

ANNUAL MEETING 2011:

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, April 4, 2011.

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

Absent: Timmy Batzel, Trustee

Staff: John Barrett
Tony Cappello
Christine Quinlan

Visitors: Josh Williams

Mayor Freeman called the annual meeting to order at 6:00 p.m. with the pledge of allegiance.

Mayor Freeman opened the public hearing for the Annual Meeting by reading the duly published notice and continued with the appointments.

APPOINTMENTS:

Mayor Freeman began by reappointing Mark McKeown as Deputy Mayor for a term of one year, and asked for a motion to approve the following appointments:

Upon a motion made by Trustee Zhe, the following appointments were made:

AVON POLICE DEPARTMENT:

Chief of Police
Police Officer

James Carney
Joseph Geer

Avon Village Board
Monday, April 4, 2011 – ANNUAL MEETING

Police Officer	Timothy Ferrara, Jr.
Police Officer	John Jordan, Jr.
Police Officer	Matthew McFadden
Police Officer – Part time	Kenneth Ippolito
Police Officer – Part time	James Noble
Police Officer – Part time	Tamara Bingham
Police Officer – Part time	Michael Bihrlle

DEPARTMENT OF PUBLIC WORKS:

Superintendent of Public Works	John Barrett
--------------------------------	--------------

ANNUAL:

Zoning Officer	Anthony Cappello	1 yr
Code Enforcement Officer	Lee Rodamaker	1 yr
Village Attorney	Reid Whiting	1 yr
Acting Village Justice	Peter Piampiano	1 yr
Court Clerk	Janis Cole	1 yr
Deputy Court Clerk	Jennifer Sergeant	1 yr

PARK COMMISSION:

Park Commission Chairperson	John Marks	1 yr
-----------------------------	------------	------

ZONING BOARD:

Zoning Board Chairperson	Daniel Freeman	1 yr
--------------------------	----------------	------

PLANNING BOARD:

Planning Board Chairperson	Kevin O'Donoghue	1 yr
----------------------------	------------------	------

Mayor Freeman announced that Kevin McCormick's position on the Zoning Board of Appeals has expired and that he does not wish to be reappointed. The Board agreed to advertise for the vacancy on the Zoning Board of Appeals.

Avon Village Board
Monday, April 4, 2011 – ANNUAL MEETING

Trustee McKeown 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	Absent	

BOARD LIAISONS:

Mayor Freeman talked to the Board about the possibility of the Board rotating Village Board members for the different Board Meetings. Trustee Hayes volunteered to go to the monthly Planning Board meetings and if he has a conflict Trustee McKeown said he could go in his place. Trustee McKeown will continue with the Fire Department.

Upon a motion made by Trustee McKeown, approval was made for the following;

BANK:

The Bank of Castile
HSBC
Five Star
J P Morgan Chase
Canandaigua National Bank & Trust

OFFICIAL PAPER:

The Livingston County News

MEETING NIGHTS AND TIMES:

First and Third Monday of each month at **6:00** pm.

ADVANCED APPROVAL OF CLAIMS:

Utility bills, postage, etc., bills which might incur a late penalty shall be paid in advance and approved at the next regular Village Board meeting.

MILEAGE ALLOWANCE:

IRS 2011

Privately owned vehicle – 51 cents per mile

Trustee Hayes 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	Absent	

Upon a motion made by Trustee Zhe the following investment policy, borrowing policy and check signing authority is hereby approved as submitted:

INVESTMENT POLICY

1. INVESTMENT POLICY PURPOSE:

The Board of Trustees desires to provide the finest services possible to its residents, compatible with the least cost to its taxpayers. To achieve this goal, all sources of revenue, other than taxes, must be enhanced. Interest earnings offer a large potential alternative source of revenue.

The Board of Trustees desires that excess Village monies, not needed for immediate payment of bills, be temporarily invested to earn a safe return as provided for within the Village Law, General Municipal Law, Local Finance Law and Banking Law. The criteria for investing Village monies, in order of priority, shall be:

- 1.1 Safety-**Funds must not be lost to the Village.
- 1.2 Liquidity-**Appropriate amounts must be available for each payroll, debt service, and abstract date. No investment should mature later than the date the invested funds are anticipated to be needed and in no case, more than two years from the date of purchase.
- 1.3 Yield-**The highest market interest rate available (other conditions being equal) is to be solicited.

2. PRUDENCE:

All participants in the investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village's ability to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence would exercise

In the management of their own affairs; not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

3. DIVERSIFICATION:

The policy of the Board of Trustees is to reduce the risk by diversifying deposits and investments by: (1) bank or trust company, (2) investment instrument, and (3) date of investment maturity.

4. DELEGATION OF AUTHORITY FOR INVESTING VILLAGE MONEY AND SIGNING CUSTODIAL/SECURITY AGREEMENTS:

The Board of Trustees hereby specifically delegates the authority to sign the written security and/or custodial agreements with the designated banks and to make the day-to-day investment decisions, including Certificates of Deposit, within the guidelines and limitations of this policy resolution to the incumbent in the position title of:

- 4.1 Village Treasurer, as Chief Fiscal Officer, and/or
- 4.2 Village Mayor, and/or
- 4.3 Deputy Mayor, and/or
- 4.4 Village Clerk

The above officers and administrators are hereby authorized to utilize the advisory services of municipal consulting firms in planning the timing, amount, maturity, bidding, placement, and reporting of any investments made hereunder.

5. AUTHORIZED COMMERCIAL BANKS OR TRUST COMPANIES:

The Board of Trustees authorizes the use of the following commercial banks or trust companies (not savings banks or associations), located and authorized to do business in New York State, for placing investments and specifically prohibits using private brokerage firms or investment firms. Diversification of depositories increases the safety and total FDIC coverage of Village monies. Consequently, to the extent practical, more than one bank or trust company will be utilized. The Village must enter into a written Security Agreement and/or Custodial Agreement with each (General Municipal Law §10 & §11, Local Finance Law §165.00 (b), Banking Law @107-a).

- 5.1 HSBC
- 5.2 The Bank of Castile
- 5.3 Five Star
- 5.4 J P Morgan Chase
- 5.5 Canandaigua National Bank
- 5.6 And any other commercial banks or trust companies meeting the above requirements when bidding conditions warrant.

6. AUTHORIZED INVESTMENT INSTRUMENTS:

The Board of Trustees authorizes the following types of investment instruments for investing Village monies with commercial banks or trust companies authorized to do business in New York State:

- 6.1 Savings Accounts.
- 6.2 N.O.W. Accounts.
- 6.3 Money Market Deposit Accounts.
- 6.4 Super N.O.W. Accounts.
- 6.5 7 to 31-Day Accounts.
- 6.6 Certificates of Deposits.
- 6.7 Repurchase Agreements.
- 6.8 U.S. Treasury Bonds, Bills, Notes.
- 6.9 Other investment instruments as may be approved by the Office of the State Comptroller from time to time.

7. FDIC INSURANCE AND OVERAGE COLLATERALIZATION:

The primary objectives of this policy are to enhance the safety and availability of any Village monies invested. These objectives are partially met by FDIC insurance covering the first

\$100,000 of Village checking account deposits and an additional \$100,000 for time or savings account deposits with any one specific commercial bank or trust company (12 Code Federal Regulations 330.8).

Any amounts exceeding the FDIC insurance limit, as presently set or subsequently revised, are to be insured to the Village by requiring an allocation and pledging of appropriate collateral by the bank or trust company winning the bid for the investment. All investments must be bid specifying “with collateral”. Written custodial and/or security agreements must be entered into with each bank or trust company (General Municipal Law, §10 & §11, Banking Law §107-a) which require the custodial bank or trust company to keep the securities they purchased as collateral for the Village separate and apart from the institution’s own general assets. Banking law requires the bank or trust company to comply in completing the written agreements.

8. SECURITY AGREEMENT:

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. The security agreement shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the Village to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Village, such securities shall be delivered in a form suitable for transfer or with an “assignment in blank” to the Village or its custodial bank.

The security agreement and the custodial agreement may be combined in a single document pursuant to Section 10, 3, a of the General Municipal Law.

9. CUSTODIAL AGREEMENT:

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be co-mingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Village a perfected interest in the securities.

10. COLLATERAL:

Village deposits and investments may be secured either by obligations or securities or, in whole or in part, by a surety bond or irrevocable letter of credit.

Surety bonds must be issued by an insurance company authorized to do business in this State, the claims-paying ability of which is rated in the highest rating category by at least two nationally recognized rating organizations. The surety bond must be equal to 100% of the aggregate amount of deposits and the agreed upon interest.

Eligible letters of credit will be those issued by a bank or trust company (other than the bank or trust company with which the investment is placed) with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest that either:

- 10.1 has commercial paper or other unsecured short-term obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company has commercial paper and other unsecured short-term debt obligations) rated in one of the three highest rating categories by at least one nationally recognized rating organization; or
- 10.2 is in compliance with applicable minimum federal risk based capital requirements.

