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Avon Village Board
Monday, September 13, 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, September 13, 2010.

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

Staff: Tony Cappello
Chief Jim Carney
John Barrett
Reid Whiting, Attorney

Visitors: Tom Moran
Jim Fusco
Jim Gerace
Tim Holtz
Carol & Ronald Lyttle
Ryan Colvin, MRB
Joe Burkart
Helen Burkart

Mayor Freeman opened the meeting at 5:30 p.m. with the Pledge of Allegiance.

EXECUTIVE SESSION:

Upon a motion by Trustee McKeown, the Board entered executive session at 5:35 p.m. to discuss personnel matters. The motion was seconded by Trustee Zhe and the Board exited executive session at 6:15 p.m.

RONALD & CAROL LYTTLE:

A letter was sent to the Village Board from Ronald & Carol Lyttle requesting a variance be issued to allow for the discharge of a firearm within the Village limits for the purpose of removing deer from their agricultural property located at 435 Wadsworth Avenue. The property is zoned agricultural in nature; however, due to the damage done by the deer each growing season, they are unable to rent the land for agricultural purposes.

The DEC will issue the nuisance permit once the variance has been obtained from the Village, as the land is within Village limits.

Attorney Whiting responded by stating that the overriding concern is public safety. If the Village permitted even a controlled deer hunt within the Village, whether gun, bow and/or crossbow, if someone were injured, the Village would face a major lawsuit, which would use the violation of the Village's own statute as a centerpiece.

S65.1 of the Village Code prohibits the discharge of not only firearms but also other instruments or weapons within the Village. There is no authority for the granting of a variance in the Public Safety Chapter.

If the Board concurs that there is a nuisance deer problem, it could amend S65.1 to allow for a regulated hunt by bow, crossbow, and/or shotgun for a limited period of time, within a tightly defined area, and limit the total take, and/or the gender of deer to be killed. The Board could also condition such a hunt on the prior determination by DEC that there is a deer nuisance problem. Ultimately, the regulation of wildlife is the province of NYS. Any amendatory action by the Village Board would probably have to be reviewed and approved by DEC.

Chief Carney – A lot of other things come into play. Anyone who lives within 500' of where the shots come from would have to give their approval prior to the shooting.

Mayor Freeman informed the Lyttle's that they would like to address the situation further, but would also like to have a representative from DEC in attendance along with our Chief of Police. The Lyttle's were asked to attend the next Board meeting on September 20, 2010.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee McKeown the minutes from August 16, 2010 are hereby approved as submitted. Trustee Hayes seconded the motion and it was carried by the following vote:

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

Upon a motion made by Trustee Zhe the minutes from August 30, 2010 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
Robert Hayes, Trustee	Abstained	

Timmy Batzel, Trustee

Voting

Yes

VOUCHERS AND MANUAL CHECKS:

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

Fund #1 General Fund	\$ 11,330.13
Fund #4 Schedule C	\$ 6,627.36
Fund #5 Water	\$ 2,667.29
Fund #6 Sewer	\$ 6,516.17
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$ 12,009.56
Fund #44	\$
Fund #45	\$
Fund #46	\$
Fund #47	\$
Fund #48	\$
Fund #50	\$
Fund #53	\$
Fund #54	
Fund #55	\$
Fund #56	\$
Fund #57	
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$

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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	\$
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	\$ 39,775.37

Manual Checks:

Check #3436 NYS Child Support	\$ 230.00
Check #3434 NYS Income Tax Processing Unit	\$1,712.20
Check #3435 Nationwide Retire. Solution	\$1,772.84
Check #335 Kings River Casting, Inc.	\$ 399.28
Check #19759 Cash-Wisconsin Trip	\$ 300.00
Check #4071 Pierce Manufacturing, Inc.	<u>\$544,026.60</u>
TOTAL:	\$548,440.92

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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
Robert Hayes, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

ERIE ATTICA UPDATE:

Senator Schumer's office called Mayor Freeman and they suggested sitting down directly with DOT to obtain a comfort level on reimbursements and get a commitment from them. Mayor Freeman stated that he and Treasurer Quinlan would do that this week.

PUBLIC HEARING (ESL SITE PLAN):

Mayor Freeman opened the public hearing by reading the official notice that was published in the Livingston County News. The Board reviewed the site plan for the construction of a drive-through bank deposit kiosk to be operated by ESL Federal Credit Union immediately west of 224 East Main Street.

Mr. Burkhardt presented a drawing of the proposed kiosk. MRB has reviewed, and all their comments have been addressed. There will be a right turn only onto 5 & 20.

The Village Planning Board reviewed the site plan for a stand-alone, drive-up kiosk, equipped with two automatic teller machines (ATMs), on the vacant lot at 238 East Main Street.

