

Avon Village Board Annual Meeting  
Monday, April 12, 2010

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Avon Village Board Annual Meeting  
Monday, April 12, 2010

## **ANNUAL MEETING 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, April 12, 2010.

Present:        Thomas Freeman, Mayor  
                  William Zhe, Trustee  
                  Mark McKeown, Trustee  
                  Robert Hayes, Trustee (Entered @ 7:15 p.m.)  
                  Timmy Batzel, Trustee (Entered @ 7:30 p.m.)

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Staff: James Carney  
Peter Henry  
Ryan Colvin  
John Barrett  
Reid Whiting, Attorney

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

*Mayor Freeman opened the public hearing for the Annual Meeting by reading the duly published notice and continued with the appointments.*

**APPOINTMENTS:**

Mayor Freeman began by reappointing Mark McKeown as Deputy Mayor for a term of one year, and asked for a motion to approve the following appointments:

Upon a motion made by Trustee Zhe, the following appointments were made:

AVON POLICE DEPARTMENT:

Chief of Police	James Carney
Sergeant	Peter Henry
Police Officer	Joseph Geer
Police Officer	Timothy Ferrara, Jr.
Police Officer	John Jordan, Jr.
Police Officer – Part time	Kenneth Ippolito
Police Officer – Part time	James Noble
Police Officer – Part time	Ryan Sherman
Police Officer – Part time	Tamara Bingham
Police Officer – Part time	Matthew McFadden

DEPARTMENT OF PUBLIC WORKS:

Superintendent of Public Works	John Barrett
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FIRE DEPARTMENT:

Fire Chief	Jeremy Batzel	2011
Assistant Fire Chief	Bryan Scott	2011
Assistant Fire Chief	John Kellen, Jr.	2011
Village Clerk	Patricia Baker	2 yrs.
Deputy Clerk	Gary Margiotta	2 yrs.
Treasurer	Christine Quinlan	2 yrs.
Village Justice	Joseph Temperato	4 yrs.

ANNUAL:

Zoning Officer	Anthony Cappello	1 yr
Code Enforcement Officer	Lee Rodamaker	1 yr
Village Attorney	Reid Whiting	1 yr
Acting Village Justice	Peter Piampiano	1 yr
Court Clerk	Janis Cole	1 yr
Deputy Court Clerk	Jennifer Sergeant	1 yr

PARK COMMISSION:

Park Commission Chairperson	John Marks	1 yr
Park Commission Member	Marnie Baker	4 yrs.

ZONING BOARD:

Zoning Board Chairperson	Daniel Freeman	1 yr
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PLANNING BOARD:

Planning Board Chairperson	Rusty Korth	1 yr
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Mayor Freeman announced that Jean Schoenthal's position on the Planning Board has expired and that the Village will advertise for the position to see if there is anyone else interested. If Jean is still interested in serving on the Board then she can submit a letter of interest also. The Mayor talked to Jean and to Rusty Korth and they are fine with the interview process.

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

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

BOARD LIAISONS:

Mayor Freeman talked to the Board about the possibility of the Board rotating Village Board members for the different Board Meetings. We will make it a separate line item on the agenda for the first meeting of each month to discuss who will attend the different Board meetings for the following month. The Board was in agreement to this idea.

Upon a motion made by Trustee Zhe, approval was made for the following;

***BANK:***

The Bank of Castile  
HSBC  
Five Star  
J P Morgan Chase  
Canandaigua National Bank & Trust

***OFFICIAL PAPER:***

The Livingston County News

***MEETING NIGHTS AND TIMES:***

First and Third Monday of each month at 6:00 pm.

***ADVANCED APPROVAL OF CLAIMS:***

Utility bills, postage, etc., bills which might incur a late penalty shall be paid in advance and approved at the next regular Village Board meeting.

**MILEAGE ALLOWANCE:**

IRS 2010

Privately owned vehicle – 50 cents per mile

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

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

Upon a motion made by Trustee Zhe the following investment policy, borrowing policy and check signing authority is hereby approved as submitted:

**INVESTMENT POLICY**

**1. INVESTMENT POLICY PURPOSE:**

The Board of Trustees desires to provide the finest services possible to its residents, compatible with the least cost to its taxpayers. To achieve this goal, all sources of revenue, other than taxes, must be enhanced. Interest earnings offer a large potential alternative source of revenue.

The Board of Trustees desires that excess Village monies, not needed for immediate payment of bills, be temporarily invested to earn a safe return as provided for within the Village Law, General Municipal Law, Local Finance Law and Banking Law. The criteria for investing Village monies, in order of priority, shall be:

- 1.1 **Safety**-Funds must not be lost to the Village.
- 1.2 **Liquidity**-Appropriate amounts must be available for each payroll, debt service, and abstract date. No investment should mature later than the date the invested funds are anticipated to be needed and in no case, more than two years from the date of purchase.
- 1.3 **Yield**-The highest market interest rate available (other conditions being equal) is to be solicited.

**2. PRUDENCE:**

All participants in the investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village's ability to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence would exercise

In the management of their own affairs; not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**3. DIVERSIFICATION:**

The policy of the Board of Trustees is to reduce the risk by diversifying deposits and investments by: (1) bank or trust company, (2) investment instrument, and (3) date of investment maturity.

**4. DELEGATION OF AUTHORITY FOR INVESTING VILLAGE MONEY AND SIGNING CUSTODIAL/SECURITY AGREEMENTS:**

The Board of Trustees hereby specifically delegates the authority to sign the written security and/or custodial agreements with the designated banks and to make the day-to-day investment decisions, including Certificates of Deposit, within the guidelines and limitations of this policy resolution to the incumbent in the position title of:

- 4.1 Village Treasurer, as Chief Fiscal Officer, and/or
- 4.2 Village Mayor, and/or
- 4.3 Deputy Mayor, and/or
- 4.4 Village Clerk

The above officers and administrators are hereby authorized to utilize the advisory services of municipal consulting firms in planning the timing, amount, maturity, bidding, placement, and reporting of any investments made hereunder.

5. AUTHORIZED COMMERCIAL BANKS OR TRUST COMPANIES:

The Board of Trustees authorizes the use of the following commercial banks or trust companies (not savings banks or associations), located and authorized to do business in New York State, for placing investments and specifically prohibits using private brokerage firms or investment firms. Diversification of depositories increases the safety and total FDIC coverage of Village monies. Consequently, to the extent practical, more than one bank or trust company will be utilized. The Village must enter into a written Security Agreement and/or Custodial Agreement with each (General Municipal Law §10 & §11, Local Finance Law §165.00 (b), Banking Law @107-a).

- 5.1 HSBC
- 5.2 The Bank of Castile
- 5.3 Five Star
- 5.4 J P Morgan Chase
- 5.5 Canandaigua National Bank
- 5.6 And any other commercial banks or trust companies meeting the above requirements when bidding conditions warrant.

6. AUTHORIZED INVESTMENT INSTRUMENTS:

The Board of Trustees authorizes the following types of investment instruments for investing Village monies with commercial banks or trust companies authorized to do business in New York State:

- 6.1 Savings Accounts.
- 6.2 N.O.W. Accounts.
- 6.3 Money Market Deposit Accounts.
- 6.4 Super N.O.W. Accounts.
- 6.5 7 to 31-Day Accounts.
- 6.6 Certificates of Deposits.
- 6.7 Repurchase Agreements.
- 6.8 U.S. Treasury Bonds, Bills, Notes.
- 6.9 Other investment instruments as may be approved by the Office of the State Comptroller from time to time.

7. FDIC INSURANCE AND OVERAGE COLLATERALIZATION:

The primary objectives of this policy are to enhance the safety and availability of any Village monies invested. These objectives are partially met by FDIC insurance covering the first \$100,000 of Village checking account deposits and an additional \$100,000 for time or savings account deposits with any one specific commercial bank or trust company (12 Code Federal Regulations 330.8).

