

Avon Village Board Meeting  
Monday, November 15, 2010

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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 15, 2010.

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

Staff: Chief Batzel  
Christine Quinlan  
John Barrett  
Tony Cappello  
Reid Whiting, Attorney

Visitors: Scott Sutherland  
Lois Shumanski  
Allen Walck

Mayor Freeman called the meeting to order at 5:00 p.m. with the pledge of allegiance.

## **ERIE ATTICA PROJECT UPDATE:**

Mayor Freeman and Trustee Zhe went to the DOT on Friday and met with people from the NYS Parks Department and NYS DOT to discuss the Erie Attica Bridge & Trail Project. Senator Schumer's office suggested talking with DOT directly on how the money would be released. It's a reimbursement project. We have to spend the money before we get it back. The bid could go as high as \$1.3 million. Attorney Whiting had some solid serious concerns on how we would get our money back. Steve Beauvais is a strong supporter of us, but thought we should have gotten on this sooner. The DOT guaranteed us that within 45 days we would have a check once it hits their desk. The design phase is almost \$200,000. Mayor Freeman got a good feel on how they will turn money around and would like to set a goal date of Christmas to get this going. He expressed that he would feel comfortable if we were to float a bond for this. The project work is estimated for one season.

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Attorney Whiting – I think the Village should take a passive drafting approach and let DOT and Parks hammer it out and then the Village would take a final look at it. I don't think we should take the lead.

Trustee Zhe – I believe Steve Beauvais is watching out for us and when he looks at the final draft and if he is ok with it then I think we will be ok too. We need to start spending the money on the project otherwise they can take it away. The deadline is 3 years.

Mayor Freeman asked Treasurer Quinlan to have Chuck Bastian check into the bond funding on this project. Treasurer Quinlan will evaluate the cost with Chuck Bastian on floating a bond.

Mayor Freeman suggested having Chuck Bastian come into the second Board meeting in December and give us an annual bond report.

Mayor Freeman asked Treasurer Quinlan to put together a spread sheet on the breakdown and percentages for this project, and to call Fisher Associates to see how we fit into their plan and invite them to the next Village Board Meeting. We'll have Fisher explain to us how the bid cycle would work and bring an updated contract.

Treasurer Quinlan will check with Steve Beauvais and get the updated intermunicipal agreement. Steve Beauvais's comments will be forwarded to Parks lawyers by Treasurer Quinlan.

Mayor Freeman requested that the Board be copied on all e-mails.

## **VILLAGE BOARD MEETING MINUTES:**

Upon a motion made by Trustee McKeown the minutes from November 1, 2010 meeting 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	Voting	Yes
William Zhe, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

## **CHIEF BATZEL – FIRE DEPARTMENT:**

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On Saturday the Firemen and Board Members met with a Fire District from Ebenezer, Pennsylvania to look at Pumper 226. The deal breaker was the concern they had for the Allison Transmission. They drove the truck and it did not shift as they expected, and were concerned that there may be an issue with it that would require future repair. They were also concerned with the peeling paint.

Chief Batzel took the truck into Tracy Road Equipment and had a service manager look at it. He informed them that it could be set up in two ways, and it's set up to "Get Up and Go" as oppose to "On the Road". It's not reprogrammable. He assured them that nothing is wrong with it, mechanically the truck sounded fine and he will send a letter to the Village stating that.

Scott Sutherland – The paint can be fixed with tape or stickers and the prep work can be done in house. The tape estimate for both sides is \$784.00.

Mayor Freeman – We're better prepared now for the next group that comes through.

Scott Sutherland – The paint issue and the transmission issue was all that they were concerned with.

Chief Batzel assured the Board that they are still working on getting the word out throughout the state. He also suggested putting it in the Penny Saver.

Chief Batzel informed the Board that the ambulance bays are almost all cleaned out. The Police have talked to them about keeping a police car in the bay during the winter. Prisoners will be coming in paint the whole building in about a month.

Chief Batzel questioned a lighting grant and informed the Board that they have replaced some lighting. Superintendent Barrett informed Chief Batzel that the time frame for that will be this winter.

Chief Batzel presented the Board with a plaque of a blue print of the new fire truck.

## **LOIS SHUMANSKI – ZION HOUSE BOARD REPRESENTATIVE:**

Ms. Shumanski introduced herself to the Board and informed them that she lives on Valley Lane and is the Community Liaison for Zion House for the Village of Avon. The Zion House is a transitional home for homeless women veterans of the United States Military. The Manager is Kelly Ayers and she resides on the 3<sup>rd</sup> floor.