The Planning Board with the assistance of the Village's engineering consulting firm, MRB Group, considered all pertinent elements of ESL's proposal including: traffic patterns, snow removal, landscaping, lighting and drainage.

ESL also submitted the Short Environmental Assessment Form, pursuant to State Environmental Quality Review regulations, and MRB has confirmed the form is complete.

The Planning Board has issued a positive recommendation on the ESL Federal Credit Union proposal for a stand-alone, drive-up kiosk, equipped with two automatic teller machines (ATMs).

The Planning Board suggested that the Village Board consider adding a NO LEFT TURN restriction to the Village Code for the site's exit onto East Main Street (Rts. 5&20).

Ryan Colvin explained and the Board reviewed the SEQR and Negative Declaration prepared by MRB Group.

Upon a motion by Trustee Hayes the Public Hearing for ESL Federal Credit Union is closed. Trustee Zhe seconded the motion and it was carried by a unanimous vote.

DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

ON

ESL FEDERAL CREDIT UNION

SEQR RESOLUTION DRIVE THRU KIOSK

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

WHEREAS, the Village Board has reviewed and accepted the Short Environmental Assessment Form (SEQR EAF Part I & Part II) on the Action; and

WHEREAS, the Village of Avon Board of Trustees (hereinafter referred to as Village Board) has determined the above referenced Action to be Unlisted and has been subject to a single agency review pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Environmental Assessment Form.

NOW THEREFORE BE IT RESOLVED, based on the review of the Short Environmental Assessment Form, the said Action **WILL NOT** create or result in any significant adverse environmental impacts and the Village Board hereby issues a Negative Declaration for the proposed action; and

BE IT FINALLY RESOLVED, the Mayor be and is hereby directed to sign and issues the Negative Declaration form as evidence of the Village Boards determination of environmental non-significance.

Trustee Zhe seconded the motion ad it was carried y the following vote:

The above Resolution was duly adopted on September 13, 2010 by the Village of Avon Board of Trustees.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number **0110.10003.000**

Date **9/13/10**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **Village of Avon Board of Trustees** as lead agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: ESL Federal Credit Union – Drive Thru Kiosk

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes No

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Description of Action:

The Village of Avon Board of Trustees has received an application for construction of a stand-alone drive thru kiosk on a .98 acre parcel of land, Tax Account Number 031.07-01-042.2. This parcel is bounded by East Main Street (NYS Route 5 & US Route 20) on the south and Collins Street to the north and is located just west of Peppermints Restaurant within the Village of Avon, Livingston County, New York. The proposed access drive connects the two existing curb cuts onto East Main Street and Collins Street. This application also includes utility improvements (storm sewer and water) to the site.

Location:

**East Main Street (NYS Rte. 5 & US Rte 20) & Collins Street, Village of Avon,
Livingston County, New York.**

SEQR Negative Declaration
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Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

The project is an approved use for the existing zoning (B-2 General Business District) and fronts on an existing Village Street. The site is serviced by existing public utilities and does not proposed an increase in demand.

As Lead Agency, the Village of Avon Board of trustees has determined that there will be no detrimental environmental impacts as a result of the proposed project.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB).

For Further Information:

Contact Person: **Mayor Thomas Freeman, Village of Avon**

Address: **74 Genesee Street**

Telephone Number: **585-226-8118**

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

Chief Executive Officer, Town / City / Village of Avon

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin, NYSDEC, 4th floor, 625 Broadway, Albany, NY 12233-1750 (Type I Actions only)

ESL FEDERAL CREDIT UNION – DRIVE THRU KIOSK

MAILING LIST FOR NEGATIVE DECLARATION TO INTERESTED AGENCIES

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Village of Avon, Planning Board
Attn: Rusty Korth, Chairman
Town Hall Offices
23 Genesee Street
Avon, NY 14414

New York State Department of Transportation
Regional Director's Office
Attn: Robert Traver, Director
1530 Jefferson Road
Rochester, NY 14623

Livingston County Department of Health – Water Division
Attn: Mr. James Mazurowski
2 Murray Hill Drive
Mt. Morris, New York 14510

A motion was made by Trustee Zhe and seconded by Trustee McKeown to approve the final Site Plan as submitted for the ESL Federal Credit Union ATM provided that NO LEFT TURN restriction for the site's exit onto East Main Street (Rts. 5&20) and carried by the following vote:

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

CODE ENFORCEMENT OFFICER UPDATE:

- Avon on the Green has started the renovations.

DPW UPDATE:

Mayor Freeman reviewed the "To Do" List and the cleaning of the detention pond at Avon Commons was discussed. Apparently a homeowner has requested that the cattails be removed from the pond. Superintendent Barrett informed the Board that there is no way to remove the cattails. The pond has 8-12" of water in it.