Any amounts exceeding the FDIC insurance limit, as presently set or subsequently revised, are to be insured to the Village by requiring an allocation and pledging of appropriate collateral by the bank or trust company winning the bid for the investment. All investments must be bid specifying "with collateral". Written custodial and/or security agreements must be entered into with each bank or trust company (General Municipal Law, §10 & §11, Banking Law §107-a) which require the custodial bank or trust company to keep the securities they purchased as collateral for the Village separate and apart from the institution's own general assets. Banking law requires the bank or trust company to comply in completing the written agreements.

#### 8. SECURITY AGREEMENT:

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. The security agreement shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the Village to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Village, such securities shall be delivered in a form suitable for transfer or with an "assignment in blank" to the Village or its custodial bank.

The security agreement and the custodial agreement may be combined in a single document pursuant to Section 10, 3, a of the General Municipal Law.

#### 9. CUSTODIAL AGREEMENT:

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be co-mingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Village a perfected interest in the securities.

#### 10. COLLATERAL:

Village deposits and investments may be secured either by obligations or securities or, in whole or in part, by a surety bond or irrevocable letter of credit.

Surety bonds must be issued by an insurance company authorized to do business in this State, the claims-paying ability of which is rated in the highest rating category by at least two nationally recognized rating organizations. The surety bond must be equal to 100% of the aggregate amount of deposits and the agreed upon interest.

Eligible letters of credit will be those issued by a bank or trust company (other than the bank or trust company with which the investment is placed) with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest that either:

- 10.1 has commercial paper or other unsecured short-term obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company has commercial paper and other unsecured short-term debt obligations) rated in one of the three highest rating categories by at least one nationally recognized rating organization; or
- 10.2 is in compliance with applicable minimum federal risk based capital requirements.

#### 11. ELIGIBLE SECURITIES FOR COLLATERAL PURPOSES:

The current market value of collateral utilized must equal or exceed the value of the collateralized deposits. The currently permitted collateral may be subsequently supplemented by new instruments when approved by the Office of the State Comptroller. Permissible collateral includes (General Municipal Law §11, 31CFR, 203.15):

- 11.1 Obligations issued by the United States, an agency thereof or a government sponsored corporation fully insured or guaranteed as to the payment of principal and interest, an agency thereof or a United States sponsored corporation;
- 11.2 Obligations issued or fully insured by this state, obligations issued by a municipal corporation, school district or district corporation of this state or obligation of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys;
- 11.3 Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank; and
- 11.4 Obligations partially insured or guaranteed by any agency of the United States, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.

All investment obligations shall be payable or redeemable at the option of the Village within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided; and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village within two years of the date of purchase.

#### 12. TRANSFER OF FUNDS:

The Board of Trustees specifically authorizes the designated officials the authority to use electronic transfer of funds, among the approved banking institutions, to assist in obtaining “federal funds” enhanced interest rates. Each such transfer shall be specifically identified in the original journal entry as a “wire transfer” and subsequently supported by the bank statement or confirmation notice to provide an audit trail.

#### 13. SAFEKEEPING:

The Board of Trustees specifically authorizes the designated officials the authority to turn over the physical custody of Certificates of Deposit and other evidences of investments for “safekeeping” possession to the bank, as provided in General Municipal Law §11(3), to facilitate access to funds at maturity and to eliminate having bearer certificates in the Village offices.

14. CO-MINGLING OF FUNDS:

The co-mingling of various funds into a single common investment is specifically authorized provided that the separate identity of each fund is maintained and the proportionate share of interest is allocated to each upon maturity of the investment (General Municipal Law §10 and §11).

15. WRITTEN REPORTS:

All investments shall be documented in written reports to the Mayor, for subsequent presentation to the Board of Trustees, outlining the details of each investment including: the amount, dated and maturity dates, interest rate and the unsuccessful quotes received thereon. When investments are placed, these reports should be presented no less than monthly (General Municipal Law §10).

## BORROWING POLICY

1. BORROWING PURPOSES AND DEBT INSTRUMENTS

- 1.1 The Local Finance Law authorized Operating Borrowings to cover cash-flow shortfalls including: Revenue Anticipation Notes, Tax Anticipation Notes, or Budget Notes. The Board of Trustees through the adoption of a formal Borrowing Resolution must authorize these types of borrowings.
- 1.2 Capital Borrowings many including Ban Anticipation Notes, Statutory Installment Bonds, and Serial Bonds. These borrowings are only authorized for items for which the New York Legislature through Section 11.00 of the Local Finance Law has established a Period of Probable Usefulness. These borrowings, generally, may only be undertaken after a positive public majority vote at the Annual or special election. The Board of Trustees must formalize

the authority for the indebtedness by adopting a legally complete formal Bond Resolution prior to any borrowing. A recognized bond counsel should prepare the text of the Bond Resolution, vote and legal notices. The Board of Trustees hereby delegates its authority to set the terms and conditions of any borrowing to the Treasurer, as Chief Fiscal Officer, of the Village.

2. BORROWING PROCEDURES:

The Treasurer shall make recommendations to the Board of Trustees on the timing, bidding, terms and conditions of, placement and reporting on any borrowings. Operating borrowing recommendations shall be supported by a monthly cash flow estimate covering the time thereof and establishing the amount of such borrowing. The Treasurer is authorized to solicit and use the services of a Financial Consultant and Bond Counsel in planning and completing any borrowing to optimize the number of potential quotes and obtain lower market interest rates.

3. WRITTEN REPORTS:

All borrowings shall be documented in written reports outlining the details of each borrowing and the interest rate quotes received thereon. The written report shall be first presented to the Mayor, who shall report thereon at the next regularly scheduled Board Meeting.

4. LEGAL OPINION:

The use of a recognized "Red Book" Bond Counsel is hereby approved to draft the legal notices, resolutions, borrowing instruments, and render his approving Legal Opinion on the legality and tax status of the debt instrument.

**CHECK SIGNING AUTHORITY:**

The following check signing authority is hereby adopted for the Mayor, Deputy Mayor and/or Treasurer:

Checks in the amount of \$0 - \$10,000 – one signature required  
Checks in the amount of \$10,000 or more – two signatures required  
Withdrawal slips, wire transfers – one signature required.

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

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

## **EXECUTIVE SESSION:**

Upon a motion made by Trustee Zhe, the Board went into executive session at 6:10 p.m. to discuss personnel matters. Trustee McKeown seconded the motion and the Board exited executive session at 6:30 p.m. The motion was carried by a unanimous vote.

## **SERGEANT HENRY:**

At the last Village Board meeting Sergeant Henry handed out parking law revisions eliminating angle parking and amendments to Chapter 60 on penalties. He asked the Board if they had any further questions on what he had presented.

Mayor Freeman – I have a hard time thinking we're going to change the parking. It's been that way for years. We haven't had any problems.

Sergeant Henry – Just this week-end we had an accident. It's my recommendation to parallel park and paint new lines. The way it is now, it is hard for emergency apparatus to get down there.

Mayor Freeman – How many spaces will we lose?

Sergeant – I don't know. I'd carry it right down to the church. Any questions on the fines?

Attorney Whiting – Fines and parking would have to have a public hearing to amend the law.

The Board agreed to discuss it further with a full Board at their next meeting since two Trustees are missing.

The Board had a brief discussion on signs for crosswalks with the Police Department.

Sergeant Henry announced that there will be a MS Walk which will be on May 2<sup>nd</sup>. It starts at the school goes down Genesee to Spring Street and Sackett Road. No extra help will be needed; we will use some traffic cones.

Sergeant Henry reported that his retirement date is April 30<sup>th</sup>. He informed the Board that he will be in and out for the Memorial Day Parade and a car seat check is coming up.

Chief Carney suggested that Sergeant Henry give a letter of resignation and upon doing so request a part time position.

Chief Carney informed the Board that Tim Ferrara will be eligible to take the Sergeant test in June and we'd have test results in August. Right now we have part time guys more than willing to help out and fill in.

The Mayor informed Chief Carney that at their next meeting the Board would like to hear about his school and training.

Chief Carney reported that it's a great thing down the road to send a Sergeant to. It would be advantageous for anyone involved in policies.

## **VILLAGE BOARD MEETING MINUTES:**

Upon a motion made by Trustee Hayes the minutes from March 15, 2010 meeting are hereby approved as submitted. Trustee Zhe seconded the motion and it was carried by the following vote:

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

## **FIRE DEPARTMENT:**

Upon a motion made by Trustee Zhe the following election results from the 2010 Fire Department Election are hereby accepted by the Village Board of Trustees:

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

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

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

## **2010-11 BUDGET:**

### **BUDGET PUBLIC HEARING:**

The Mayor opened the public hearing for the 2010-11 budget by reading the duly published notice.

Mayor Freeman reported that the proposed budget is a little less than 2% over the budget last year.

**SUMMER HELP**– Mayor Freeman informed the Board that he had talked with Superintendent Barrett regarding the applicants for summer employment.

The Board agreed that including Mike Manning and Duane Staples there will be five people plus a flower person working for the Village this summer. The flower person would do flowers in the mornings and in the afternoons be available to help at the Driving Park. Joey Temperato and Justin Matusak will be returning.

Superintendent Barrett reported that the tree trimming crew is gone. They took down about 16 trees.

Superintendent Barrett asked the Board to set-up permissive referendums to release monies so he can get started on several projects.

**RESERVE HR-24- STREETS:**

**SIDEWALK REPAIRS**

Trustee Hayes offered the following resolution and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$10,000 from capital reserve funds HR24 – SIDEWALKS for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for SIDEWALK REPAIRS. The maximum estimated costs of the aforesaid specific object or purpose is \$10,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

**CAPITAL PROJECT:**

Trustee Hayes offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$10,000.

Resolved, that said capital project shall be number H and entitled *SIDEWALK REPAIRS*.

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

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

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### **NEW SIDEWALKS (POLE BRIDGE ROAD):**

Trustee McKeown offered the following RESOLUTION and moved for its adoption:

#### RESOLUTION

A RESOLUTION authorizing the expenditures of 7,000 from capital reserve *funds HR24 – SIDEWALKS* for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for *NEW SIDEWALKS*. The maximum estimated costs of the aforesaid specific object or purpose is \$7,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

**CAPITAL PROJECT:**

Trustee Hayes offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$7,000.

Resolved, that said capital project shall be number H and entitled *POLE BRIDGE ROAD SIDEWALKS*.

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

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

.....  
**RESERVE HR-31-WATER DISTRICT LINES:**

**WATER LINES:**

Trustee McKeown offered the following RESOLUTION and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$10,000 from capital reserve funds HR31 – *WATER LINES* for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for LEAK DETECTION CORRELATOR. The maximum estimated costs of the aforesaid specific object or purpose is \$10,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice

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of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

**CAPITAL PROJECT:**

Trustee Hayes offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$10,000.

Resolved, that said capital project shall be number H and entitled *LEAK DETECTION CORRELATOR*.

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

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

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**REPAIR THE CONCRETE BASE OF THE 2 MIL. TANK:**

Trustee Zhe offered the following RESOLUTION and moved for its adoption:

RESOLUTION

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A RESOLUTION authorizing the expenditures of \$10,000 from capital reserve funds HR31 – WATER LINES for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for REPAIR THE CONCRETE BASE OF THE 2 MIL. TANK. The maximum estimated costs of the aforesaid specific object or purpose is \$10,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

#### **CAPITAL PROJECT:**

Trustee McKeown offered the following RESOLUTION and moved for its adoption:

#### RESOLUTION

Resolved, that a capital project be established in the amount of \$10,000.

Resolved, that said capital project shall be number H and entitled REPAIR CONCRETE BASE OF 2 MIL. TANK.

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

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

.....

**RESERVE HR-42- SEWER PLANT**

**SLUDGE HAULING:**

Trustee Hayes offered the following RESOLUTION and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$10,000 from capital reserve funds HR42 – SEWER PLANT for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for *SLUDGE HAULING*. The maximum estimated costs of the aforesaid specific object or purpose is \$10,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

**CAPITAL PROJECT:**

Trustee McKeown offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$10,000.

Resolved, that said capital project shall be number H and entitled *SLUDGE HAULING*.

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

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

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### **RESERVE HR-23-BUILDINGS:**

Trustee Hayes offered the following RESOLUTION and moved for its adoption:

#### RESOLUTION

A RESOLUTION authorizing the expenditures of \$10,000 from capital reserve *funds HR23 – BUILDINGS* for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for *PARKING BEHIND STORES*. The maximum estimated costs of the aforesaid specific object or purpose is \$10,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

**CAPITAL PROJECT:**

Trustee Batzel offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$10,000.

Resolved, that said capital project shall be number H and entitled *BUILDINGS*.

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

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

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**RESERVE HR-22 – EQUIPMENT:**

**SKIDSTEER:**

Trustee McKeown offered the following RESOLUTION and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$31,000 from capital reserve funds *HR22 – GENERAL EQUIPMENT* for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for a *SKIDSTEER*. The maximum estimated costs of the aforesaid specific object or purpose is 31,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice

of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

**CAPITAL PROJECT:**

Trustee Hayes offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$31,000.

Resolved, that said capital project shall be number H and entitled *SKIDSTEER*

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

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

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**RESERVE HR-22 – EQUIPMENT:**

**PICKUP:**

Trustee Batzel offered the following RESOLUTION and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$20,000 from capital reserve funds HR22 – GENERAL EQUIPMENT for the Village of Avon, Livingston County, New

York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for a *PICKUP*. The maximum estimated costs of the aforesaid specific object or purpose is \$20,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

**CAPITAL PROJECT:**

Trustee Zhe offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$20,000.

Resolved, that said capital project shall be number H and entitled *PICKUP*.

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

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



**RESERVE HR-22 – EQUIPMENT:**

**LAWNMOWER:**

Trustee McKeown offered the following RESOLUTION and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$12,100 from capital reserve funds HR22 – EQUIPMENT-DPW for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for a *LAWNMOWER*. The maximum estimated costs of the aforesaid specific object or purpose is \$12,100.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

**CAPITAL PROJECT:**

Trustee McKeown offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$12,100.

Resolved, that said capital project shall be number H and entitle *LAWN MOWER*.

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

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

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Superintendent Barrett informed the Board that the curbing installation at school will not be done. They want to hold off on that.

Mayor Freeman informed the Board that John Barrett and himself will be meeting with Ted Coyne on Tuesday in preparation for the joint Town/Village Board meeting.

Mayor Freeman updated the Board on his library meeting. It was an unfortunate misunderstanding with HUD and the Village of Avon and the Library will submit a letter within the month on how they serve senior citizens. We need their letter to go to Buffalo and a Board Member and Mayor will deliver the letter to Buffalo.

With no further questions from the floor, Mayor Freeman suggested that the 2010-11 budget public hearing be left opened and the discussion tabled for further review and approval at the April 19, 2010 Board meeting. The Board agreed.

## VOUCHERS AND MANUAL CHECKS:

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

Fund #1 General Fund	\$11,876.83
Fund #4 Schedule C	\$ 1,206.50
Fund #5 Water	\$ 2,458.85
Fund #6 Sewer	\$ 7,011.95
Fund #9	\$

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Fund #10	\$
Fund #11	\$ 12,157.53
Fund #17	\$ 3,873.44
Fund #44	\$
Fund #45	\$
Fund #47	\$
Fund #48	\$
Fund #49	\$
Fund #50	\$
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	\$
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	\$
Fund #90	\$
Fund #91	\$
Fund #92	\$
Fund #93	\$ 108.26
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$ 38,693.36

Manual Checks:

NYS Child Support	\$ 230.00
NYS Income Tax Proc. Unit	\$1,826.20

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Nationwide Retirement-Deferred Comp.	\$1,523.05
John Jordan, Jr.-Reimb./Fuel	\$ 100.38
Genesee Valley Chapter NYWEA (Training Seminar)	\$ 25.00
The NY Wat. Env. (Training Seminar)	\$ 50.00
FRA A Tylin Int'l Co. – Comp. Plan	\$8,661.50
Aaron's Auto Body – Repair of 06 Charger	\$2,793.60
Law Enforcement Officers Union-April Dues	\$ 394.14
NYS Child Support	\$ 230.00
NYS Income Tax Proc. Unit	\$1,745.48
SEIU 200 United – April Dues	\$ 319.79
Nationwide Retirement-Deferred Comp.	<u>\$1,510.28</u>
<b>TOTAL:</b>	<b>\$19,409.42</b>

Trustee McKeown 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 project is hereby closed and the remaining monies returned to the original source:

<u>Project Name</u>	<u>Balance Remaining</u>	<u>Original Source</u>
H-87-Bulletproof Vest Program	\$0	

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

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

## DEPARTMENT OF PUBLIC WORKS UPDATE:

Superintendent Barrett questioned the Board on allowing the Town to do a water tap on Papermill Road for a Wadsworth tenant house. They are currently on a well and would like to tap the water line. The Town would bill them and would be responsible for collecting the money. Everyone else has tapped in so I see no problem with it. The Town will buy all materials and be doing the tap. The Town will take care of the meter. They have formed a water district out there.

A motion was made by Trustee McKeown to allow the Town to tap into that water line. Trustee Zhe seconded the motion and it was carried by the following vote:

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

The Board talked about the letter from Dave LeFeber and the discrepancy on the water read for the Town account.

Mayor Freeman questioned the problem at Dick Neth's house. Superintendent Barrett said he was down there today to look at the problem and will call Dick Neth to tell him what they plan to do to address the problem.

The grinding and remixing of Valley Lane was discussed. Mayor Freeman suggested having the water machine available to help keep the dust down. What is the comparison in cost in square foot in doing it this way as to conventional?

Superintendent Barrett – This is 1/3 of the cost to do it this way to regrind and put back down.

Mayor Freeman asked that within two days if Superintendent Barrett could get on it with the street sweeper to clean it up.

Superintendent Barrett informed the Board that he is still looking for a tree trimming class for Jim Gerace to go to.

## **TRUSTEE'S UPDATE:**

Mayor Freeman and the Board authorized Jim Gerace to attend a local government conference at Houghton College on May 5, 2010. A motion made by Trustee Zhe and seconded by Trustee Hayes and carried by the following vote:

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

Correspondence received from Janis Cole, Court Clerk of the Avon Town/Village Courts was acknowledged. She requested to purchase four lateral files to house her old records. The cost would be approximately \$1,600. Mayor Freeman will talk to Jan and get more detail of her needs.

Brian Baty of B.M.A. Consulting Services, Inc. submitted a proposal for insurance consulting services for another year. The fees and conditions of the contract remain unchanged from last year.

The Board agreed to have Brian Baty come to the first meeting in May to discuss perhaps working on a retainer.

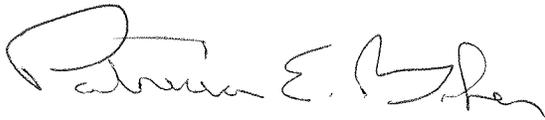
Trustee McKeown – I talked to a guy at the Utility Advisory Appraisal on our pipes and couldn't do anything to change the appraisal this year. If you don't use all your stated capacity then you have the ability to grieve if you use some number less than full. It's a 2,000,000 gallon tank and we're using less than 50% of our tank. You have to get in there on an assessment year. They will send out a letter a year before.

Grievance day for Geneseo and Livonia are coming up in May on the 25 and 26. Mayor Freeman and Deputy Mayor McKeown agreed to go to grievance days.

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

Respectfully submitted,

Avon Village Board Annual Meeting  
Monday, April 12, 2010

A handwritten signature in black ink, appearing to read "Patricia E. Baker". The signature is fluid and cursive, with a large initial "P" and "B".

Patricia E. Baker  
Village Clerk