

Avon Village Board Meeting
Monday, June 20, 2011

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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, June 20, 2011.

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

Absent: Robert Hayes, Trustee

Staff: Chief Jim Carney
Tony Cappello

Visitors: Jan Cole

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

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from June 6, 2011 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	Absent	
Timmy Batzel, Trustee	Abstained	

JAN COLE:

Earlier, Court Clerk Cole requested funding to upgrade the court computer program so that the Deputy Court Clerk and the Court Clerk can have access at the same time. Currently only one person can use the program at a time. This is inconvenient if both Court Clerks are trying to talk to Village people at the same time. Also both Clerks cannot use the program in the office and the courtroom at the same time. In the past this wasn't a problem because the Court Clerks were in the same office for court and office needs. The Town has already upgraded their program. Currently the Village program is a single user program.

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At a Board meeting back in March the Board agreed to put the additional \$1800 in the Court 2011-2012 budget. At that time they requested that when the time came for the actual purchase, the Court Clerk come before the Board once again.

The Board was in unanimous agreement to allow the purchase of the court computer software as requested.

LOCAL LAW #1, 2011 PUBLIC HEARING (SEWER DECREASE:

At 6:30 p.m. Mayor Freeman opened the public hearing by reading the duly published notice for proposed Local Law #1, 2011 entitled "A Local Law Establishing Sewer Rents To Be Imposed Upon Properties Within The Village of Avon".

Proposed Local Law #1 of 2011 to decrease the base quarterly sewer rents for each commercial, industrial and business property, and single family residence and unit apartment from \$55.00 per quarter to \$50.00 per quarter and to maintain the sewer usage rent for an additional charge of \$50.00 for each 2,000 cubic feet of water consumed by commercial businesses.

A motion was made by Trustee McKeown and seconded by Trustee Zhe to approve Local Law #1 to decrease the sewer charge from \$55.00 to \$50.00 making it retroactive from May.

VOUCHERS AND MANUAL CHECKS:

Upon a motion made by Trustee McKeown the following vouchers and manual checks were approved for payment:

General Fund	\$ 33,229.90
Water Fund	\$ 404.34
Schedule C	\$ 3,239.12
Sewer Fund	\$ 15,765.94
Fund #10	\$
Fund #11	\$ 1,645.94
Fund #17	\$ 603.63
Fund #47	\$
Fund #48	\$ 6,042.08
Fund #50	\$
Fund #51	\$
Fund #52	\$
Fund #53	\$
Fund #54	\$
Fund #55	\$

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Fund #56	\$
Fund #57	\$
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$
Fund #63	\$
Fund #64	\$
Fund #65	\$
Fund #66	\$
Fund #67	\$ 257.56
Fund #68	\$
Fund #69	\$
Fund #70	\$
Fund #71	\$
Fund #72	\$ 1,920.00
Fund #73	\$
Fund #74	\$
Fund #75	\$
Fund #76	\$
Fund #77	\$ 2,967.84
Fund #78	\$
Fund #79	\$
Fund #80	\$
Fund #81	\$
Fund #82	\$
Fund #83	\$
Fund #84	\$
Fund #85	\$
Fund #86	\$
Fund #87	\$
Fund #88	\$
Fund #91	\$
Fund #92	\$
Fund #93	\$ 6.87
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$ 66,083.22

Manual Checks:	United States Treasury	\$2,334.89
	NYS Child Support Proc. Ctr.	\$ 230.00
	NYS Income Tax Processing Unit	\$1,639.66
	Cash	\$ 100.00
	Law Enforcement Union	\$ 426.44
	NYS Child Support Proc. Ctr.	\$ 230.00
	SEIU 200 United	\$ 211.56
	Nationwide Retirement Solution	<u>\$1,201.00</u>
	Total	\$7,574.55

Trustee Batzel 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	Absent	
Timmy Batzel, Trustee	Voting	Yes

CODE ENFORCEMENT OFFICER UPDATE:

- Tops will mow the vacant parcel on East Main Street next to Monro Muffler
- Back parcel is owned by Charlie Aprile, and Code Officer Cappello will contact him on the overgrowth
- Letter of non-renewal from Genesee Regional Bank received for MJA Building and Development, Inc. (Mark Alexander). John and Tony will go up and inspect Phase I to see if all the work has been completed.
- Board discussed a fence issue in the Village with the homeowner and a neighboring property

The Board discussed the possibility of notifying neighbors if a fence permit is issued.

Mayor Freeman suggested that the Village have someone in charge of following the proposed schedule for the Gray Metal Project.

Code Officer Cappello informed the Board that he was monitoring everything. They have already sent the information to the County.

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Trustee Zhe agreed and suggested that Tony Cappello should keep everything on schedule.

Mayor Freeman will contact Carol Gray regarding getting the drawings to the different Board as soon as possible.

DPW UPDATE:

KEY FOBS FOR VILLAGE BUILDING:

Mayor Freeman in Superintendent Barrett's absence reported that he still is working on the key fobs for the Village building.

COST FOR SIDEWALK GRINDER:

A quote was submitted by Superintendent Barrett for a sidewalk grinder.

Franklin Paint Company	\$5,100
JN Equipment Company	\$5,200
REA Pro Stores	\$6,900

Superintendent Barrett recommended the unit from Franklin Paint Company.

A motion was made by Trustee Zhe and seconded by Trustee McKeown to approve the quote from Franklin Paint Company. 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	Absent	
Timmy Batzel, Trustee	Voting	Yes

The Board would like John Barrett to continue to pursue the lock for the gate at the DPW.

POLICE UPDATE:

Chief Carney requested that the Board resolves to open the following project from the General Equipment Reserve:

Chief Carney asked the Board to release monies for the Computer Project. In the budget we put \$3,000 for APD office computers.

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

RESOLUTION

A RESOLUTION authorizing the expenditures of \$3,000 from capital reserve funds HR22 – EQUIPMENT RESERVE 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 APD OFFICE COMPUTERS. The maximum estimated costs of the aforesaid specific object or purpose is \$3,000.

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	Absent	

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

RESOLUTION

Resolved, that a capital project be established in the amount of \$3,000.

Resolved, that said capital project shall be number H and entitled APD OFFICE COMPUTERS.

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

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Robert Hayes, Trustee

Absent

Chief Carney reported that his department has been having car problems lately. One of the cars is overheating and there is an issue with the fans. The expedition went to Tim's for a repair job. The hose is leaking antifreeze into the cylinder heads and there are two bad coils. Rhodes did the coils and the spark plugs needed to be replaced. The vehicles should be back in running operation by Tuesday.

TRUSTEE'S UPDATE:

ZONING BOARD OF APPEALS & PLANNING BOARD MEMBER APPOINTMENT:

Trustee Zhe moved to appoint Patrick McCormick of 252 Genesee Street to the Zoning Board of appeals to fill the vacant spot created by Kevin McCormick and Richard Martin of 14 Five Lot Lane to the Planning Board to fill the vacancy created by Rusty Korth.

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

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

EVACUATION PLAN - SON RISE SCHOOL AGE CHILD CARE L.L.C.

The Son Rise School Age Child Care L.L.C. located at 190 Clinton Street submitted a request that in the event of an emergency requiring evacuation of the child care center 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 190 Clinton Street.

A Certificate of Insurance naming the Village as an additional insured was also submitted.

Upon a motion made by Trustee McKeown the contract was approved for Son Rise School Age Child Care L.L.C. and seconded by Trustee Zhe and carried by the following vote:

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

INTERMUNICIPAL AGREEMENT (COURT SECURITY):

INTERMUNICIPAL AGREEMENT PROVIDING COURT SECURITY SERVICES FOR THE TOWN COURT, TOWN OF AVON

THIS AGREEMENT, made and entered into on July 20, 2011 by and between the Town of Avon, a municipal subdivision of the State of New York, 23 Genesee Street, Avon, New York, hereinafter "Town"; and the Village of Avon, a municipal subdivision of the State of New York, 74 Genesee Street, Avon, New York, hereinafter "Village.

WITNESSETH:

WHEREAS, both municipalities currently provide court services, with both Village Court and Town Court operating within the facility owned by the Town at 23 Genesee Street, Avon, and

WHEREAS, the Village has agreed to allow the Town to hire police officers of the Village to provide court security services for the Town Court, and

WHEREAS, the parties desire to establish the terms and conditions of the court security services of the Village police officers.

NOW, THEREFORE, IT IS HEREBY AGREED, by the parties hereto as follows:

1. The exchange of cooperative security services by the Village police shall not in any way hamper or delay the responsibilities of the police officers within the Village. The work schedules of the police officers for Village police protection shall at all time take and have priority over security services to be provided to the Town Court.

2. EMPLOYMENT.

The Town shall:

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a. Be responsible for injury to any of the Village police officers if it is a worker's compensation injury incurred while performing security services for the Town Court pursuant to Worker's Compensation Law Section 2(7).

b. Pay the Village officers for all security services for the Town Court as it would if the work were performed by other Town employees, all at the rate of \$20.00 per hour for such services, payable every two weeks.

c. Except as provided in Article 5 below, be liable for negligence of the Village police officers occurring in the performance of their Town Court security duties in the same manner and to the same extent as if the negligent conduct or omission were committed by Town employees.

d. The Village police officers providing security services shall keep records of the days and hours (as appropriate) they provided security services and provide copies of this documentation to the Town Clerk. Alternatively, if the Town desires, the Village police officers shall punch a time clock at the beginning and end of each shift of security duty. The Town shall process the payroll for such services, making all deductions for taxes, FICA, Medicare and state retirement.

3. TERM.

The term of this Agreement shall be from year to year and shall be automatically extended each year unless either party notifies the other on or before December 1 prior to the year that said municipality wishes to withdraw from the Agreement in the ensuing calendar year.

4. INSURANCE.

Both parties do hereby agree to obtain and thereafter continue to keep in full force and affect their general liability insurance and public liability insurance, and automotive insurance relative to the security various services to be performed herein with limits of not less than \$500,000 per occurrence and \$1,000,000.00 annual aggregate.

5. INDEMNITY AND SAVE HARMLESS AGREEMENT

The Town agrees to indemnify and save the Village, its officers, agents and employees harmless from any liability imposed upon the Village, its officers, agents and/or employees arising from the negligence, active or passive, of the Village police officers while acting as Town Court security personnel to the extent of the insurance limits set forth in paragraph 4 above. In the event that said negligence of the Village police officers causes damage in excess of the aforesaid insurance coverage limits, the Village shall indemnify and save the Town harmless from such excess liability.

6. AUTHORITY FOR EXECUTION. The Supervisor of the Town and Mayor of the Village has executed this Agreement pursuant to a resolution adopted by the Town Board and adopted by the Village Board at properly convened meetings of each Board.

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7. **WAIVER.** No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

8. **MODIFICATION.** This Agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.

9. **APPLICABLE LAW.** This Agreement is governed by the laws of the State of New York.

10. **HEADINGS.** Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

11. **COUNTERPARTS.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

12. **BINDING EFFECT.** This Agreement shall be binding upon the parties and their respective legal representatives, successors, and assigns.

IN WITNESS WHEREOF, the Village of Avon and the Town of Avon have caused their corporate seals to be affixed hereto and these presents to be signed by Thomas Freeman, Mayor of the Village of Avon and David LeFeber, Supervisor of the Town of Avon, duly authorized to do so, and to be attested to by the clerks of each municipality the day and year first above written.

A motion was made by Trustee McKeown to accept the agreement as proposed and seconded by Trustee Zhe and carried by the following vote:

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

Trustee Zhe reported:

- Sandy Stoddard has paid up her stall rent through June
- Playground Committee still working on and developing the playground
- Treasurer Quinlan and Marnie Baker recently went to a grant workshop
- Association of Village Boards have cut down to five dinner a year instead of six

Mayor Freeman reported:

- Kiddies Day will be held on July 30th. Mayor Freeman will talk with Margaret Preston regarding the fire trucks running on the track between 4 pm – 8 pm
- Spoke with Steve Harrison about doing our water bills. He will arrange to have a technical person come down and talk with us
- Avon On The Green – Treasurer Quinlan and Mayor Freeman will be meeting with representatives from Schumer’s office and Gillabrand’s office to discuss what we’ve been doing with the Federal HUD money and get input from them before going to Buffalo in July or August
- John Barrett was asked to take care of the grass in front of ESL and the Antique House
- Board agreed that grass may be planted on the triangle by Avon Mini Mart

EXECUTIVE SESSION:

Upon a motion made by Trustee Batzel, the Board went into executive session to discuss personnel matters at 7:50 p.m. Trustee McKeown seconded the motion and it was carried by a unanimous vote. The Board exited executive session at 8:30 p.m.

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

Upon a motion made by Trustee McKeown, Patricia Baker’s salary shall be increased by \$3,000 annually effective June 1, 2011. 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
Robert Hayes, Trustee	Absent	
Timmy Batzel	Voting	Yes

Upon a motion made by Trustee Batzel, John Barrett shall receive a onetime merit increase of \$2,500 to be paid for the next payroll. Trustee Zhe seconded the motion and it was carried by the following vote:

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

Upon a motion the meeting was adjourned at 8:30 p.m.

Respectfully submitted by,



Patricia E. Baker
Village Clerk