

Avon Village Board Meeting
Monday, November 1, 2010

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Avon Village Board Meeting
Monday, November 1, 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, November 1, 2010.

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

Staff: Chief Batzel
Chief James Carney
Tony Cappello
Reid Whiting, Attorney

Visitors: Scott Sutherland
Bryan Scott
Leslie Karpinski

FIRE CHIEF BATZEL (REQUEST TO OPEN PROJECTS):

Chief Batzel along with Scott Sutherland reported that on Saturday at 9 a.m. a Fire District from Ebenezer, Pennsylvania will be coming to take a look at the fire truck. It fits the criteria that they are looking for. They want to look at the truck and drive it. They were informed that the bare minimum bid would be \$100,000; they haven't talked about any money with them at this time. They would be replacing an 87 pumper. Mayor Freeman agreed that he would be around Saturday to meet with them.

Chief Batzel requested that the Board resolves to open the following projects from the Fire Eq. Reserve:

- Membership Incentive in the amount of \$5,000
- Thermal Imaging Camera in the amount of \$10,500
- Spreaders in the amount of \$6,000

Chief Batzel - They were presented as capital projects in the budget and are the last of the projects.

Mayor Freeman suggested waiting a year for one of the projects until we see the results of the sale of the pumper.

Trustee McKeown – How much equipment will the trucks need to have replaced in the next couple of years?

Bryan Scott informed the Board that the equipment was all reasonably current.

After a discussion among the Board the majority of the Board agreed to open all the projects now.

OPEN PROJECTS: (MEMBERSHIP INCENTIVE)

Chief Batzel asked the Board to release monies for the Membership Incentive project. In the budget we put in \$5,000 for membership incentive.

Trustee Batzel offered the following RESOLUTION and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$5,000 from capital reserve *funds* HR21 – MEMBERSHIP INCENTIVE for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for MEMBERSHIP INCENTIVE. The maximum estimated costs of the aforesaid specific object or purpose is \$5,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

Trustee Batzel offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$5,000.

Resolved, that said capital project shall be number H and entitled MEMBERSHIP INCENTIVE.

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

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

Trustee Batzel offered the following RESOLUTION and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$10,500 from capital reserve funds HR21 – THERMAL IMAGING CAMERA for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for THERMAL IMAGING CAMERA. The maximum estimated costs of the aforesaid specific object or purpose is \$10,500.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

Trustee Batzel offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$10,500.

Resolved, that said capital project shall be number H and entitled THERMAL IMAGING CAMERA.

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

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

RESOLUTION

A RESOLUTION authorizing the expenditures of \$6,000 from capital reserve funds HR21 – SPREADERS for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for SPREADERS. The maximum estimated costs of the aforesaid specific object or purpose is \$6,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

Trustee Batzel offered the following RESOLUTION and moved for its adoption:

RESOLUTION

Resolved, that a capital project be established in the amount of \$6,000.

Resolved, that said capital project shall be number H and entitled SPREADERS.

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

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

Chief Batzel talked about a GPS that will locate hydrants. The software is free. The only cost would be the purchase of the GPS Navigation Device. His intention is to set it up here. He's working with Livingston County. It would be nice when other departments fill in here or if we go somewhere else we know the location of the hydrants.

Chief Batzel reported that the ambulance will be totally out of the Village building in a week.

LESLIE KARPINSKI (ST. AGNES 5K RACE):

Ms. Karpinski wanted to thank everyone for their support for the past 5k race, with that said she asked the Board permission once again for support for September 17, 2011 for the next 5k race.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from October 13th, October 18th, and October 25, 2010 meetings are 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 | Voting | Yes |
| Robert Hayes, Trustee | Voting | Yes |

VOUCHERS AND MANUAL CHECKS:

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

| | |
|----------------------|-------------|
| Fund #1 General Fund | \$10,265.67 |
| Fund #4 Schedule C | \$ 5,576.82 |
| Fund #5 Water | \$ 2,378.55 |

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| | |
|---------------|-------------|
| Fund #6 Sewer | \$ 6,084.67 |
| Fund #9 | \$ |
| Fund #10 | \$ |
| Fund #11 | \$ |
| Fund #17 | \$ 6,921.45 |
| Fund #44 | \$ |
| Fund #45 | \$ |
| Fund #47 | \$ |
| Fund #48 | \$ |
| Fund #49 | \$ |
| Fund #50 | \$ |
| Fund #52 | \$ |
| 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 | \$ |