We are awarded a per diem fee to cover food and expenses and rent from the Zion Church. Zion House pays their own utilities. Ms. Shumanski is the contact person in case there are any

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concerns or needs of the facility. When the residents come in they sign a contract. They will learn household skills, VA provides medical and they get stipends from the military. Most candidates will be in their 30's. It's for a period of 6 months to 18 months maximum. They have to try to look for jobs and go out on job interviews. Zion House has their own van. By the end of December they hope to have three residents. The total capacity is six units.

Mayor Freeman suggested the possibility of having someone come to the Village Office and do office cleaning for us.

## **ALLEN WALCK – 173 ROCHESTER STREET:**

A letter was sent from Mr. Walck stating that his property adjoins the railroad on Rochester Street and he had several concerns in regard to a track being added and the removal of trees without prior notification. After calling the railroad to question why markers were being installed in the yard he was told nothing was going to be built that they were just checking property boundaries. A few days later, Charles Brutsman, railroad track master came to the house and handed him a letter saying that new construction was going to begin shortly. No details were given. He was told one track was going to be added, and that trees and brush were going to be cleared up to the property line. After discussing it was decided that all the major trees would be saved. Once the work began, it started at 7:00 a.m. on a Saturday morning.

Mr. Walck's questions to the Board were:

- Legally, do all owners need to be notified of construction work by the railroad?
- Why is work starting so early in the morning, what about the noise ordinance?
- What kind of sound barrier will be provided for us?
- With the land cleared, we are experiencing more illegal traffic on the railroad bed.
- The easement is being swallowed up by the railroad.
- Will our property value go down?
- As the railroad is governed primarily under federal statute, I will not hesitate to contact my congressman if necessary.

Mayor Freeman stated that the power and procedures of the railroad is allowed according to our Attorney. He was told that a chain link fence will go up, as far as sound barriers they're not sure.

Tony Cappello – The railroad is putting one track in now but is anticipating on putting in another one sometime in the future.

Allen Walck - Mr. Belke said the 2<sup>nd</sup> rail wouldn't be done for a very long time. They have been good neighbors to us up until now and we've been happy there.

Tony Cappello – They have a 35’ easement. I thought they might put a buffer of trees up.

Mayor Freeman – I will give Carl Belkin a call back and ask for a time line of work to be done and I’ll talk about plantings along with the fence. We’ll stay in touch.

**VOUCHERS AND MANUAL CHECKS:**

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

Fund #1 General Fund	\$44,042.42
Fund #4 Schedule C	\$ 6,066.88
Fund #5 Water	\$ 493.15
Fund #6 Sewer	\$ 1,650.21
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$ 3,836.46
Fund #44	\$
Fund #45	\$
Fund #47	\$ 1,988.51
Fund #48	\$
Fund #49	\$
Fund #50	\$ 27.30
Fund #52	\$
Fund #53	\$
Fund #54	\$
Fund #55	\$
Fund #56	\$
Fund #57	\$
Fund #58	\$
Fund #59	\$

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Fund #60	\$ 1,669.97
Fund #61	\$
Fund #62	\$
Fund #63	\$
Fund #64	\$ 3,089.96
Fund #65	\$
Fund #66	\$
Fund #67	\$ 4,685.76
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	\$ 499.50
Fund #81	\$
Fund #82	\$
Fund #83	\$
Fund #84	\$
Fund #85	\$
Fund #86	\$
Fund #87	\$
Fund #88	\$
Fund #89	\$
Fund #90	\$

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Fund #91	\$
Fund #92	\$
Fund #93	\$
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$ 68,050.12

Manual Checks:

Multiple Sclerosis Society	\$ 100.00
Law Enforcement Officers Union	\$ 44.14

**TOTAL: \$ 144.14**

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 Hayes the following projects are hereby established as follows:

<u>Project Name</u>	<u>Balance Remaining</u>	<u>Original Source</u>
H49-Polebridge Rd. Sidewalks	\$1174.38	HR24-Streets Reserve
H60-Slurry Seal WTP Parking Lot	\$3302.73	HR33-Water Filt.

