

Avon Village Board Meeting
Monday, August 1, 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, August 1, 2011.

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

Staff: Tony Cappello
John Barrett
Chief James Carney
Reid Whiting, Attorney

Visitors: Jan Cole
Josh Williams
Dan Freeman

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 July 18, 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	Abstained	
Timmy Batzel, Trustee	Voting	Yes

JAN COLE:

The Board discussed with Ms. Cole the conference that she is requesting to attend. Last year she did not attend the conference as she was in Hawaii, therefore, this year the budget remained the same as the previous year allowing her to attend conferences.

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The Board informed her that she needed to submit a request form for conference attendance which she was unaware of.

The Board questioned if she was required by the State to take classes?

She replied no, but Judges are.

Mayor Freeman also informed Ms. Cole that when court hours are changed, it's important to let the Village Board know of these changes.

VOUCHERS AND MANUAL CHECKS:

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

General Fund	\$ 5,851.25
Water Fund	\$ 1,139.27
Schedule C	\$ 972.27
Sewer Fund	\$ 3,258.94
Fund #10	\$
Fund #11	\$
Fund #17	\$ 3,158.28
Fund #47	\$
Fund #48	\$
Fund #50	\$
Fund #51	\$
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	\$

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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 #91	\$
Fund #92	\$
Fund #93	\$ 255.41
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$14,635.42

Manual Checks:	NYS Child Support Proc. Ctr. – Child Support	\$ 256.00
	Nationwide Retire.-Deferred Comp.	\$1,228.44
	Wegmans Food Markets – Simpson Reception	\$ 79.98
	Total	\$1,564.42

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

Robert Hayes, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

OPEN PROJECTS:

Treasurer Quinlan requested that the Board resolves to open the following projects from the General Equipment and Streets Reserve:

(OFFICE COPIER);

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

RESOLUTION

A RESOLUTION authorizing the expenditures of \$3,500 from capital reserve funds HR22 – OFFICE COPIER 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 OFFICE COPIER. The maximum estimated costs of the aforesaid specific object or purpose is \$3,500.

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

Thomas Freeman Mayor	Voting	Yes
Mark McKeown, Trustee	No	
Timmy Batzel, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

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

RESOLUTION

Resolved, that a capital project be established in the amount of \$3,500.

Resolved, that said capital project shall be number H and entitled *OFFICE COPIER*.

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

Thomas Freeman Mayor	Voting	Yes
Mark McKeown, Trustee	No	
Timmy Batzel, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

(HOLIDAY BANNERS);

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

RESOLUTION

A RESOLUTION authorizing the expenditures of \$1,500 from capital reserve funds HR24 – *HOLIDAY BANNERS* 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 *HOLIDAY BANNERS*. The maximum estimated costs of the aforesaid specific object or purpose is \$1,500.

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

Thomas Freeman Mayor	Voting	Yes
Mark McKeown, Trustee	No	
Timmy Batzel, Trustee	No	
William Zhe, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

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

RESOLUTION

Resolved, that a capital project be established in the amount of \$1,500.

Resolved, that said capital project shall be number H and entitled *HOLIDAY BANNERS*.

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

Thomas Freeman Mayor	Voting	Yes
Mark McKeown, Trustee	No	
Timmy Batzel, Trustee	No	
William Zhe, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

The Board agreed that prior to making a purchase of the copier and/or the banners, they would like to see more information on these projects and more than one quote.

CODE ENFORCEMENT OFFICER UPDATE:

- Haubner's house – 127 Prospect Street – possible buyers
- Talked to Jim Davis's son regarding mowing around the building @ 90 West Main Street

DPW UPDATE:

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- River Street paving done, chip sealing next week
- Working on Village Hall gutters
- Working on metal roof @ horse barn
- Working on retaining wall at D'Angelo Parkway
- Looking at drainage at Five Lot with MRB on Tuesday and review the easements
- Looking at the cover on the digester with MRB
- Pump House - VFD is being tested on manual along with the pumps. Permanent wiring being done so project should be done soon.
- Sliding gate quote - \$6590, installed (Empire)
- Cleaning up down by Randy Petersons
- Currently working at Dick Neth – 287 Spring Street. The concrete gutter will be extended and a catch basin will be put in and tie it into the 6" pipe

Mayor Freeman suggested just buying a couple new gates with locking mechanisms.

