

Avon Village Board
Monday, May 3, 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, May 3, 2010.

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

Absent: Timmy Batzel, Trustee

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

Visitors: Brian Baty

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from March 18th, March 22nd, March 29th, and April 19th, 2010 meetings are hereby approved as submitted. Trustee McKeown seconded the motion and it was carried by the following vote:

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

VOUCHERS AND MANUAL CHECKS:

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

Fund #1 General Fund	\$13,545.73
Fund #4 Schedule C	\$ 5,847.36
Fund #5 Water	\$ 2,460.36

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Fund #6 Sewer	\$17,196.02
Fund #9	\$
Fund #10	\$
Fund #11	\$211,033.34
Fund #17	\$ 6,872.32
Fund #44	\$
Fund #45	\$
Fund #47	\$
Fund #48	\$
Fund #49	\$
Fund #50	\$
Fund #52	\$ 1,047.00
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	\$
Fund #67	\$
Fund #68	\$
Fund #69	\$
Fund #70	\$
Fund #71	\$
Fund #72	\$

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Fund #73	\$
Fund #74	\$
Fund #75	\$
Fund #76	\$
Fund #77	\$
Fund #78	\$
Fund #79	\$
Fund #80	\$ 1,440.00
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	\$ 624.86
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$260,066.99

Manual Checks:

Suburban Propane	\$ 652.01
Postmaster	<u>\$ 265.16</u>
TOTAL:	\$ 917.17

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	Absent	

ESTABLISH CAPITAL PROJECTS:

Upon a motion made by Trustee Zhe the following projects are hereby opened:

- Buckle Up NY in the amount of \$2800 to be funded by a NYS Governor's Traffic Safety Grant
- Bulletproof Vest in the amount of \$1057 to be funded by State funds of \$528.50 and Federal funds of \$528.50

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

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

The Board reviewed a list of reserves that was submitted by Treasurer Quinlan showing the balances as of 5/1/10. Which are as follows:

HR21-Fire Eqt.	\$144,295
HR22-General Eqt.	\$111,190
HR23-Buildings	\$ 71,470
HR24-Streets	\$ 93,200
HR25-Drainage	\$ 28,095
HR31-Water Distribution Lines	\$ 78,180
HR-32 Water Eqt.	\$ 19,665
HR33-Water Filtration Plant	\$311,080
HR41-Sewer Lines	\$639,740
HR42-Sewer Plant	\$380,550

Mayor Freeman updated the Board on the Joint Meeting with the Town which was on April 22nd. The recommendation was made to reappoint Ted Coyne to another term on the Water Works Committee. The water rate was set 3 cents higher than the recommendation from the committee. The rate was set at \$2.30 per thousand.

JOHN BARRETT UPDATE:

Superintendent Barrett informed the Board that Lucille LeFeber has requested a water tap in the Village's 20" water transmission main to serve the residence to be constructed. The Town has a water district there so Mayor Freeman suggested that the water tap agreement dated December 7, 2009 be rescinded.

A motion was made by Trustee Zhe and seconded by Trustee Hayes to rescind the original water agreement and turn it over to the town.

Superintendent Barrett informed the Board that Ian Coyle, County Administrator has requested a tour of the water filtration plant next week. Mayor Freeman said he would like to attend that tour.

Jean Schoenthal owns three homes on Sunset Drive and is currently being billed for one sewer unit on each residence and would like the sewer unit charge to be dropped. These homes, although in close proximity to the sewer line, are on septic systems. She would have to cross private property to get to sewer lines to a gravity fed Village sewer line; and she would have to secure her own easements. She would have to incur engineering costs and a survey.

After a brief discussion the Board agreed to wait for a full Board before making a decision.

PUBLIC HEARING – LOCAL LAW #2-2010, PENALTIES:

Mayor Freeman read the official notice aloud that was published in the Livingston County News for Local Law #2 of 2010 entitled “Penalties” and opened up the public hearing.

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

RESOLUTION

Be it resolved that proposed Local Law #2-2010 entitled Penalties shall provide for a change in the zoning code as follows:

Section 3. Village of Avon Municipal Code S60.69 is amended to increase penalties to:

Subd. 1	\$20.00 (from \$25.00 first offense conviction; \$30.00 second offense conviction; \$45.00 third such conviction)
Subd. 2	\$25.00 (from \$35.00 first; \$45.00 second and \$65.00 third)
Subd. 3	\$70.00 (from \$120.00 first; \$170.00 second and \$270.00 third)
Subd. 4	\$75.00 (from \$125.00 first; \$150.00 second and third, maximum of \$225.00)

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

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

Mayor Freeman suggested that Superintendent Barrett stripe Prospect Street and see how it works for a year before making any changes to the parking.

BRIAN BATY:

The Village of Avon received a letter from Insurance Services Office, Inc. stating that our insurance rating was going to be raised due to the fact that New York State has failed to adopt the latest edition of the model Codes.

Brain Baty, Insurance Consultant explained that it appears that the company provides insurance rating information on buildings for a national rating company (ISO) for the purpose of developing property insurance rates. Some insurance companies use ISO for property rating information, however most do not. They would like the Village to hire them and have them come in and rate you with their own regulations.

Mayor Freeman – We hear it from our Fire Department and they said the insurance rating would go down with the purchase of a new pumper truck.

Mayor Freeman - What is the impact of ISO ratings?

Brian Baty – None of the companies that you have bid on for your insurance subscribe to ISO.

Chief Batzel – It goes by hydrants, flow rates, equipment to respond, and mutual aid agreements.

Brian Baty – They update their data base about every ten years. ISO use to be very powerful. Now a day it doesn't matter.

Code Officer Cappello informed the Board that the Town adopted the State code three or four months ago (1203) so the Code Enforcement Officer brought it to the Village to adopt. At this time I am waiting on Attorney Whiting to comment.

Code Officer Cappello informed the Board that there are some property complaints on Wadsworth Avenue and he will be sending out letters to inform them that May 8th is "Dump Days".

The Board discussed the proposed contract for consulting services by B.M.A. Consulting Services, Inc. with Brian Baty.

Mayor Freeman asked Mr. Baty what he could do for the Village because technically it's an off year for bidding.

Brian Baty – The market is changing and is tightening up. A few years ago we were at \$72,000 on the premium; we're now at \$48,000. I have been successful in reducing premiums and keeping the lower rates. A back to back bid year is not unheard of. We've been stable in reducing costs. I just renewed Spencerport with a 10% reduction.

Mayor Freeman – I would like to look into the possibility of reducing your obligation and modify your contract, we don't want to lose you. Whether it's a bid year or non-bid year.

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Brian Baty – It depends on the conditions. Why I don't work on an hourly basis is that people have a tendency not to call. I can only be servicing what I'm aware of. Historically I paid for myself over the past. I'm giving my objections to it. I would look to have a retainer fee.

Trustee McKeown - What would you estimate the amount of time spent working for the Village.

Brian Baty - 20-25 hours for the renewal process, reviewing quotes, etc.

EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe the Board went into executive session at 7:25 p.m. to discuss contractual 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.

Upon a motion made by Trustee Zhe the contract was approved as proposed for consulting services by B.M.A. consulting. Trustee Hayes seconded the motion and it was passed by the following vote:

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

CHIEF BATZEL;

Chief Batzel informed the Board that he would like to hire a Grant Writer to seek out a grant for the 5" Hose, a Thermal Imaging Camera and Water Rescue Equipment. If we do go with a Grant Writer, we can we recoup the grant writing expenditure back into the grant. The deadline is May 28th. I have the contract for the Grant Writer.

Mayor Freeman – We put up money not knowing if we can secure a grant. What's the upfront cost of this?