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Mayor Freeman suggested having MRB send a letter explaining the reason why the cattails have to remain in the pond.

Chief Carney commented that the line of sight for stop signs needs to be checked because tree limbs are restricting the view.

Items that the Board would like to see done were:

- Restripe diagonal strips on Prospect Street
- Blacktop repairs: Bob Austin, North Avenue
- Installation of crosswalk signs and stop signs

Trustee Zhe and Superintendent will meet to see what items from the Park Commission list can be done this fall. An update will be given at the Village Board meeting on September 20th.

Superintendent Barrett updated the Board on the items that have been completed:

- Chip sealing done on River Street and Valley Lane
- Drainage ditch done in Park
- Cleaned monument last week
- Will finish roof on at least one pavilion this week
- Resurfacing of 2,000,000 gallon tank completed

Mayor Freeman questioned the crosswalk repair on Genesee Street.

Superintendent Barrett reported that Tom Jerris has looked at it but has not given a quote as of now.

Mayor Freeman asked Mr. Barrett to check with Tom Jerris on speed bumps.

Mayor Freeman instructed Mr. Barrett to forward his letter for the DEC to Ryan Colvin for review.

TRUSTEE'S UPDATE:

PURCHASE POLICY: To be reviewed by Department Heads for the October 4th Board meeting.

PROPOSED LAW FOR PROPERTY MAINTENANCE:

The Board discussed the proposed Local Law Regarding Property Maintenance submitted by Attorney Whiting. A motion was made by Trustee Batzel and seconded by Trustee Zhe to enact this Local Law by scheduling a public hearing for October 4, 2010 at 6:30 p.m. The motion was carried by the following vote:

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

SENIOR CITIZEN AND DISABILITIES INCOME EXEMPTION:

Livingston County has decided to carry over the 2010 sliding scale income limits for the 2011 assessment roll year. The income limit scale effects both the Senior Citizens Exemption 9RPTL-467 and Persons with Disabilities and Limited Incomes Exemption 9RPTL-459-C. Listed below is the 2010 Livingston County sliding scale breakdown for each percentage. The 50% level will remain at \$19,500. With the sliding scale added, the 5% level will remain at \$27,899.99.

INCOME

0-\$19,500
\$19,500.01 – 20,499.99
\$20,500.00 – 21,499.99
\$21,500.00 – 22,499.99
\$22,500.00 - 23,399.99
\$23,400.00 – 24,299.99
\$24,300.00 – 25,199.99
\$25,200.00 – 26,099.99

RESIDENTIAL INCOME

50%
45%
40%
35%
30%
25%
20%
15%

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\$26,100.00 – 26,999.99	10%
\$27,000.00 – 27,899.99	5%

Senior Citizen (RPTL-467)

Disability (RPTL-459-c)

AVON	\$19,500 (50%)-\$27,899.99(5%)	\$19,500 (50%)-\$27,899.99(5%)
CALEDONIA	\$19,500 (50%)-\$27,899.99(5%)	\$19,500 (50%)-\$27,899.99(5%)
DANSVILLE	\$19,500 (50%)-\$27,899.99(5%)	\$19,500 (50%)-\$27,899.99(5%)
GENESEO	\$19,500 (50%)-\$27,899.99(5%)	\$19,500 (50%)-\$27,899.99(5%)
LEICESTER	\$19,500 (50%)-\$27,899.99(5%)	\$19,500 (50%)-\$27,899.99(5%)
LIMA	\$19,500 (50%)-\$27,899.99(5%)	\$19,500 (50%)-\$27,899.99(5%)
LIVONIA	\$19,500 (50%)-\$27,899.99(5%)	\$19,500 (50%)-\$27,899.99(5%)
MT.MORRIS	\$19,500 (50%)-\$27,899.99(5%)	\$19,500 (50%)-\$27,899.99(5%)
NUNDA	\$19,500 (50%)-\$27,899.99(5%)	\$19,500 (50%) - \$27,899.99 (5%)
OSSIAN	\$19,500 (50%)-\$27,899.99 (5%)	\$19,500 (50%) - \$27,899.99 (5%)
PORTAGE	\$19,500 (50%) - \$27,899.99 (5%)	\$19,500 (50%) - \$27,899.99 (5%)
SPARTA	\$19,500 (50%) - \$27,899.99 (5%)	\$19,500 (50%) - \$27,899.99 (5%)
SPRINGWATER	\$19,500 (50%) - \$27,899.99 (5%)	\$19,500 (50%) - \$27,899.99 (5%)
WEST SPARTA	\$19,500 (50%) - \$27,899.99 (5%)	\$19,500 (50%) - \$27,899.99 (5%)
YORK	\$19,500 (50%) - \$27,899.99 (5%)	\$19,500 (50%) - \$27,899.99 (5%)