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

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

## **DPW UPDATE:**

Superintendent Barrett updated the Board on his department:

- As of now 65 loads of leaves picked up, we should be done the 1<sup>st</sup> week in December
- Winter projects – paint two older trucks and repair boxes
- Working with Ryan Colvin on the bag filtration at the filtration plant. Final drawings sent last week. They will go out for bid. Previously presented to the Water Committee
- Clinton Street pump up and running, will sit down with Dan McKeown and put together numbers on shutting down Clinton Street permanently
- Both pavilions done

Signs – According to a truck driver it was suggested that one of the directory signs should be moved further east on East Main Street to give the truck drivers more notice of Barilla. Superintendent Barrett suggested putting it on the island where the mailbox is.

Trustee McKeown reported that Livonia does a reassessment every year, therefore we need an estimate of current costs from Ryan Colvin for price for pumps and pipes if we have to replace things.

Mayor Freeman suggested that everyone take a general look at the Village building on make a list on what needs to be done. The gutters were cleaned this summer.

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Trustee McKeown questioned Superintendent Barrett about the dent in the driver's door of the one ton. Superintendent Barrett reported that it happened this summer, and thought they can pull it back out.

Mayor Freeman asked the Board to look at the building behind the stores to see what they think about using it for storage.

## **CODE ENFORCEMENT OFFICER UPDATE:**

- ESL getting ready to put the roof on
- Peter Bruckel has gone as far as he can now without site plan approval for Finger Lakes Express

## **TRUSTEE'S UPDATE:**

DOT walk thru with John Harmon will be on Tuesday, November 23<sup>rd</sup> at 2 p.m. Mayor Freeman asked that Superintendent Barrett be there also.

Mayor Freeman along with Attorney Whiting discussed the possibility of a Zoning Change for the property at 190 Clinton Street. Recently a use variance was denied by the Zoning Board of Appeals. There will be a meeting on Wednesday, November 17<sup>th</sup> to discuss with the Planning Board.

Attorney Whiting – The Planning Board should try to get a conceptual plan for what uses should be included. It should include more than the conceptual use, education facilities, professional offices, etc. You could add two, three or four uses. My impression is that the immediate neighbors aren't too concern about the change in uses. I think the Planning Board is very amenable to this.

Once the Planning Board makes a recommendation then it can be a draft local law and referred on to the Village Board.

Deferred Comp Plan – A Village employee has requested taking a loan out on his deferred compensation account. At this time it is not available with our current plan but could be setup to allow loans. There is no cost to the Village to have loans and no involvement from payroll to make payments. It is all the responsibility of the participant. If no objection from the Board we need to fill out forms, sign and return. The document would need to be altered and it would be available for any employee in plan. The Village doesn't put anything into it. Deferred Comp was offered outside the bargaining unit.

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A motion was made by Trustee Hayes and seconded by Trustee Zhe to allow employees to take out loans against their monies. The motion was approved by the following vote:

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

Sandi Irish of All business Services requested the Village Board make an adjustment to her August water bill because of the large dollar amount. She explained that Mr. Vanderbilt came to check the meter, and water lines and toilets were checked for leaks but they were unable to find what caused the huge bill.

The Board was in unanimous agreement to adjust her August bill and send her a revised bill for an average use this one time, but in the future the Board unanimously agreed that anyone with a water reduction request should come in person and address the Board to explain their problem. This would be a onetime forgiveness and the adjusted bill would be based on an average use.

The Board submitted a request for the submission of a quote for:

(23) 7 foot fresh cut Douglas Fir Pine Trees  
(30) 5' – 6' swags

The only quote that was received was from Stoke Farms. A quote was submitted for 23 – 7' fresh cut Douglas Fir for \$368.00 and 30 5-6' swags with bows at a cost of \$360.00.

The trees will be delivered to the Village on Monday, November 22<sup>nd</sup>.

Trustee Hayes suggested that the Village should explore a health care insurance solution similar to what Pittsford has established in a "consortium" with nearby municipalities. The Board instructed Treasurer Quinlan to investigate the possibilities.

A motion was made by Trustee Zhe to accept the quote from Stoke Farms. The motion was seconded by Trustee Hayes and carried by the following vote:

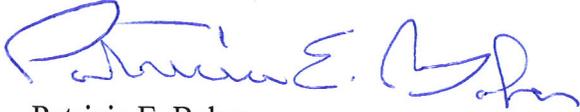
Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

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Trustee Zhe mentioned that the Garden Club needs more volunteers to help with the gardening and beautification of the Village. It was suggested putting a notice in the "News You can Use". Trustee Hayes suggested talking with Cornell.

Upon a motion the meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Patricia E. Baker  
Village Clerk