

Avon Village Board Meeting
Monday, February 15, 2010

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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, February 15, 2010.

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

Staff: John Barrett
Sergeant Pete Henry
Fire Chief Batzel
Christine Quinlan
Tony Cappello
Reid Whiting, Attorney

Visitors: Russell Loughry
Paul Drozdiel
Scott Sutherland

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

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VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from February 1, 2010 meeting are hereby approved as submitted. Trustee Hayes seconded the motion and it was carried by the following vote:

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

RUSSELL LOUGHRY:

Mr. Loughry informed the Board that he is in the very beginning stages of planning a 5k charity run in Avon. He informed the Board that he has already spoken to Sergeant Henry in regard to this. I would like to get official approval from the Board. We would start at the school and end at the school. There would be a combination of runners and walkers. The streets would need to be shutdown approx. 1 ½ hours. We can get volunteers to help man the streets. My thought is we would be very happy to get 200 runners and/or walkers.

Sergeant Henry – If he's getting some volunteers we would just need a couple officers. On Genesee Street we would have to get the walkers to move over to the side of the street. I don't foresee a problem; they are staying off the main highways. The route would be Spring Street, Sackett Road, Linden Street and Genesee Street (3.2 miles).

Mayor – What about insurance?

Russell Loughry - We will get general liability for all participants and have the Village named as an additional insured.

Mayor Freeman informed Mr. Loughry to keep Clerk Baker and Sergeant Henry informed.

The date of the run would be either Saturday, July 31, or Sunday, August 1st. The time would be 9 a.m., and the cause is the rehabilitation fund for his nephew (Bryan Parslow) who is paralyzed from the waist down.

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If the Board has no objection, then the next step would be to form a committee to organize the details.

CHIEF BATZEL:

Chief Batzel updated the Board on the pumper truck that they will be selling. The broker is very confident that the truck will be sold before the new truck comes in.

Scott Sutherland – The one broker wants 10%, and we've got one that will take a 7% commission. We're at 7% and will be asking \$130,000 - \$150,000. We have pictures already on a CD.

Attorney Whiting – Accept payment for the truck by a certified check only.

Scott Sutherland – We can advertise it ourselves or through a broker.

Mayor Freeman – I think we want someone in the business doing it.

Chief Batzel informed the Board that they should receive the new truck by the end of August or beginning of September.

Chief Batzel reported that he found a vendor where he could get 1500' of 5" hose that's 20 cents cheaper and another one who is 20 cents higher. At this point we're not ready to buy it because it would just sit in the fire hall.

Chief Batzel informed the Board that the Fire Department was doing to do a walk through of the Opera Block this evening to get familiar with the layout and the mechanical room.

PAUL DROZDIEL:

Mr. Drozdiel informed the Board that currently he owns 184 Spring Street (International Harvester). The reason why I'm here is I want to talk about a program NYS is putting out again.

Treasurer Quinlan – You have to be a not for profit organization in order to apply and Avon Chamber is. They've also opened it up for municipalities.

Paul Drozdiel - It's a judge type program you apply and they judge what you submit so you're competing with others. Mt. Morris was awarded \$400,000 last year. It's not limited to just the downtown area.

Treasurer Quinlan - They favor applications with three continuous blocks together.

Paul Drozdiel – There would be no cost or burden to the Village. I’m interested in the building renovation part. It’s a matching grant for building renovations, streetscape and downtown anchors. Mt. Morris had improvements made to their parks. I think it’s an opportunity for businesses to get assistance and cleanup their property. I think it would be a good program for the Village to spearhead. It’s a good opportunity to make the Village look better. I’ve talked with the Regional Office in Buffalo and they like to see the Village support something like this. They set the tone and the direction.

Trustee Hayes – This could fit in with our needed signage.

Mayor Freeman – What level is the Chamber at to make this application by the timeframe.

Paul Drozdiel – I don’t think they are prepared.

Treasurer Quinlan – I wouldn’t feel comfortable doing this. I think this would be a grant for THOMA.

Mayor Freeman – They are the county grants writer. I think it’s a good idea. We need to be interviewed by the grants man so they know what we want.

Mayor Freeman asked Treasurer Quinlan to contact THOMA and see what we need to do.

Paul Drozdiel - I’ve talked with Tony Cappello about changing the zoning or getting a use variance for my building at 184 Spring Street. I would like to go with upscale apartments at the Mill. It’s currently zoned Light Industrial and my neighbor who is a single family home is zoned Light Industrial.