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| | |
|----------|--------------|
| 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 | \$ 31,852.02 |

Manual Checks:

| | |
|--------------------------|------------------|
| Carney's Catering | \$ 778.15 |
| Postmaster – W/S Postage | \$ <u>325.08</u> |

TOTAL: \$ 1,103.23

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 |

ATTORNEY UPDATE:

- **REVISED ROBINSON WATER TAP AGREEMENT –**

A motion was made by Trustee Zhe to approve the Robinson Water Tap Agreement as modified, Trustee Hayes seconded and 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 |

- **REVISED HALL USE AGREEMENT –**

Attorney Whiting stated that he didn't see any deficiencies in the current agreement.

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Trustee Zhe – No smoking allowed needs to be added along with the possibility of adding alcoholic beverages ONLY if the organization using/renting has a current liquor legal liability policy with a minimum limit of \$1,000,000.

Mayor Freeman - We will continue to review the agreement.

CODE ENFORCEMENT OFFICER UPDATE:

- Ambulance department moving today
- Letter submitted from Paul Stevenson regarding a seasonal campground on the Hanson property. The letter will be forwarded to the Planning Board

Mr. Cappello will begin to use a new form that he had previously shown to the Mayor. It has dates on it when inspections have been done. I will be implementing it soon.

POLICE UPDATE:

Chief Carney – I will be leaving early tomorrow for a Dr's. appointment I had scheduled prior to the November schedule. I also have eleven days from Thanksgiving to April that they have scheduled me for ski patrol.

Halloween went really well. No problems with kids.

Trustee Batzel inquired as to what happens to Joe Geer when school's not in session?

Chief Carney – He'll cover some of my time when I'm off, and he'll come in and get caught up on some paperwork in the office.

Chief Carney distributed a DOT Traffic Data Facts count for June, 2006. The traffic data is for the east and west bound lanes of traffic of Rts. 5 & 20 in the circle over an eight day period. It shows that the Village is not writing many traffic tickets according to those numbers for the East & West Main Streets and Park Place.

Chief Carney requested that a street sign for Fairlea Manor be installed.

TRUSTEE'S UPDATE:

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

Mayor Freeman reopened the public hearing for Local Law #5, Property Maintenance. The Board at a previous meeting unanimously agreed to change the language to Section 3. Notice to be Given of Violation of Section 2. At the direction of the Village Board of trustees, the Code Enforcement officer shall serve a notice of the same.

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, at the direction of the Village Board of Trustees, 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 lowing:

- (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.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe the Board unanimously approved Local Law #5 of 2010 entitled Property Maintenance. 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 |

CIRCLE NURSERY SCHOOL:

The Circle Nursery School submitted a request in the form of a contract that in the event of an emergency requiring evacuation of the Circle Nursery School from the Zion Episcopal Church, the Avon Village Hall has been established as an alternate place of shelter. The purpose of this shelter is to allow time for parents and/or caregivers to pick up their children or if the conditions allow and the reason for evacuation has been resolved, return back to the Circle Nursery School classroom.

Circle Nursery School agreed to supply a copy of their related policies and procedures and also submitted a Certificate of Insurance naming the Village as an additional insured.

Upon a motion made by Trustee Zhe the contract was approved for Circle Nursery School and was seconded by Trustee McKeown and 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 |

EXECUTIVE SESSION:

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A motion made by Trustee McKeown and seconded by Trustee Zhe to enter into executive session at 7:50 p.m. to discuss contractual matters. The Board exited at 8:30 p.m. The motion was carried by a unanimous vote.

A motion was made by Trustee Zhe to allow Mayor Freeman and Trustee McKeown to go down in price of the sale of the pumper truck to no lower than \$110,000. The motion was seconded by Trustee Hayes and 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 |

Trustee Zhe – Way Side will be replanting the island within the next 2-3 weeks. A walk through with DOT will be scheduled to make sure it is the way we want it to be.

Mayor Freeman updated the Board on the Erie Attica Trail. He informed the Board that Chris Quinlan is working on setting up a meeting with DOT.

The Board discussed their January Board Meeting nights. Normally the meetings would be the 3rd & 17th, since the 17th is Martin Luther King Day, the Board agreed to switch the meetings to the 10th & 24th.

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

Respectfully submitted,



Patricia E. Baker
Village Clerk