Mayor Freeman stated that drainage improvements up at Five Lot and Alexander Crossing would only help with the downstream flows and help water issues at Five Lot. Does the Village have the right to go and work on the drainage?

Attorney Whiting informed the Board that easements run with the land. If it will help other drainage areas and if the Village wants to do the work, it's strictly up to the Village.

Mayor Freeman asked the question if we modify now and do what we want when the subdivision continues would the developer take over. It would be benefiting a poor drainage system.

Reid Whiting – It depends on what the site plan says. I would send a demand letter stating that they need to finish what they're supposed to do to satisfy the site plan or they will be charged.

Superintendent Barrett – Mark Alexander didn't dig any kind of pond so he's not containing the water.

The Board agreed to meet at the filtration plant on the 15th at 4:00 and then tour the pump house.

Superintendent Barrett questioned the Board on when he can say no to an over abundance of brush? If a resident has someone come in commercially and cut down trees, shouldn't they take it away?

Trustee McKeown suggested making a policy on the number of trees the Village will haul away.

There seemed to be varying opinions, therefore, the Board agreed to review and make suggestions on amending the policy.

Attorney Whiting reported that he had received an email from James J. Cummings III, Esq. who is representing Genesee Regional Bank in the matter of the Letter of Credit for Mark Alexander.

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He stated that he had received a copy of Mr. Whiting's letter dated July 18, 2011 and is in the process of reviewing the relevant file documents and will be responding upon conclusion of his review and discussions with the bank. Mr. Whiting once again stated that the Letter of Credit must remain in place until all street infrastructures has been completed and approved by the Village Engineer and the Village Board.

Trustee Zhe questioned the gazebo roof. Currently the only quote we have is from Speedwell Construction Services, Inc. at a cost of \$4,470. Mayor Freeman agreed to check out other individuals and get quotes.

Trustee Hayes questioned what the intentions of Mark Alexander are with the development of his subdivision.

Mayor Freeman agreed to call Mr. Alexander and find out, and see if he would like to attend a Village Board meeting.

POLICE UPDATE:

Chief Carney gave a brief recap on the 2011 NYSACOP Training Conference he attended in Lake Placid.

Mayor Freeman informed the Board that a Village resident hired Bill Cook from the Wildlife Capture Company in Lima to trap and remove skunks. They ended up capturing eight skunks from the neighborhood.

Mayor Freeman asked the evening patrol to keep a record of where the skunks were located and how many they saw. Over three nights, it was reported that they saw five skunks.

According to the wildlife expert, skunks and rabbits are on a high cycle this year so that is why we are seeing so many of them.

Chief Carney reported that up until now the department has been turning a blind eye to the golf carts driving around and it seemed like a novelty thing, but now there are several more golf carts than there was a few months ago. Recently we have had several complaints pertaining to them. The school has asked that they not be allowed on school grounds. We've had complaints from McDonalds driving them through the drive-thru. McDonalds refused to serve them, and they called the Police. Insurance is an issue, if they have an accident we would write them for having an unregistered vehicle. A family driving down the street with kids sitting on their laps is against the law. We need to address how we want to handle this sooner than later.

Attorney Whiting suggested having our State Senators look into this in order to change the current law. Also the Conference of Mayors might have some ideas on this. How are other communities dealing with this?

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Chief Carney - According to State Law, unless they have met the requirements of certain model #'s and have it registered they cannot be operated on the road. We need to set the policy now by issuing a warning violation and then follow the law.

Mayor Freeman suggested bringing it up at the next neighborhood meeting on how the Village should handle this.

Chief Carney reported that he will be meeting with the Corn Festival once more before the 13th to make sure everything is in order.

DAN FREEMAN:

DAN FREEMAN – I realize it's only August 1st but I would like to plead my case to the Board to have snow plowing done by the Village on my street. We receive brush, and leaf pickup, Police Service and Fire Protection. Snow plowing is the only service we are not receiving as a Village Resident. I would like to ask the Board that it be a service we receive as Village taxpayers.

Trustee Hayes – I think it seems reasonable, with 911 we would need that service provided. We've done it in the past with Richmond Lane.

Tony Cappello – We plow private roads behind the stores so emergency vehicles can get through.

Dan Freeman– The Village plows the Episcopal Church and in front of St. Agnes School. I'm not asking for maintenance on our street, but for services that are afforded.

Trustee McKeown – If I see all private roads having the same service then ok. Until people are ready to dedicate the streets to the Village by making them meet width requirements then I feel it's not the Village's responsibility. My opinion is you purposely built a home on a private drive so you would have privacy and services weren't provided but some have slowly crept in for the homeowners.

Trustee Zhe– I'm concerned over liability if something happens because the Village would be on a private drive.

Attorney Whiting – Unfortunately, a municipality cannot use public resources to maintain a private street. It's an unconstitutional gift and they could be sued by other residents for providing gifts.

Dan Freeman – Will the Village stop plowing in front of St. Agnes and Episcopal Church and behind the stores?

Trustee McKeown - St. Agnes and Episcopal Church are on a dedicated street.

Trustee McKeown – I guess we should stop plowing behind the stores.

Trustee Hayes – Is making it a dedicated roadway something people on the street would be opposed to?

Dan Freeman - That's not a topic we've discussed. We are just looking for that 5th service. I would appreciate being kept informed of my request and your decision so we know what our next step should be.

TRUSTEE'S UPDATE:

September 12th next neighborhood meeting which will include: Spring Street, Wadsworth Avenue, River Street, Bronson Avenue, Railroad Avenue, Maple Street, Doer Avenue, Isham Avenue and West Main Street?

EXECUTION OF ERIE-ATTICA CONSULTANT AGREEMENT:

Attorney Whiting reported that he had reviewed the consultant agreement and found it to be acceptable with the exception of the clause stating that the Village would provide meals, travel, and lodging. He found it to be questionable. There are a lot of duties imposed on the Village. The Village will be the lead agency for SEQR (short form). The consultant will be highly involved in the bid process which will be helpful. There are some very good features in the agreement.

A motion was made by Trustee Hayes to approve the Erie-Attica Consultant Agreement contingent upon the removal of the meals, travel and lodging section. Trustee Zhe seconded the motion and it was carried by the following vote:

Thomas Freeman Mayor	Voting	Yes
Mark McKeown, Trustee	No	
Timmy Batzel, Trustee	No	
William Zhe, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

TOWN AND VILLAGE OF AVON AND VILLAGE OF HONEOYE FALLS – AMBULANCE MUTUAL AID:

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A letter was received from Mayor Richard Milne, Mayor of the Village of Honeoye Falls asking for the Villages' consideration of creating a "mutual aid agreement" between the municipalities ambulance service. The reasoning behind this was that the Honeoye Falls Mendon Volunteer Ambulance had at one time or another serviced our community through a mutual aid request.

Attorney Whiting spoke with Jim Campbell and agreed it didn't impose any obligations on the Village or Town of Avon. The opinion was, why not, it won't cost anything. It's not essential but would probably help with grants.

A motion was made by Trustee Batzel and seconded by Trustee Zhe and 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

INSURANCE RENEWAL:

The Board reviewed a breakdown of the Village's insurance renewal quote with Selective. The pricing was consistent with the current premiums, therefore, the Board was in agreement not to seek other quotes and renew on September 1, 2011 with Selective Insurance.

A motion was made by Trustee Zhe and seconded by Trustee McKeown to renew the insurance this year with Selective Insurance. The motion 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

EXECUTIVE SESSION:

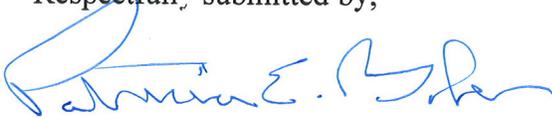
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at

Upon a motion made by Trustee Zhe the Board went into executive session to discuss personnel matters at 8:50 p.m. Trustee Hayes seconded the motion and it was carried by a unanimous vote. The Board exited executive session at 9:00 p.m.

Upon a motion the meeting was adjourned at 9:05 p.m.

Respectfully submitted by,



Patricia E. Baker
Village Clerk