

Avon Village Board Meeting  
Monday, July 12, 2010

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Avon Village Board Meeting  
Monday, July 12, 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, July 12, 2010.

Present: Thomas Freeman, Mayor  
Mark McKeown, Trustee  
William Zhe, Trustee  
Timmy Batzel, Trustee (Entered at 8:00 p.m.)

Absent: Robert Hayes

Staff: Chief Carney  
Christine Quinlan  
John Barrett  
Jeremy Batzel  
Reid Whiting, Attorney

Visitors: Scott Sutherland  
Dwight Brown  
John Marks

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

## **VILLAGE BOARD MEETING MINUTES:**

Upon a motion made by Trustee Zhe the minutes from June 21, 2010 meeting 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	Absent	

## **EXECUTIVE SESSION:**

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Upon a motion by Trustee Zhe, the Board entered executive session at 6:05 p.m. to discuss contractual issues. Trustee McKeown seconded the motion and the Board exited executive session at 6:20 p.m.

## **CHIEF BATZEL & SCOTT SUTHERLAND:**

Chief Batzel and Scott Sutherland updated the Board on the sale of the pumper truck.

Scott Sutherland informed the Board that currently the truck is listed for \$145,000. They are working with Tim Ashworth from Fire Lane Equipment. It has been suggested that we drop the price by \$10,000 to entice the bidding. We are getting absolutely no bids. Who is going to have the authority to accept or reject the bid?

Mayor Freeman stated that the Village Board has the authority to accept or reject bids.

Mayor Freeman – Are you advertising any other way?

Chief Batzel - Bill Boyd's going to list it on the Monroe County web site and start spreading it that way. The market is currently flooded with pumpers right now. They would like a contact from the Village Board who could make a decision on any offer they might receive. It's been at \$145,000 at least two months.

Mayor Freeman and the Board agreed that they would like to wait for the other two Trustees who are not in attendance before making a final decision, but we are leaning toward lowering the price.

## **COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING:**

Mayor Freeman opened the 2<sup>nd</sup> public hearing of the Community Development Block Grant Public Hearing by reading the official notice that was published in the Livingston County News.

The purpose of the second public hearing is to detail the project that the Village is seeking to fund with the CDBG grant as well as the application budget.

There are three tasks for the proposed scope of services for downtown planning.

Task 1) Design Guidelines – Develop written and illustrative design guidelines for the downtown. Guidelines must be appropriate for the downtown’s unique architectural style(s) and be consistent with the Secretary of the Interior’s Standards for Rehabilitation. Guidelines should be developed with public input to ensure local concerns and desires are incorporated.

Deliverables – One printed and one digital copy of the full guidelines. One printed and one digital copy of a hand-out brochure summarizing the guidelines.

Costs: \$8,000

Task 2) Building Reuse and Code Analysis – Inspect the upper floors of buildings to determine their suitability for reuse as residential living units. Analysis will include general physical condition, issues or constraints involved with applicable NYS/local building codes and ADA compliance issues, conceptual sketch layouts to determine the number of units and number of bedrooms per unit, and cost ranges based on the above data.

Deliverables – Two printed and one digital copy summarizing the above for each building.

Costs: \$9,000

Task 3) Upper Floor Housing Demand Analysis – Conduct a preliminary housing demand analysis of rental housing in the Village of Avon and specifically the demand for rental units in the upper floor of downtown buildings. The analysis will determine the amount, type and price of new rental units in the downtown area. This analysis will assist downtown property owners in deciding to develop existing vacant space or renovation existing units.

Deliverables – Two printed and one digital copy of the analysis.

Costs: \$3,000

**Total Cost: \$20,000**

**Local Share: \$6,000**

A motion was made by Trustee Zhe to request HUD Assistance in the amount of \$14,000, which would make the Village’s share \$6,000. The breakdown is listed above with Task 1 @ \$8,000, Task 2 @ \$9,000 and Task 3 @ \$3,000. The motion was seconded by Trustee McKeown and carried by a unanimous vote:

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

## **PARKS COMMISSION:**

John Marks appeared before the Board to discuss a number of issues and projects that he needs input and assistance with.

