

Avon Village Board
Monday, May 17, 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 17, 2010.

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

Staff: Chief Carney
Christine Quinlan
Tony Cappello
Tim Ferrara, Jr.
Joe Geer
John Jordan, Jr.
Matt McFadden
Jim Noble

Visitors: Scott Page
Bernie Thoma
Peter Henry
Laurie Henry

Mayor Freeman opened the meeting at 5:00 p.m. with the Pledge of Allegiance.

POLICE UPDATE:

Chief Carney gave the Board an update and presentation of the Law Enforcement Police Academy he attended from January 10th to March 18, 2010. The Academy was held in Virginia and was geared around Police Administration, Leadership, and Labor Management Laws.

Mayor Freeman presented "retired" Sergeant Henry with a plaque and thanked him for his years of service to the people of the Village of Avon.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from May 3, 2010 meeting is hereby approved as submitted. Trustee Hayes 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 | Abstained | |
| Robert Hayes, Trustee | Voting | Yes |

TOWN/VILLAGE JOINT MEETING MINUTES:

A motion was submitted by Trustee Hayes to approve the minutes of April 22, 2010 of the Town/Village Joint Meeting. Trustee Zhe 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 | Abstained | |
| Robert Hayes, Trustee | Abstained | |

Mayor Freeman wanted to clarify that the Village Police are willing to serve only as Town Court security for \$20.00 per hour with a three hour minimum. The Village will bill the Town for this service.

BERNIE THOMA – LIVINGSTON COUNTY GRANTSMAN:

Our firm has been writing grants since 2008 for the County. We've assisted a number of communities in obtaining grants. Mr. Thoma's reason for asking to be on the agenda was to discuss two upcoming grants with the Board, 1) Main Street Grant and (2) Community Development Block Grant.

The Main Street Grant provides a 75% match to property owners who would like to improve their buildings. You can get up to \$30,000 for a building and if you have a mixed use building you can get up to a maximum of \$150,000. The Village would be the applicant. The Village would apply and the owners would apply to the Village to receive their assistance. \$500,000 is the maximum; the Village would probably be in the range of \$250,000 - \$300,000. You need to talk to your property owners and get a tentative commitment from them.

It needs to be a commercial area and a downtown area. A predominantly mixed use area.

The Board suggested having a special meeting and invite all property owners and the Board would work with them and they could identify what they would like to do.

Avon Village Board
Monday, May 17, 2010

The State has design guidelines so they can be assured that people will renovate properties. I would need a request in writing that the Village is interested in working on the grant and do pre-development work this summer. The more time the better. We can get started and see what the interest is and go from there through fall and winter and finalize the grant.

Bernie Thoma – I'd be happy to come to that meeting and explain the benefits and things they have to do as property owners.

The second grant mentioned was the Community Development Block Grant. It is for small cities and there are two types of programs, competitive round and the open round. The competitive round is for housing, or public facilities. Upgrade to water, sewer, and storm sewer would be possible. The key for eligible projects in order to apply is to show the benefit to low or moderate income people. Rehab of a low income house or apartment. You would choose a target area and do several blocks and show that the people that live there are low to moderate income.

Mayor Freeman – The target area would be the side hill.

Bernie Thoma – This is serious rehabilitation. You need to identify properties and see if they're willing to sign a letter of intent.

Bernie Thoma - There's no reason why you can't attempt to try for both.

Chris Quinlan – We'll get a letter of interest to you after meeting with business owners.

Mayor Freeman – We'll schedule a meeting within the next two weeks.

SCOTT PAGE – TOUR DE NEW YORK:

The 2010 tour de New York will showcase Western and Finger Lakes Regions of Upstate New York from Saturday August 7th through Thursday, August 11th. The five day state race begins with the Rochester Twilight Criterium on Saturday, August 7th, a 10 mile Individual Time Trial at the Port of Rochester on August 8th and the tour will continue through August 11th with two road races and one circuit race. These stages will span through the following six counties in Western New York; Monroe, Ontario, Steuben, Livingston, Wyoming and Allegany.

The race will be filmed on national television so there is a change for Avon to have a good amount of exposure as well.

The Board was given an event overview, community expectations; map a mileage log for Stage 5 on August 11th.

The goal of this event is to do these events in the future. The course is 110 miles long. It's the same course we did in 2008. It starts at 8:30 a.m. and averages 25 miles an hour and we should

Avon Village Board
Monday, May 17, 2010

be in Avon between 1:30 – 2:00 on August 11th. It's a caravan of 120 international athletes. We hire troopers that keep riders safe and within.

Trustee Hayes – I would like to see it come through the Village instead of on the outskirts.

Scott Page– In the future I can do this. It's too late now.

VOUCHERS AND MANUAL CHECKS:

The Board questioned the large amount of money spent by the Fire Department in a short amount of time. We need to change the purchasing policy like anything over \$1,000 would need three quotes.

Mayor Freeman – Let's talk more extensively about a new policy at our next meeting, and perhaps having a purchasing agent to approve items before they are purchased.

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

| | |
|----------------------|-------------|
| Fund #1 General Fund | \$52,991.22 |
| Fund #4 Schedule C | \$ 1,397.64 |
| Fund #5 Water | \$ 1,795.88 |
| Fund #6 Sewer | \$11,109.83 |
| Fund #9 | \$ |
| Fund #10 | \$ |
| Fund #11 | \$ |
| Fund #17 | \$ 5,027.73 |
| Fund #44 | \$ 568.07 |
| Fund #45 | \$13,968.24 |
| Fund #47 | \$ |
| Fund #48 | \$ |
| Fund #49 | \$ |
| Fund #50 | \$ |
| Fund #52 | \$ |
| Fund #53 | \$ |
| Fund #54 | \$ |

Avon Village Board
Monday, May 17, 2010

| | |
|----------|-------------|
| Fund #55 | \$ |
| Fund #56 | \$ |
| Fund #57 | \$ |
| Fund #58 | \$ |
| Fund #59 | \$ |
| Fund #60 | \$ |
| Fund #61 | \$ |
| Fund #62 | \$ |
| Fund #63 | \$ |
| Fund #64 | \$3,268.50 |
| Fund #65 | \$ |
| Fund #66 | \$ |
| Fund #67 | \$ |
| Fund #68 | \$ |
| Fund #69 | \$ |
| Fund #70 | \$ |
| Fund #71 | \$ |
| Fund #72 | \$ |
| Fund #73 | \$ |
| Fund #74 | \$ |
| Fund #75 | \$ |
| Fund #76 | \$ |
| Fund #77 | \$ |
| Fund #78 | \$ |
| Fund #79 | \$ |
| Fund #80 | \$ 1,608.00 |
| Fund #81 | \$ |
| Fund #82 | \$ |
| Fund #83 | \$ |
| Fund #84 | \$ |
| Fund #85 | \$ |

Avon Village Board
Monday, May 17, 2010

| | |
|--------------|--------------------|
| Fund #86 | \$ |
| Fund #87 | \$ |
| Fund #88 | \$ |
| Fund #89 | \$ 468.52 |
| Fund #90 | \$ |
| Fund #91 | \$ 1,455.64 |
| Fund #92 | \$ |
| Fund #93 | \$ |
| Fund #94 | \$ 52.09 |
| Fund #95 | \$ |
| Fund #96 | \$ |
| Fund #97 | \$ |
| Fund #98 | \$ |
| Fund #99 | \$ |
| | |
| TOTAL | \$93,711.36 |

Manual Checks:

| | |
|---------------|-----------------|
| Postmaster | \$ 60.76 |
| TOTAL: | \$ 60.76 |

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

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

CLOSED PROJECTS:

Upon a motion made by Trustee Zhe, the following projects are hereby closed and the remaining monies returned to their original sources:

| <u>Project Name</u> | <u>Balance Remaining</u> | <u>Original Source</u> |
|-----------------------|--------------------------|------------------------|
| H49-CDBG Comp. Plan | \$ 5.98 | A201-Gen. Fund Balance |
| H50-Turnout Gear | \$ 485.99 | HR1`-Fire Eqt. Reserve |
| H81-Kraft Meter | \$4920.02 | HR32-Water Eqt. Res. |
| H-44 Courts Equip. | \$ 0 | |
| H-64 School Sidewalks | \$ 0 | |

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

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

PARK COMMISSION:

Trustee Zhe reported to the Village Board that there were two recommendations that the Parks Commission wishes to implement. One is to increase the horse barn rent from \$35 a month to \$40. The last increase was five years ago. The second request was to increase pavilion fees from \$20 per pavilion to \$25.

A motion was made by Trustee Zhe to change the rates on the rental fees of the horse barns effective August 1st, to \$40 per month and it was seconded by Trustee Hayes and carried by the following vote:

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

Avon Village Board
Monday, May 17, 2010

A motion was made by Trustee Zhe to change the cost of the pavilion charge effective immediately to \$25 and it was seconded by Trustee McKeown and carried by the following:

| | | |
|-------------------------|--------|-----|
| Thomas Freeman, Trustee | Voting | No |
| Robert Hayes, Trustee | Voting | No |
| William Zhe, Trustee | Voting | Yes |
| Mark McKeown, Trustee | Voting | Yes |
| Timmy Batzel, Trustee | Voting | Yes |

CODE ENFORCEMENT OFFICER UPDATE:

St. Agnes submitted a permit for a pavilion
Permit needed for the pergola at Duffy's
Fence at Five Lot taken care of

The Board discussed waiving fees for Zion House and St. Agnes Church since they are a not for profit organization.