Chief Batzel - \$2500

Mayor Freeman – Do we need a specialized Grant Writer?

Chief Batzel - Is it something the Village wants to do? It's an \$80,000 grant.

Mayor Freeman asked Treasurer Quinlan if she could look into it and write it up.

Treasurer Quinlan stated that she would do it and work with Chief Batzel on getting the information that is needed.

Chief Batzel reported that there are five departments interested and inquiring in the old pumper 226. Lakeville sold both their trucks through the same guy we using.

TRUSTEE'S UPDATE:

The Board discussed the Alliance for Business Growth and it was suggested that the Village go to the Town Board meeting when Louise Wadsworth does her presentation to the Town Board.

Trustee Zhe questioned the Youth Recreation bill that is due the Village. Mayor Freeman assured Trustee Zhe it should be paid in full next week.

Trustee Zhe also commented by stating that he thought the Board should allow the Village Court to purchase the cabinets that were requested and not drag it out any longer.

A motion was made by Trustee Zhe and seconded by Trustee McKeown to approve the purchase of four file cabinets for the Village Court Clerk not to exceed \$1600. The motion was carried by the following vote:

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

TAX WARRANT:

Upon a motion made by Trustee McKeown, Mayor Freeman is duly authorized to execute the tax warrant for the 2010 collection of Village taxes as set forth below:

TAX WARRANT

TO: Christine Quinlan
Village Treasurer

You are hereby commanded to receive and collect from the several persons named in the assessment roll, hereto annexed, the several sums named in the last column thereof opposite their respective names, for the following purposes:

For the General Fund	-	\$925,279.00
For Water Liens	-	\$ 37,129.16
For Sewer Liens	-	\$ 22,587.19
For Prorated Tax Exemptions	-	\$ 2,598.26

Being for all purposes a total amount of \$987,593.61

Upon receipt of the roll and warrant by you, and on or before the first day of June, you shall cause to be published in the official papers of the Village, once a week for two consecutive weeks, a notice that such tax roll and warrant have been left with you for the collection of taxes therein levied, and shall designate one or more convenient places in the Village where you will receive taxes from June first to and including July first from eight o'clock in the morning until four o'clock in the afternoon, except Saturday, Sundays and holidays.

For said period of time you will receive all taxes paid to you without additional charge.

On all such taxes remaining unpaid after July 1st, interest of five per centum shall be added for the month of July and an additional one per centum for each month or part thereof until payment or tax sale; all pursuant to Section 924(a) of the Real Property Tax law.

You shall attend at the time and place specified in said notice for the purpose of receiving said taxes.

After the first day of July you shall proceed to collect the taxes remaining unpaid, with interest as herein provided, but without any other fee or charge, and for the purpose you are possessed of all the powers of a Town Tax collector. All interest collected shall belong to the Village.

You are to make a return of this warrant on the first day of October after the delivery thereof to you, showing the total amount of taxes paid and each tax unpaid with the receipt of the Village Treasurer for all taxes paid to her, and shall file the roll and warrant in the Office of the Village Clerk. All unpaid taxes shall be sent to the County Treasurer, per Village Board resolution. And for so doing, this shall be your sufficient warrant.

IN WITNESS WHEREOF: The Board of Trustees of said Village of Avon has caused these presents to be signed by its Mayor and the seal of the Village is hereunto affixed this 3rd day of May, 2010.

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

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

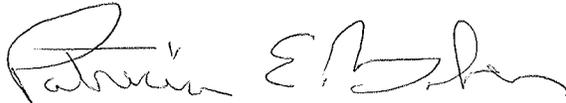
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Trustee Zhe gave a brief update on the Parks Commission.

Trustee McKeown agreed to attend the next Planning Board meeting as liaison. Trustee Zhe said he would like to remain on the Parks Commission but anyone else is welcome to attend.

Upon a motion the meeting was adjourned at 8:50 p.m.

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read "Patricia E. Baker".

Patricia E. Baker
Village Clerk