

The Village needed to get its arms around the project, the Mayor said remarked.

Other Activities

ESL Federal Credit Union had begun laying blacktop at the drive-thru kiosk they were building at 238 East Main Street, Cappello noted.

Richard Martin of 14 Five Lot Lane had a purchase offer on the former church he owned at 267 Linden Street, Cappello continued. The buyer reportedly wanted to turn the 8,400-square-foot building into a home. The building sat on approximately 4.25 acres.

The yield sign on the southbound lane of Genesee Street at Park Place was causing confusion, Cappello told Trustees. Southbound and northbound motorists seemed unsure of who had the right of way turning onto Park Place.

B. Department of Public Works – Superintendent John Barrett

DPW would pave at River and Spring Streets Tuesday, October 19, Barrett began. Afterwards, the crew would replace the paving-block crosswalk on Genesee Street at Park Place with blacktop.

Leaf pickup was also expected to begin Tuesday afternoon, the Superintendent continued.

DPW would provide a waterline tap for the ESL Federal Credit Union's drive-thru kiosk at 238 East Main Street Monday or Tuesday, October 25 or 26, Barrett said. The Village would charge \$500 for the tap.

The Village would also provide a waterline tap for Mark Robinson, 2100 North Littleville Road, at a lot on the south side of Littleville Road adjoining the LA&L Railroad line. Water would be used for agriculture and, eventually, a home. The Village would charge \$500 for the tap.

DPW assisted the Avon Inn, 55 East Main Street, Friday, October 1, when high winds blew their sign loose. An electric line kept the sign from toppling. Village equipment held the sign up until it could be secured. An equipment operator was needed for three hours overtime.

The Town of Avon had sent the Village a water survey for the South Lima area. Barrett said he could see no down side to the Town's providing water to that area.

C. Village Attorney – Reid Whiting, Esq.

Alcohol Consumption on Village Property

St. Agnes School had asked to use Village Hall for its *A Taste of Autumn* Festival from 6:30 PM until 10:00 PM Saturday, October 23. The festival would involve beer, wine and food tasting.

The Village's insurance carrier had suggested the Village Board amend the Village's facility use regulations to allow alcoholic beverages only if the applicant had a liquor legal liability policy with a \$1 million minimum.

The Village Facility Reservation form did need updating, Mayor Freeman remarked. The rules portion of the form mentioned things such as ash trays and the cleaning *lady*, the Mayor noted.

Mayor Freeman asked if what the insurance carrier had suggested was reasonable.

Whiting referred to the consumption of alcoholic beverages on village property as a *dram shop liability issue*. Dram shop referred to the body of laws governing the liability of taverns, liquor stores and other establishments serving alcoholic beverages. The laws were intended to protect the general public from the hazards of serving alcohol to minors or intoxicated patrons.

Any applicant intending to serve alcohol as part of an event on Village property should be required to get dram shop liability coverage with the Village named as an additionally insured, the Village Attorney advised.

The Mayor turned the Village Facility Reservation form over to Whiting for review.

D. Police – Chief James Carney

Carney provided Board members with a comparison of arrest, motor vehicle accidents (MVAs) and traffic tickets issued covering the years 2008, 2009 and 2010 to date. The totals were:

	<u>2008</u>	<u>2009</u>	<u>2010</u>
Arrests	111	127	125
MVAs	81	75	62
Traffic Tickets	335	337	543

Saturday, October 16, had been the deadline for submitting resumes for the full-time officer's position, Carney told Board members none had been received although two part-time officers had expressed an interest (*as indicated under appointments, the Board appointed Matthew J. McFadden to fill the full-time position effective November 1*).

Trustee McKeown noted the Village had expended about \$2,600 on service and repairs to the Police Department's Dodge Charger this year and had done about the same last year.

The car had between 75,000 and 80,000 miles on it and it was out of warranty, Carney remarked.

72,000 miles, Trustee McKeown said.

There was no SCHOOL ZONE signage for St. Agnes School, Trustee Hayes remarked. Should that be brought up with the State Department of Transportation (DOT)? the Trustee wondered.

The speed limit was 20 mph during school hours with flashing lights required in a school zone. The Mayor indicated the issue should be taken up with DOT.

Mayor Freeman asked Carney to identify the officers attending training on their time sheets. He also requested the Board be notified as to the type of training and conferences officers attended beforehand – all such matters should be submitted for Board approval, he noted.

E. Parks – Trustee Zhe

The Circle Park had been aerated and over-seeded which should help it look better, Trustee Zhe began.

A steel roof had been put on the south picnic pavilion at the Driving Park and the north pavilion would be done next.

There were various projects that could be done this fall or held off until spring, Trustee Zhe continued. They included:

Driving Park

- putting sand around the playground equipment
- paving the parking lot next to the track (*with grindings*)
- sealing cracks on the basketball court
- re-roofing the skate house and gazebo
- complete the tree trimming
- installing new posts and rebuilding the fence around the paddock

Trustee Zhe said Barrett would submit the latter as a project next year. Re-roofing the skate house and gazebo would be projects for next year, too, the Trustee added.

Five Arch Park

- putting a post at the edge of the parking area
- filling holes in the parking area

F. Fire Department

Trustee Batzel asked what the deal was with the 1994 Salisbury Rescue Pumper/Tanker the Village had for sale; a broker had advertised the truck for \$135,000. The truck, he contended, was overpriced by \$25,000.

Check the internet, Trustee Batzel continued, there are trucks available at cheaper prices, but other municipalities are waiting on grants. Should we hold paper? he asked.

Call the Fire Department's Truck Committee back in and get them motivated, Trustee McKeown recommended. The Truck Committee had suggested the Village should get \$150,000 for the truck.

Mayor Freeman called for a special meeting with the Fire Department's Truck Committee for 6:00 PM Monday, October 25, at Village Hall. Trustee Hayes said he would check Craig's List for used fire truck listings.

VII. ADJOURNMENT

MOTION: Trustee McKeown moved for adjournment at 9:23 PM, seconded by Trustee Hayes. Voting in favor were: Mayor Freeman and Trustees: Batzel, Hayes, McKeown and Zhe. Voting against were: none.

CARRIED, 4 Ayes, 0 Nays


Gary Margiotta
Deputy Clerk