A motion was made by Trustee Batzel and seconded by Trustee Hayes to waive fees for all churches and not for profit organizations. The motion was carried by the following vote:

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

Code Enforcement Officer Cappello discussed the letter from Attorney Whiting for the proposed Local Law #1 stating that there are many options within the local law from which the Village may choose. They are as follows:

- 1) Whether the Village wishes to operate on the basis of certificates of occupancy or certificates of compliance. It seems that a system utilizing a certificate of occupancy would place greater burdens on the Code Officer than using a certificate of compliance. The former entails a more thorough evaluation of the entire structure, whereas the latter seems to focus more highly on a specific piece of work rather than the habitability of the entire structure. The Code Officer's thoughts on

this topic will be helpful as to his ability to issue certificates of occupancy and the scope of each document.

- 2) Section 3(b). Method of appointment of CEO. Village Law predominantly utilizes appointment by the Mayor with the concurrence of the Board of Trustees. However, the Board can be the designated appointer. The Board must also consider whether it wants inspectors to act under the CEO's direction, S3(d).
- 3) Section 9. Unsafe Buildings and Structures. If the Board wants to establish its own sequential process for handling unsafe buildings, it can do so in S9, Alt. 2. On the other hand, if the Board likes any existing local laws on this topic, alternative 1 should be used. The Code officer's preferences and thoughts will be important on this issue.
- 4) Section 10(e). The duration of operating permits must be selected. Alternative 2 vests greater discretion in the CEO as to duration of operating permits.
- 5) Section 11(a)(3). The frequency of inspections of all multiple dwellings must be determined. This is largely an issue which hinges on manpower, number of multiple dwellings and general condition of those dwellings. The insurance carrier of the Village would probably prefer that such inspections be conducted more frequently than every three years.
- 6) Section 11©. The Village can opt to have the NYS Office of Fire Prevention and Control (OFPC) perform fire safety and property maintenance inspections of public assembly areas, dormitories and multiple dwellings rather than the CEO. The Code Officer and Fire Chief should weigh in on this issue. The accessibility and diligence of the the OFPC and sufficiency of Village of Avon manpower are the main considerations.
- 7) Section 16. The Village Board must promulgate a fee schedule for applications, permits, certificates, inspections and other CEO activities.

Code Officer Cappello will review Attorney Whiting's letter and will nail down details and get something they are both comfortable with and the public hearing will be reopened on June 7th, 2010.

TRUSTEE'S UPDATE:

Mayor Freeman brought Trustee Batzel up-to-date on the discussion at the last Board meeting of Jean Schoenthal's request to disregard the sewer charges for three of the homes she owns on Sunset Drive since she was on septic tanks and has been paying for Village sewer service. In order for Mrs. Schoenthal to hook onto the Village's sewer she would have to cross private

Avon Village Board
Monday, May 17, 2010

property to get to sewer lines to a gravity-fed Village sewer line; and she'd have to secure her own easements.

A motion was made by Trustee Hayes to waive the sewer charges for a period of five years and at that time take a look at the situation once again with the possibility of hooking into the Village's sewer line. The motion was seconded by Trustee Zhe and carried by the following vote:

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

The Board asked Attorney Whiting was asked to put together a letter to Mrs. Schoenthal.

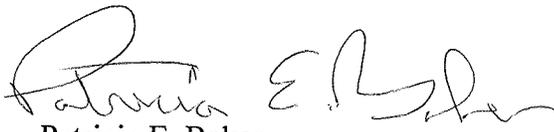
Trustee Zhe questioned the money owed to the Village by the Town due to the discrepancy in an old Joint Youth Recreation bill. Mayor Freeman informed the Board that the Town would pay half the money now and the other half will be paid in October.

Mayor Freeman updated the Board on his meeting with Louise Wadsworth and Dave LeFeber. Mayor Freeman stated to Ms. Wadsworth his concerns in the past. He informed her that the Town and Village would split the contribution. The Town approved their \$500 share for the brochure. The total is \$500 each and what the businesses contribute. It would be for 5,000 brochures. We need to document and identify what they do for us. At this time the Board wasn't comfortable contributing \$500.

Mayor Freeman questioned a possible conflict with a person who is interested in filling the vacancy on the Planning Board. The individual currently does some electrical work from time to time for the Village. Referring to the NYS Law Books Attorney Whiting indicated that since the Planning Board doesn't act on any Board that approves hiring him or audit bills or appoints Board Members, there would be no conflict. Mayor Freeman reported that he would talk with Chairman Korth on interviewing this candidate.

Upon a motion the meeting was adjourned at 8:40 p.m.

Respectfully submitted by,


Patricia E. Baker
Village Clerk