LIVINGSTON COUNTY \$19,500 (50%) - \$27,899.99 (5%) \$19,500 (50%) - \$27,899.99 (5%)

LIVINGSTON COUNTY SLIDING SCALE 2010
INCOME LEVEL RESIDENTIAL EXEMPTION

\$ 0.00	\$19,500.00	50%
\$19,500.01	\$19,500.00	45%
\$20,500.00	\$20,499.99	40%
\$21,500.00	\$21,499.99	35%
\$22,500.00	\$23,399.99	30%
\$23,400.00	\$24,299.99	25%
\$24,300.00	\$25,199.99	20%
\$25,200.00	\$26,099.99	15%
\$26,100.00	\$26,999.99	10%
\$27,000.00	\$27,899.99	5%

SCHOOL – EXEMPTION INCOME LIMITS FOR THE LYEAR 2010

Senior Citizens' Exemption (RP-467)

And

Persons with Disabilities and Limited Incomes Exemption (RP-459-c)

AVON CENTRAL \$19,500(50%)-\$27,899.99(5%)\$19,500(50%)\$27,899.99(5%)
CALEDONIA-MUMFORD\$19,500(50%)\$27,899.99(5%)\$19,500(50%)\$27,899.99(5%)
CANASERAGA CENTRAL\$5,500 (50%) - \$13,999.99 (10%)
DANSVILLE CENTRAL\$19,500 (50%)-\$27,899.99(5%)\$19,500(50%)\$27,899.99(5%)
GENESEO CENTRAL\$19,500 (50%)-\$27,899.99(5%)\$19,500 (50%)-\$27,899.99(5%)
HONEOYE CENT\$12,500 (50%) -\$18,199.99 (20%) \$12,500 (50%) -\$18,199.99 (20%)
HONEOYEFALLSLIMA\$24,000(50%)\$32,399.99(5%)*\$24,000(50%)\$32,399.99(5%)*
KESHEQUA CENTRAL\$19,500(50%)-\$27,899.99(5%)\$19,500(50%)-\$27,899.99(5%)
LEROY CENTRAL\$17,500(50%)-\$25,899.99(5%)\$17,500(50%)-\$25,899.99(5%)
LIVONIA CENTRAL\$19,500 (50%)-\$27,899.99(5%)\$19,500 (50%)-\$27,899.99(5%)
MT.MORRISCENTRAL\$19,500(50%)-\$27,899.99(5%)\$19,500(50%)\$27,899.99(5%)
NAPLES CENTRA\$15,000(50%)-\$20,699.99(20%) NO
PAVILION CENTRAL\$16,500(50%)-\$24,899.99(5%) NO
PERRY CENTRAL\$12,000(50%) NO
WAYLAND-COHOCTON CENTRAL\$19,500(50%)-\$27,899.99(5%) NO
WHEATLAND-CHILI CENTRAL\$29,899.99(5%)\$29,000(50%)-\$37,399.99(5%)
YORK CENTRAL\$19,500 (50%) - \$27,899.99 (5%)\$19,500 (50%) - \$27,899.99 (5%)

It was Tami Snyder's recommendation to retain the 2010 sliding scale income limits.

Trustee Zhe made a motion to follow what the County has proposed which is to retain the 2010 sliding scale income limits for the 2011 assessment roll year. Trustee Hayes seconded the motion and it was carried by the following vote:

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

REQUEST FOR CONFERENCE ATTENDANCE:

Tim Holtz submitted a request to attend a Monroe County Basic Wastewater Treatment Plant Operators Course. The course is a 60 hour course using curricula guide by DEC "Basic Operations Course" with specific reference material from the Seventh Edition of the California State University.

Upon a motion made by Trustee Batzel and seconded by Trustee Hayes approval was given to Tim Holtz to attend. The motion was carried by the following vote:

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

FINALIZE AUDIT REVIEW: Trustee Batzel suggested we approve the actual audit but approve the corrective action plan at a later date after he sits down with Treasurer Quinlan, Deputy Clerk Margiotta and Clerk Baker. A motion was made by Trustee Zhe and seconded by Trustee Batzel to approve the independent audit performed and prepared by Raymond F. Wager, CPA, P.C. and carried by the following vote:

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

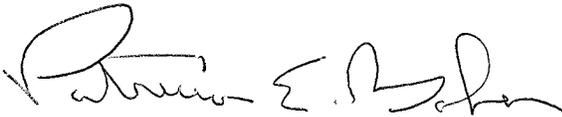
POLICE UPDATE:

EXECUTIVE SESSION:

Upon a motion by Trustee McKeown, the Board entered executive session at 7:30 p.m. to discuss personnel matters. The motion was seconded by Trustee Batzel and the Board exited executive session at 8:45 p.m.

Upon a motion the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

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