- 1) More sand for around playground equipment both at the Downs and Case Park
- 2) The parking lot has pot holes, when will it be taken care of
- 3) The drainage ditch at the Downs needs to be cleaned out, is this something the DPW crew would or could do or could the Town do it with their equipment?
- 4) The Civil War monument needs to be sealed again
- 5) Will the Circle Park sound system be repaired?
- 6) The Board agreed to tear down the announcing booth at the downs
- 7) There is a missing post in the Five Arch Parking lot and there needs to have some stone placed where there has been a wash out
- 8) The basketball court has experienced some heaving and some cracks have developed
- 9) Who is responsible for the light poles at the Downs?
- 10) The hydrant near the Little League field is not working
- 11) We need help in finishing the painting of the softball field backstop

The items were reviewed with Superintendent Barrett and some of the items have already been scheduled to do this summer. Some will have to wait for late summer or early fall because of the busy schedule for the DPW.

The light poles at the Downs are on a timer and some are not turned to come on, only for special events. National Grid maintains them and the Village pays for them.

A few years ago the Village crew resealed the monument and will do it again. Superintendent Barrett announced he would have to get a boom lift.

Trustee McKeown – Could you use the fire truck?

Superintendent Barrett – I'm not sure, I'll look into that.

Trustee Zhe reported that he had talked with John Barrett, and his guys can do the pavilion roofs and the skate house roof this year. Material cost to repair deterioration on skate house is approximately \$800. The Board agreed to have Mike Manning go ahead and start work on the skate house.

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Mayor Freeman – Is this more of a fall job? How would you work this into your schedule? It seems to be a better fit for late summer or early fall before the leaves.

## **EXECUTIVE SESSION:**

Upon a motion by Trustee Zhe, the Board entered executive session at 7:05 p.m. to discuss contractual matters. The motion was seconded by Trustee McKeown and the Board exited executive session at 7:15 p.m.

## **PINE VIEW HEIGHTS EASEMENTS:**

Trustee Zhe explained the reason for Mr. Brown's attendance at the Board meeting and the possibility of obtaining easements from the Browns' and the Murrays' who live on Pine View Heights so that these properties connect to the "park" (Frank Csapo's property & Avon Central School). Right now people walk from the end of Pine View Heights which is private property across one of the developer's lots to get to the park to ACS.

Mr. Brown expressed concern allowing an easement across his property. He didn't want anything permanent on the property like a sidewalk. We want it left alone and for it to be natural. He has concern over liability if someone should get hurt.

Attorney Whitng – As long as there is no hazardous condition it's their tough luck. The fear of injury is way overblown; there is no liability as long as there is no dangerous condition. If there is no access easement then kids are trespassing and you owe no duty of care to a trespasser. If you have a guest at your home you have a higher concern of care. Easements give permission to cut through your yard.

Trustee McKeown – Do you have a lot of kids go through your property?

Dwight Brown – Some year's maybe 20 kids, other years 2-3. It varies from year to year. Until Mr. Csapo makes a move and opens up that area, I don't think our property is a major concern.

Frank believes there is already an easement that goes toward a storm drain. So for now they are walking through building lots so it's not a problem but it will be once it's developed.

Mayor Freeman – The Comprehensive Plan points out several new walking trails and connecting neighborhoods.

Trustee Zhe – Why we need an easement from you and your neighbor is so we would have a permanent access.

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Attorney Whiting - An easement is permission a right away is a less invasive way. You could even say, no bicycles it's your call.

John Marks – If a hole develops whose responsibility is it to repair?

Attorney Whiting - It depends on how the right a way is worded. We would need both of your consents and figure out where the easement would be.

Dwight Brown – I would like to see it cleaned up and get rid of some of the brush and weeds. I think we should meet another time and have both families meet together, but currently it's not a problem the way it is.