11. ELIGIBLE SECURITIES FOR COLLATERAL PURPOSES:

The current market value of collateral utilized must equal or exceed the value of the collateralized deposits. The currently permitted collateral may be subsequently supplemented by new instruments when approved by the Office of the State Comptroller. Permissible collateral includes (General Municipal Law §11, 31CFR, 203.15):

- 11.1 Obligations issued by the United States, an agency thereof or a government sponsored corporation fully insured or guaranteed as to the payment of principal and interest, an agency thereof or a United States sponsored corporation;
- 11.2 Obligations issued or fully insured by this state, obligations issued by a municipal corporation, school district or district corporation of this state or obligation of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys;
- 11.3 Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank; and

- 11.4 Obligations partially insured or guaranteed by any agency of the United States, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.

All investment obligations shall be payable or redeemable at the option of the Village within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided; and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village within two years of the date of purchase.

12. TRANSFER OF FUNDS:

The Board of Trustees specifically authorizes the designated officials the authority to use electronic transfer of funds, among the approved banking institutions, to assist in obtaining “federal funds” enhanced interest rates. Each such transfer shall be specifically identified in the original journal entry as a “wire transfer” and subsequently supported by the bank statement or confirmation notice to provide an audit trail.

13. SAFEKEEPING:

The Board of Trustees specifically authorizes the designated officials the authority to turn over the physical custody of Certificates of Deposit and other evidences of investments for “safekeeping” possession to the bank, as provided in General Municipal Law §11(3), to facilitate access to funds at maturity and to eliminate having bearer certificates in the Village offices.

14. CO-MINGLING OF FUNDS:

The co-mingling of various funds into a single common investment is specifically authorized provided that the separate identity of each fund is maintained and the proportionate share of interest is allocated to each upon maturity of the investment (General Municipal Law §10 and §11).

15. WRITTEN REPORTS:

All investments shall be documented in written reports to the Mayor, for subsequent presentation to the Board of Trustees, outlining the details of each investment including: the amount, dated and maturity dates, interest rate and the unsuccessful quotes received thereon. When investments are placed, these reports should be presented no less than monthly (General Municipal Law §10).

BORROWING POLICY

1. BORROWING PURPOSES AND DEBT INSTRUMENTS

- 1.1 The Local Finance Law authorized Operating Borrowings to cover cash-flow shortfalls including: Revenue Anticipation Notes, Tax Anticipation Notes, or Budget Notes. The Board of Trustees through the adoption of a formal Borrowing Resolution must authorize these types of borrowings.

- 1.2 Capital Borrowings many including Ban Anticipation Notes, Statutory Installment Bonds, and Serial Bonds. These borrowings are only authorized for items for which the New York Legislature through Section 11.00 of the Local Finance Law has established a Period of Probable Usefulness. These borrowings, generally, may only be undertaken after a positive public majority vote at the Annual or special election. The Board of Trustees must formalize the authority for the indebtedness by adopting a legally complete formal Bond Resolution prior to any borrowing. A recognized bond counsel should prepare the text of the Bond Resolution, vote and legal notices. The Board of Trustees hereby delegates its authority to set the terms and conditions of any borrowing to the Treasurer, as Chief Fiscal Officer, of the Village.

2. BORROWING PROCEDURES:

The Treasurer shall make recommendations to the Board of Trustees on the timing, bidding, terms and conditions of, placement and reporting on any borrowings. Operating borrowing recommendations shall be supported by a monthly cash flow estimate covering the time thereof and establishing the amount of such borrowing. The Treasurer is authorized to solicit and use the services of a Financial Consultant and Bond Counsel in planning and completing any borrowing to optimize the number of potential quotes and obtain lower market interest rates.

3. WRITTEN REPORTS:

All borrowings shall be documented in written reports outlining the details of each borrowing and the interest rate quotes received thereon. The written report shall be first presented to the Mayor, who shall report thereon at the next regularly scheduled Board Meeting.

4. LEGAL OPINION:

The use of a recognized “Red Book” Bond Counsel is hereby approved to draft the legal notices, resolutions, borrowing instruments, and render his approving Legal Opinion on the legality and tax status of the debt instrument.

CHECK SIGNING AUTHORITY:

The following check signing authority is hereby adopted for the Mayor, Deputy Mayor and/or Treasurer:

Checks in the amount of \$0 - \$10,000 – one signature required
Checks in the amount of \$10,000 or more – two signatures required
Withdrawal slips, wire transfers – one signature required.