VOUCHERS AND MANUAL CHECKS:

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

Fund #1 General Fund	\$27,953.77
Fund #4 Schedule C	\$10,394.11
Fund #5 Water	\$ 732.28
Fund #6 Sewer	\$ 7,217.50
Fund #9	\$

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Fund #10	\$
Fund #11	\$
Fund #17	\$ 151.94
Fund #44	\$
Fund #45	\$
Fund #47	\$
Fund #48	\$
Fund #49	\$
Fund #50	\$
Fund #53	\$
Fund #54	\$
Fund #55	\$ 3,628.00
Fund #56	\$
Fund #57	\$
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$
Fund #63	\$
Fund #64	\$
Fund #65	\$
Fund #66	\$
Fund #67	\$
Fund #68	\$
Fund #69	\$
Fund #70	\$
Fund #71	\$
Fund #72	\$
Fund #73	\$
Fund #74	\$

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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	\$ 667.50
Fund #90	\$
Fund #91	\$ 1,910.33
Fund #92	\$
Fund #93	\$
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$ 52,655.43

Manual Checks:

Alzheimer's Association \$ 50.00

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Village of Avon-remndr/bal of HSA	\$2,007.97
Village of Avon-remndr/bal of HSA	\$1,877.29
Village of Avon-remndr/bal of HSA	\$3,802.24
Village of Avon-remndr/bal of HSA	\$4,612.50
Law Enforcement Officer's Union	\$ 323.56
NYS Child Support Proc. Unit	\$ 230.00
NYS Income Tax proc. Unit	\$1,729.54
SEIU 200 United	\$ 307.53
Nationwide Retirement-Deferred Comp.	<u>\$1,492.41</u>
TOTAL:	\$16,433.04

Trustee Zhe 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

POLICE UPDATE:

Sergeant Henry informed the Board that he had talked with Bruce Amey and he is happy with the way things have been going. The communication had been an issue and now we've got that worked out.

The Department has been working on a missing person's case, and he was found in Maryland. Also we are working with the State Police on a couple of incidents.

Sergeant Henry suggested that the Village Board look into raising the fee for parking tickets. Currently there are numerous individuals that just don't pay them because the fines are only \$5.00. It's not worth the Court's efforts to chase them down. If they were higher it would be worth the court to take more steps to collect. This would be for downtown parking and overnight parking. Also I believe the parking on Prospect Street with diagonal parking is a problem and I think it should be eliminated. It's unsafe. I suggest parallel to the curve. It's a bad situation when you're trying to back out.

Mayor Freeman – Kenny Ippolito is currently researching this. How would we make this change?

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Attorney Whiting – You would do a Local Law to make the change.

Sergeant Henry reported that he and the Mayor went to the Town Board to request using a room for the police interview room for the next year. They had no problem having the Police use the room.

TRUSTEE'S UPDATE:

Mayor Freeman informed the Board that he had talked to the General Manager directly regarding the complaints at Community Manor. He was very surprised and didn't know anything about it and was going to talk to someone on the Avon Interfaith Council who had sent the letter.

Tony Cappello added that the leaking pipes are a maintenance issued.

Tony Cappello reported that the Health Department is calling regarding Gray Metal. Mayor Freeman said they would go down once again and do an inspection.

COMMERCIAL SEWER UNITS:

The Board reviewed the proposed commercial sewer unit changes. These accounts include multi-structures, i.e. a business with apartments above, as well as strictly commercial businesses are as follows:

<u>Acct.</u>	<u>Name</u>	<u>Present</u>	<u>Proposed</u>
100100	Wayne Schultz	19	16
500600	J.O. Cook, Inc.	21	22
4001000	ACS High	45	27
5002050	McDonalds	7	8
5002065	Avon Kids Club	1	2
5002100	Peppermints	6	7
6006800	Community Integrated Svc.	1	2
11002600	B & B Precision	9	2
12004300	Star Headlight	11	9
12004800	Aldon	8	6
12005500	A.B. Equipment (Fat Sam's)	<u>3</u>	<u>2</u>
		131	103

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The Board directed that the property owners be notified of the proposed changes and that a public hearing is scheduled for the second meeting in March on Monday, March 15th at 6:30 p.m.

Upon a motion made by Trustee Hayes, the public hearing relative to the proposed changes in commercial sewer units is hereby scheduled for Monday, March 15, 2010 at 6:30 P.M. Trustee Batzel seconded the motion and it was passed 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

FIRE DEPARTMENT:

The Village Board hereby acknowledges the petitions of the following for the 2010 Fire Department election scheduled for Thursday, April 8, 2010.

Jeremy Batzel	Fire Chief
Bryan Scott	1 st Assistant Chief
John Kellen, Jr.	2 nd Assistant Chief

Mayor Freeman briefly updated the Board on HUD money regarding the Avon on the Green monies which is received annually. The Village is working with HUD to reach a final determination regarding these funds.

COMPUTEL CONSULTANTS:

A consulting agreement was presented to the Board for their approval for a Utility Billing Analysis service. Pending approval of the agreement the firm will review electric bills (including street lighting), gas, and telephone accounts as well as our Cable TV franchise agreement.

Upon a motion made by Trustee Zhe and seconded by Trustee Hayes the Board was in unanimous agreement to approve the Consulting Agreement and the Letters of Authority. The motion was carried by the following vote:

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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

UNISON CELL TOWER:

The Board acknowledged a letter received from Unison stating that they are adding antennas and marketing some sites in our area and would like to speak to someone about our site. Mayor Freeman placed a call to speak with someone and no one returned his call as of yet.

ERIE ATTICA TRAIL:

Attorney Whiting found some things in the contract that were problematic. He went over his comments. Premises liability (page 3 par. 3g). This paragraph is overly broad. At a minimum, it should be limited to Village owned land and facilities. I don't think Selective would approve of this language. I recommend that it be eliminated. In the event of a personal injury or property damage claim, Plaintiff's counsel will point to this clause as a Village guaranty of safety. Page 3, paragraph 3.i. An objective standard should be inserted, such as "a minor repair is defined as involving time and materials or less than \$1,000.00", for example.

Attorney Whiting – I can't in good faith leave the language as it is now. Why would the Village indemnify Parks. I don't understand the setup. I think it's an unbalanced contract.

Attorney Whiting – We've heard from the DOT representative that Parks is notorious for being a slow pay.

Trustee McKeown – Is there a funding schedule to this?

Treasurer Quinlan – Yes, parks has to fund \$1,080,000.

Mayor Freeman – When we met with Parks people did they ever see Attorney Whiting's second draft?

Treasurer Quinlan – No, Phil Swanson went through and made changes up to #5 and didn't know what verbiage to use. Can we use the same verbiage from Darien?

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Treasurer Quinlan - The Village would have to fund \$287,000. \$60,000 would be gone for the project; the \$220,000 would come back to us. I would put it into a project and pull out of fund balance. We have \$60,000 budgeted now and we would have to come up with \$227,000.

Attorney Whiting – The reimbursement schedule is for monthly payments.

Trustee Batzel – Questioning the timeframe for payment. What if they don't pay, what is the repercussion?

Attorney Whiting – I'll put something together and forward on to Steve at DOT.

Mayor Freeman – Attorney Whiting points out some big potential issues. If Attorney Whiting is ok with the revisions, then he can send it on to Parks. We will talk about it at our March 1st meeting.

Attorney Whiting informed the Board that he got a call from a contractor's Attorney regarding nonpayment from Mark Alexander. Do not take dedication until we have clear title. I recommend a title search or lien releases that affects the property before taking dedication.

ALLIANCE FOR BUSINESS GROWTH – 2010-2011:

A letter from Julie Marshall, Deputy Director of Livingston County Development Corporation was acknowledged. Enclosed was a Services for Village Members Plan. The plan details the services to be provided by the Livingston County Development Corporation/Alliance for Business Growth to participating Villages. Ms. Marshall and Ms. Wadsworth would like to attend an upcoming Village Board meeting to further discuss the program and appropriation request as well as answer any questions.

The Board will invite them to attend the Village Board meeting on March 15, 2010.

The Board discussed items that they would take to their joint Town/Village Board meeting on March 18, 2010.

DPW UPDATE:

Superintendent Barrett and the Board explored different configurations to reduce the debt that now exists in Schedule C for under usage of water for the past three years.

The Board will discuss the situation with the Town Board at their joint meeting.

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Kraft agreed to let Superintendent Barrett know when there will be new projects or when they will have a shut down. Kraft has been the beneficiary because they've been charged an incredibly low rate over the years.

Mayor Freeman asked Attorney Whiting to review Schedule C and the Water Agreement with the Town.

Trustee Zhe, Trustee Hayes and Superintendent Barrett met to discuss crosswalk signs. They will be meeting with the DOT to get some answers.

Trustee Zhe informed the Board that Parks would like to purchase garland with LED lights for half the light posts and they are asking now because there is a 25% discount. The cost is \$132.75 each. They're looking to do eleven poles at a cost of \$1,460. We need a decision before the end of March.

CODE ENFORCEMENT OFFICER'S UPDATE:

There is one new business in the Village, a mattress place at Richard Blanke's building and we lost an existing business, the reptile store on West Main Street.

Upon a motion, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk