

Avon Village Board Meeting – NEIGHBORHOOD MEETING
Monday, October 4, 2010

DAVID LEFEBER: 3
EXECUTIVE SESSION: 3
PUBLIC HEARING – PROPERTY MAINTENANCE (LOCAL LAW #5): 4
NEIGHBORHOOD MEETING: 6
VILLAGE BOARD MEETING MINUTES: 8
VOUCHERS AND MANUAL CHECKS: 8
ESTABLISH CAPITAL PROJECT: 11
CLOSED PROJECTS: 11
DPW UPDATE 12
CHIEF CARNEY: 12
EXECUTIVE SESSION: 13

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Monday, October 4, 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, October 4, 2010.

Present: Thomas Freeman, Mayor
William Zhe, Trustee
Timmy Batzel, Trustee

Absent: Mark McKeown, Trustee
Robert Hayes, Trustee

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

Visitors: David LeFeber
Rusty Korth
Jim & Joyce Taylor
Bill McKeown
Paul Brown
Tim Younger
Adam Riddell
Tom Bartolini

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

DAVID LEFEBER:

Supervisor LeFeber informed the Board that a request has come from the County asking that the Town, along with Livonia and Lima allow a survey to be done to get cost estimates on supplying public water to the east side of Avon; which would include, South Lima Road, Dutch Hollow Road, Bronson Hill Road, Poplar Hill Road and Garden Street. Residents approached them for public water a few years ago and it was very costly to construct the water main. Livonia and Lima signed a letter asking them to survey the cost but before the Town signs we want to get the ok from the Village. It would just be a survey, and will not result in any costs at this time. We are in the very preliminary portion of this process and the Town assured the Village that they will keep us updated along the way.

David LeFeber - Currently there are about 285 residents from the three towns looking to obtain public water service at an infrastructure cost of \$4.5 million dollars. The survey is to see what interest there is in this. We would have to put in pressurizing tanks or elevated tanks. The Town would just like to know your thoughts. I think it's worth looking at. Our intent is seeing the interest out there. Of the 285 units 125 are ours. The three towns will do the survey. They would have to have a meter pit, so the first year's cost is very substantial.

Mayor Freeman – Since Trustee McKeown and Trustee Hayes are not here this evening, I would like to wait and get their input at our next meeting and then send a response to you.

Supervisor LeFeber reported that the water has been turned on out on Route 39 today. We got the final approval on Friday.

Superintendent Barrett suggested the possibility of shutting off the pump house on Clinton Street and taking it to the Agar Road pump station. He suggested that we put together costs this winter and what we can do to make this work. He estimates that we could save at least half of what we spend now.

EXECUTIVE SESSION:

Upon a motion by Trustee Zhe, the Board entered executive session at 6:24 p.m. to discuss contractual matters. The motion was seconded by Trustee Batzel and the Board exited executive session at 7:00 p.m.

PUBLIC HEARING – PROPERTY MAINTENANCE (LOCAL LAW #5):

Mayor Freeman read the official notice for the Proposed Local Law No. 5 of 2010 entitled Property Maintenance that was published in The Livingston County News.

A LOCAL LAW OF THE VILLAGE OF AVON REGARDING PROPERTY MAINTENANCE

Be it enacted by the Village board of the Village of Avon as follows:

Section 1. Statutory Authority; title.

This Local Law is adopted pursuant to the authority of Section 4-414 of the Village Law of the State of New York and shall be known as the “Property Maintenance Law of the village of Avon.”

Section 2. Removal of Fire and Health Hazards and Weeds.

Pursuant to, and in accordance with, the provisions of section 4-414 of the Village Law of the State of new York and other applicable provisions of law, the owners of land within the Village of Avon (the “Village”) shall cut, trim or remove from the land owned by them brush, grass, debris, rubbish, or weeds, or spray poisonous shrubs or weeds on such land in order to promote the health, safety and welfare of the residents of the Village of Avon.

Section 3. Notice to be Given of Violation of Section 2.

- A. In the event that a property owner fails to remove any such brush, grass, debris, rubbish, or weeds, or spray poisonous shrubs or weeds on such land, the Code Enforcement Officer shall serve a notice of the same in the following manner
- (1) By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested contingent interest in said property as shown by the records of the Village Treasurer or of the Livingston County Clerk; or if no such person can reasonable be found, by mailing such owner by registered mail a copy of such notice directed to his/her last known address as shown by the above records; and
 - (2) By personal service of a copy of such notice upon any alt person residing in or occupying said premises if such person can be reasonably found; and
 - (3) By securely affixing a copy of such notice upon any residence or other structure locate on the property.

B. The notice shall contain the following:

- (1) A description of the condition of the property needing remediation.
- (2) An order outlining the manner in which the property is to be made compliant with this local law.
- (3) A statement that the remediation of the property shall commence within 5 days of the service of the notice and shall be completed within 10 days thereafter, unless, for good cause shown, such time shall be extended.
- (4) A statement that in the event of neglect or refusal to comply with the order the Village is authorized to cause such grass, debris, brush, rubbish or weeds to be cut, trimmed or removed and such poisonous shrubs or weeds to be sprayed by the Village and the total expense of such cutting, trimming, removal or spraying may be assessed by the Board of Trustees on the real property on which such brush, grass, debris, rubbish, weeds or poisonous shrubs or weeds were found, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.

Section 4.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village Board of the Village of Avon hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

The Board had some concerns and comments on some of the verbiage and asked Attorney Whiting to make some amendments to the proposed Local Law.

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel the public hearing for Local Law #5 of 2010 is hereby tabled until the October 18th meeting.

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

NEIGHBORHOOD MEETING:

Mayor Freeman introduced the Board and opened the meeting to Mr. Paul Brown. Mr. Brown is heading the Park Theatre Project.

Mr. Brown informed the visitors that he had met a couple weeks ago to discuss the idea of revitalizing the Park Theatre, and also during Corn Festival he talked with folks on what might and might not happen. We're going in the direction as to operate the theatre in a non for profit organization. We would pay taxes a little differently and we don't compensate ourselves. I think it's a great thing for the Village to have operating. The opening of the theatre means a balance of activities you can afford. We would set up a corporation. We would show slightly older movies. There would be live theatre, and a mix of children's entertainment and educational programs. We plan on putting a stage extension in the theatre. I've done this before at the Smith Opera House in Geneva. We're hoping for a May or June opening. Right now we have a lawyer involved to get us incorporated. We need to do some organizing behind the scenes. We have a terrific group of people working on it right now.

Mr. Taylor - Where's all the money going to come from?

Paul Brown - I don't have a clue. We're laying out a certain path. Maybe fund raisers.

Trustee Zhe – Eventually the 3rd floor of the Opera Block will be renovated. Should we be doing this too?

Paul Brown – The 3rd floor of the opera house will accommodate 100 people so that means stairs or 2-3 people on the elevator at a time. The Park Theatre will seat 200 – 220, ground level, and handicap accessible, and can show 35mm movies. I would be happy to work with the Town Board on what could happen on the 3rd floor of the Opera House.

Tim Yonger questioned an article he read in The Livingston County News regarding trash pickup?

Avon Village Board Meeting – NEIGHBORHOOD MEETING
Monday, October 4, 2010

Trustee Zhe reported it kind of in a hold pattern. We would like to get together with Livonia because they've been doing the one hauler for years.

Mayor Freeman stated that there has not been an overwhelming response from Village residence either way.

Bill McKeown reported that a large truck once again came down his street and it took over an hour for him to get turned around and headed out because of not being able to read the sign because of low tree branches.

As far as trash haulers go, Mr. Taylor informed the Board that a Brighton neighborhood got together and chose a contractor that they all agreed on. I don't know why government needs to get involved.

Tim Younger – Any development on Fox Hunt Trail?

Mayor Freeman – No interest from any specific developer. The Village isn't going to develop it.

Tim Younger – I like living at the end of a dead end road. Unless there's an incentive from the Village, a developer wouldn't be interested in the property.

John Barrett – We do try to maintain the gravel road so buses can go through there.

Mayor Freeman – What do you think of the Park Theatre?

Tim Younger – I think it's a great idea.

Mr. Taylor – I wonder why you're promoting your own competition for an untried idea. You're going to develop the Opera Block and the Park Theater? Wouldn't it be more prudent to develop one and see how it turns out? You have an auditorium at school and a declining school attendance.

Tom Bartolini – I am the Business Manager for the Ambulance. The ambulance recently purchased a 5,000 square foot building on three acres of land at 5582 Lake Road (Christ Fellowship Church). We have outgrown our limited space and that needed to be addressed. We hope to move in sometime in October and have an open house. Local contractors are working on the building. We have a men's room, ladies room, full kitchen, meeting rooms, and bedrooms. We just hired an Operations Manager. All medical personnel are paid people. We are not subsidized, we receive no tax funding for our operations.