Mr. Brown will check with his neighbor to see what time is good for them. The next meeting will be on the 19<sup>th</sup> of July.

## **VOUCHERS AND MANUAL CHECKS:**

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

Fund #1 General Fund	\$ 9,333.28
Fund #4 Schedule C	\$ 6,304.03
Fund #5 Water	\$ 2,521.27
Fund #6 Sewer	\$ 6,134.53
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$ 2,646.02
Fund #43	\$
Fund #44	\$
Fund #45	\$
Fund #47	\$
Fund #48	\$
Fund #49	\$
Fund #50	\$
Fund #52	\$

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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	\$
Fund #75	\$
Fund #76	\$
Fund #77	\$
Fund #78	\$
Fund #79	\$
Fund #80	\$
Fund #81	\$
Fund #82	\$
Fund #83	\$

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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	\$	27,563.99

Manual Checks:

NYS Child Support Proc. Center – Child Support	\$ 230.00
NYS Income Tax Processing Unit – State Taxes	\$1,704.28
Nationwide Retirement Solution – Deferred Comp.	\$1,517.94
Village of Avon – Health Savings Acct.	\$4,847.20

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Village of Avon – Health Savings Acct.	\$1,463.24
Village of Avon – Health Savings Acct.	\$1,799.02
Village of Avon – Health Savings Acct.	\$4,165.54
Village of Avon – Health Savings Acct.	<u>\$1,537.50</u>

**TOTAL: \$17,264.72**

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	Absent	
Trustee Timmy Batzel	Absent	

## **ATTORNEY UPDATE:**

- Erie Attica – I have been delinquent in responding to Treasurer Quinlan as to the comments from Steve Beauvis. But as I've stated before I am very reluctant to go with it because of the condition the state is in.

Mayor Freeman - Would it help if we made some phone calls to some Senators and ask for a guarantee that we would receive the money? We'll call Kirsten Gillibrand and Christopher Lee and follow up with a letter.

- National Grid – I have put a phone call in to Peter Baynes from NYCOM and have not heard back from him. I think the settlement proposal is pretty much approved by the Conference of Mayors. This settlement agreement is being distributed to several municipalities.

## **DPW UPDATE:**

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Superintendent Barrett updated the Board on the following items:

- River Street and Valley Lane – Preliminary prep work done
- Replacement sidewalks on Spring Street finished
- Sidewalk Replacement – catch basin repairs on Genesee Street this week
- Sidewalks on Pole Bridge Road will begin next week
- School water line complete
- Community Manor ditch all done
- We will be doing some sidewalk grinding this year

## **POLICE UPDATE:**

Chief Carney updated the Board on the following items:

- Robbery at Tops last week, suspect not in custody yet
- State did an upgrade to our records management data system
- Problems with Chief's old computer since the new upgrade was installed. Mike Tomaselli putting together a quote for a new computer for approximately \$500-\$600
- Next week Chief's conference at Woodcliff. It runs Sunday until next Thursday and will be in attendance for most of it.

Chief Carney asked for permission to stay at the hotel during the conference so he doesn't have to go back and forth. The Board was in unanimous agreement to pay for the hotel since he will be attending for the week.

Mayor Freeman had questions and discussed the last time sheets that were submitted by Chief Carney.

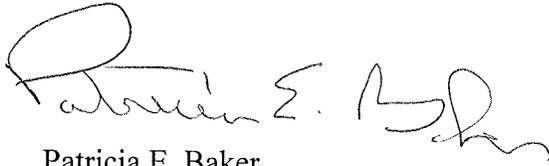
## **EXECUTIVE SESSION:**

Upon a motion by Trustee Zhe, the Board entered executive session at 8:25 p.m. to discuss litigation issues. The motion was seconded by Trustee McKeown and the Board exited executive session at 9:25 p.m.

Upon a motion the meeting was adjourned at 9:25 p.m.

Respectfully submitted by,

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

Patricia E. Baker  
Village Clerk