Trustee Hayes 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	Yea
Timmy Batzel, Trustee	Absent	

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from March 30, 2011 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	Voting	Yes

VOUCHERS AND MANUAL CHECKS:

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

Avon Village Board
Monday, April 4, 2011 – ANNUAL MEETING

Fund #1 General Fund	\$ 9,678.63
Fund #4 Schedule C	\$ 5,883.45
Fund #5 Water	\$ 2,685.64
Fund #6 Sewer	\$ 7,597.48
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$ 6,186.35
Fund #44	\$
Fund #45	\$
Fund #47	\$
Fund #48	\$
Fund #49	\$
Fund #50	\$
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	\$

Avon Village Board
Monday, April 4, 2011 – ANNUAL MEETING

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	\$ 255.42
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$

Avon Village Board
Monday, April 4, 2011 – ANNUAL MEETING

TOTAL	\$ 32,286.97

Manual Checks:

Anthony Cappello	\$ 1,641.50
In Site Architecture	<u>\$ 1,950.00</u>

TOTAL: \$ 3,591.50

Trustee McKeown 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	Absent	

CLOSED PROJECTS:

Upon a motion made by Trustee Zhe the following project is hereby closed and the remaining monies returned to the original source:

Project Name	Balance Remaining	Original Source
H44-Pickup	\$19,972.70	HR22-General Eq.
H47-Off Street Parking	\$ 9,989.45	HR23-Buildings
H61-Sludge Hauling	\$ 9,989.46	HR42-Sewer Plant
H68-Fire Hydrants	\$11,013.09	HR32-Water Eq.
H73-Sewer Infiltration	\$16,187.22	HR42-Sewer Plant

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

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

CODE ENFORCEMENT UPDATE:

- Mascot would like to propose combining two lots because of an easement going through the one lot they will take it to Planning Board
- Rapone on Rochester Street has a Car Repair Shop sign so Zoning Officer Cappello will check on that
- 190 Clinton Street wants to put a half circle drive at their facility
- April 15th will start the property maintenance checks and letters will be sent out since dump days begin in May
- Greg Johnson is building the garage on Wadsworth Avenue
- Currently putting a roof on Finger Lakes and getting ready to put signs up

DEPARTMENT OF PUBLIC WORKS UPDATE:

- Brush starts next Monday
- Driveway to grit channel put in
- Cleaning out drying beds
- Working with M&W controls and MRB for Pump House then we'll issue a purchase order
- MRB did a electrical study for Nimo
- Sizing air compressor savings on 5 horsepower versus 20 horsepower
- Will be on vacation next week

Trustee Hayes asked about feedback regarding the tree trimming that Niagara Mohawk did. He thought that they did a terrible job.

Mayor distributed a copy of a cross alert sign and would like Superintendent Barrett to get prices on that and get the system in place sooner than later.

John Barrett – I'll have a price Wednesday night.

Digital sign in front of Fire Hall. Firemen would like to make it a dedicated memorial. Trustee Hayes stated \$8,000 would get it started. We should continue to make it happen. If we don't make projects with some of these things then they get forgotten.

TRUSTEE'S UPDATE:

Jim Fusco agreed to replace Mike Manning as Parks Maintenance. On Saturday the Parks

Avon Village Board
Monday, April 4, 2011 – ANNUAL MEETING

Committee, Mayor Freeman, Trustee Zhe and Jim Fusco took a tour of the parks and the work that needs to be done this year.

Superintendent Barrett reported that we own 30 acres of woods behind the reservoir and was thinking about logging that. John will check into logging the ash trees down at the Driving Park.

The Board reviewed a training record for 2010 for the Zoning Board of Appeals and the Planning Board.

Back on December 15, 2008 the Village Board approved a resolution stating that the Board Members are required to complete, at a minimum four hours of training each year designed to enable members to more effectively carry out their duties. According to the records, several members have not kept up with the required training. The Mayor suggested writing a letter to Zoning Board and Planning Board regarding the mandatory training.

Josh Williams spoke about the Genesee Sun. It passed the Senate and currently going through the House, it will be difficult to sign into law this year. Avon can have its own website for \$25.00 per month. It could link to the Village's website page. There are a lot of options for this.

The Board agreed to buy a section in the Genesee Sun for a 12 month period.

Mayor Freeman asked Mr. Williams to get the contract over to the Village

Treasurer Quinlan – Updated the Board on the questionnaire which is being distributed to a broad cross-section of Avon citizens, in an attempt to determine what they would like to see happen in our downtown area.

John Barrett & John Marks went to Henrietta and walked through the playground and found out what works and what doesn't and talked about insurance. Long range goal is to replace some of our equipment.

Trustee Hayes – Grant writing workshop in Buffalo he went to when he started, and would like to go again. He will bring in the information.

The Board discussed some budget items with Superintendent Barrett and Treasurer Quinlan. Will meet back here Wednesday night.

EXECUTIVE SESSION:

Upon a motion made by Trustee McKeown, the Board went into executive session at 7:20 pm to discuss personnel issues. Trustee Hayes seconded the motion and the Board exited executive session at 7:45 pm. The motion was carried by a unanimous vote.

Upon a motion, the meeting was adjourned at 7:45 p.m.

Avon Village Board
Monday, April 4, 2011 – ANNUAL MEETING

Respectfully submitted,



Patricia E. Baker
Village Clerk