Tim Younger – There was an article in The Livingston County News regarding "Rails to Trails" from the river to greenway, could you give us an update on that?

Chris Quinlan – Federal funding is in place now, property has been donated by Corrin Strong, Henry Hanson, and Dick Ash. This project would be for planning, design and construction of a trail and related appurtenances on the inactive rail bed and Pratt truss Rail Bridge in Livingston

Avon Village Board Meeting – NEIGHBORHOOD MEETING
 Monday, October 4, 2010

County. We're trying to get a contract in place now with New York State Parks. The project has been pre-engineered. We went through the motions with DOT. We're trying to get a comfort level on how this money is going to come to us. We're getting close on this. The Village has set the money aside. Upon completion, the bridge and trail will be owned by NYS Parks and the adjacent parking area and egress owned by the Village.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Batzel the minutes from September 20, 2010 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	Absent	
William Zhe, Trustee	Voting	Yes
Robert Hayes, Trustee	Absent	
Timmy Batzel, Trustee	Voting	Yes

VOUCHERS AND MANUAL CHECKS:

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

Fund #1 General Fund	\$ 11,991.39
Fund #4 Schedule C	\$ 6,094.01
Fund #5 Water	\$ 2,439.59
Fund #6 Sewer	\$ 5,203.70
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$ 6,681.18
Fund #43	\$
Fund #44	\$
Fund #45	\$

Avon Village Board Meeting – NEIGHBORHOOD MEETING
 Monday, October 4, 2010

Fund #46	\$
Fund #47	\$
Fund #48	\$
Fund #49	\$
Fund #50	\$
Fund #53	\$
Fund #54	\$ 2,958.27
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	\$

Avon Village Board Meeting – NEIGHBORHOOD MEETING
Monday, October 4, 2010

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	\$ 631.73
Fund #94	\$
Fund #95	\$
Fund #96	
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$ 35,999.87

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

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

ESTABLISH CAPITAL PROJECT:

Upon a motion made by Trustee Batzel the following project was opened:

- Turnout Gear in the amount of \$10,000 to be funded from HR21-Fire Equipment Reserve

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

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

CLOSED PROJECTS:

Upon a motion made by Trustee Zhe the following projects were closed:

<u>Project Name</u>	<u>Balance Remaining</u>	<u>Original Source</u>
H65-Valley Lane Grind	\$71.87	A201-Gen.Fund Balance
H66-SCBA	\$0	

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

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

DPW UPDATE

The Board discussed Mark Robinson's request for a water tap on his property on Littleville Road. The property is on the south side of Littleville Road and the west side of the L.A. & L. railroad tracks. A motion was made by Trustee Zhe and seconded by Trustee Batzel to allow Mr. Robinson to tap into the Village's water line pending a Water Tap Agreement prepared by Attorney Whiting and a \$500 water tap fee. The motion was carried by the following vote.

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

Superintendent Barrett reported that the leaf machine is ready to go.

A suggestion was made to put flags on the stop signs by Pizza Land and a stop bar be painted on the road to remind people of the mandatory stop.

Superintendent Barrett suggested black topping the sidewalk across Genesee Street to make it better than what it is now and then in the Spring do the stamped concrete. The Board agreed.

Trustee Zhe reported that the work was finished on the north end of the Five Arch Bridge.

CHIEF CARNEY:

The Mayor and the Board reviewed the Police Department work schedule with Chief Carney.

Mayor Freeman questioned the Chief about advertising for the full time patrolman?

Chief Carney informed them that it will be in the Livingston County News this week.

In November Chief Carney will go on days Monday –Friday, and Jim Nobles will match his schedule with Chief Carneys.

Chief Carney stated that the speed trailer is now in Caledonia for 2 weeks. Mayor Freeman said that he has received a lot of positive feedback on that and residents of Bronson Avenue have requested that it be put down by them so people can see how fast their going down the hill.

Avon Village Board Meeting – NEIGHBORHOOD MEETING
Monday, October 4, 2010

Mayor Freeman mentioned that it seems like there were a lot of man hours during the Corn Festival. Should Rotary be doing something?

Chief Carney – That's pretty normal. Rotary has helped out and have gotten better signage for us. We start early in the morning having people move cars, and have to run plates to find out who owns them.

EXECUTIVE SESSION:

Upon a motion by Trustee Batzel, the Board entered executive session at 9:00 p.m. to discuss personnel matters. The motion was seconded by Trustee Zhe and the Board exited executive session at 9:15 p.m.

Upon a motion the meeting was adjourned at 9:15 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk