

VILLAGE BOARD MEETING MINUTES:.....	2
VOUCHERS AND MANUAL CHECKS:	3
USDA RURAL DEVELOPMENT APPLICATION:	5
COPIER QUOTES:.....	5
OPEN PROJECTS:	5
RESERVE HR-31-WATER DISTRIBUTION LINES RESERVE:	6
PIPE LOCATOR.....	6
RESERVE HR-33-WATER FILTRATION PLANT RESERVE:	7
CHEMICAL FEED PUMPS.....	7
RESERVE HR-33-WATER FILTRATION PLANT RESERVE:	8
COMPUTER UPGRADE	8
RESERVE HR41-SEWER LINES RESERVE:	9
MANHOLE COVER INSERTS	9
RESERVE HR42-SEWER PLANT RESERVE:.....	10
COMPUTER UPGRADE	10
CLOSED PROJECTS:.....	12
COMPUTER REQUEST:.....	13
BERNARD P. DONEGAN, INC. PROPOSAL:	13
CODE ENFORCEMENT OFFICER UPDATE:	14
DPW UPDATE:.....	14
JIM HARRINGTON & MARY BLYE (AWARDS):	15
ATTORNEY WHITING:	15
TRUSTEE’S UPDATE:.....	16
TAX RELEVY RESOLUTION:	16
EXECUTIVE SESSION:.....	17

Avon Village Board
Monday, October 3, 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, October 3, 2011.

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

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

Visitors: David LeFeber
James Harrington
Faye Beshures
Josh Williams
Mary Blye
Jim Blye
Jennifer Blye

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 September 19, 2011 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
Robert Hayes, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

VOUCHERS AND MANUAL CHECKS:

Upon a motion made by Trustee Batzel the following vouchers were approved for payment:

General Fund	\$ 13,987.41
Water Fund	\$ 4,379.84
Schedule C	\$ 6,962.80
Sewer Fund	\$ 9,819.26
Fund #10	\$
Fund #11	\$
Fund #17	\$ 4,517.66
Fund #47	\$
Fund #48	\$
Fund #49	\$
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	\$
Fund #69	\$
Fund #70	\$
Fund #71	\$
Fund #72	\$
Fund #73	\$
Fund #74	\$
Fund #75	\$
Fund #76	\$
Fund #77	\$
Fund #78	\$

Avon Village Board
Monday, October 3, 2011

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	\$	1,017.91
Fund #94	\$	
Fund #95	\$	
Fund #96	\$	
Fund #97	\$	
Fund #98	\$	
Fund #99	\$	
TOTAL	\$ 40,684.88	

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

USDA RURAL DEVELOPMENT APPLICATION:

Superintendent Barrett informed the Village Board that according to Ryan Colvin, Avon has never gotten a grant from USDA, and a long SEQR form would be required. The Village would have about a 2% chance of getting the grant.

Treasurer Quinlan mentioned that she had spoken with a USDA representative and is waiting to hear back from them if we would need to do a long form SEQR.

The Board agreed to discuss at their next meeting on October 17, 2011.

COPIER QUOTES:

Treasurer Quinlan submitted quotes for leasing a new copy machine. The quotes came in as follows:

Toshiba – 39 month lease - \$9,087.00
Eastern – 60 month lease - \$12,240.00
Ricoh – 39 month lease - \$9,199.32

The Board and office personnel narrowed it down to either Toshiba or Ricoh. Since the prices were so close, Treasurer Quinlan is going to contact each vendor once again to see if she could get better pricing. A decision will be made at the October 17, 2011 meeting.

Treasurer Quinlan submitted plans from Rick Housser that he has done and the draft façade guidelines are still being tweaked.

OPEN PROJECTS:

Treasurer Quinlan asked the Board to resolve to open the following project:

Superintendent Barrett explained to the Board each of the projects that he would like to open and the reason why.

RESERVE HR-31-WATER DISTRIBUTION LINES RESERVE:

PIPE LOCATOR

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

RESOLUTION

A RESOLUTION authorizing the expenditures of \$3,000 from capital reserve funds HR31-Water Distribution Lines 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 *PIPE LOCATOR*. 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 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

CAPITAL PROJECT:

Trustee Zhe 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 *PIPE LOCATOR*.

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	Voting	Yes

RESERVE HR-33-WATER FILTRATION PLANT RESERVE:

CHEMICAL FEED PUMPS

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

RESOLUTION

A RESOLUTION authorizing the expenditures of \$5,000 from capital reserve funds HR33- Reserve for the Water Filtration Plant 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 *CHEMICAL FEED PUMPS*. 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 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

CAPITAL PROJECT:

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 *CHEMICAL FEED PUMPS*.

Trustee Zhe 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

RESERVE HR-33-WATER FILTRATION PLANT RESERVE:

COMPUTER UPGRADE

Trustee McKeown offered the following resolution and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$25,000 from capital reserve *funds HR33- Reserve* for the Water Filtration Plant 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 *COMPUTER UPGRADE*. The maximum estimated costs of the aforesaid specific object or purpose is \$25,000.

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

Avon Village Board
Monday, October 3, 2011

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

CAPITAL PROJECT:

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

RESOLUTION

Resolved, that a capital project be established in the amount of \$25,000.

Resolved, that said capital project shall be number H and entitled *COMPUTER UPGRADE*.

Trustee Batzel 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

RESERVE HR41-SEWER LINES RESERVE:

MANHOLE COVER INSERTS

Trustee Hayes offered the following resolution and moved for its adoption:

RESOLUTION

A RESOLUTION authorizing the expenditures of \$5,000 from capital reserve funds HR41- Reserve for the Sewer Lines Reserve 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

Avon Village Board
Monday, October 3, 2011

MANHOLE COVER INSERTS. 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 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	Voting	Yes

CAPITAL PROJECT:

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 *MANHOLE COVER INSERTS*.

Trustee Zhe 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

RESERVE HR42-SEWER PLANT RESERVE:

COMPUTER UPGRADE

Trustee McKeown offered the following resolution and moved for its adoption:

RESOLUTION

Avon Village Board
Monday, October 3, 2011

A RESOLUTION authorizing the expenditures of \$15,000 from capital reserve funds HR42- Reserve for the Sewer Plant Reserve 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 *COMPUTER UPGRADE*. The maximum estimated costs of the aforesaid specific object or purpose is \$15,000.

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 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

CAPITAL PROJECT:

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

RESOLUTION

Resolved, that a capital project be established in the amount of \$15,000.

Resolved, that said capital project shall be number H and entitled *COMPUTER UPGRADE*.

Trustee Zhe 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

Avon Village Board
Monday, October 3, 2011

Attorney Whiting mentioned that LeRoy hired a certified plumber to go around and check the sanitary connection to the storm sewer and down spouts and every time anyone transfers property, they have to get approval to show that they are in compliance. The Village of LeRoy plans to do this inspection every five years. They did it through a Local Law and its part of the Village Tax Search.

The Board agreed it was a good idea and asked Attorney Whiting to draft an ordinance so when there is a transfer of title an inspection of water and sewer runoff will be done to make sure they are in compliance.

CLOSED PROJECTS:

Upon a motion made by Trustee Zhe, the following projects are hereby closed and the remaining monies returned to their original sources:

<u>Project Name</u>	<u>Balance Remaining</u>	<u>Original Source</u>
H49-Sidewalk Grinder	\$0	
H51-Paddock Fence	\$0	
H86-Police Car	\$0	
H88-APD Computers	\$0	
H90-Buckle Up Grant	\$0	

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

COMPUTER REQUEST:

Clerk Baker submitted a request to purchase a new office computer for Treasurer Quinlan. Her computer was the oldest computer in the Village Office. She has been experiencing difficulty with it recently. A quote was received from Dell (Mike Tomaselli) of \$989.00 and a quote from Hurricane Technologies, Inc. of \$1,403.00

Upon a motion made by Trustee Batzel the quote submitted by Dell Computers through Mike Tomaselli of \$989.00 was approved. 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

BERNARD P. DONEGAN, INC. PROPOSAL:

A proposal was submitted from BPD Municipal Finance for financial consulting services as needed. The scope of the proposal was divided into four parts:

Part 1 – Initial Borrowing and/or Renewal of Bond Anticipation Notes with an Official Statement (\$1,000,000 or more).

Part 2 – Sale of Registered Public Market Serial Bonds with an Official Statement (\$1,000,000 or more).

Part 3 – Continuing Annual Secondary Market Disclosure over the Life of the Bond Issue to Comply with CFR Title 17, Securities Exchange Act of 1934, as amended, Section 240.15c2-12.

Part 4 – Financial Management Services.

The proposal will be put on hold for a couple weeks in order for the Board to be able to review it.

CODE ENFORCEMENT OFFICER UPDATE:

- Robert House will be out of Randy Peterson's house by December 1, 2011
- Mark Alexander said that some of the land was mowed the other day, and the lot next to the soccer field was donated to the school by Mr. Alexander.
- Every vacant house is going to be inspected and letters sent out for those that have code violations.
- Talked to John Barrett about Jim Davis in regard to bringing in a piece of equipment that will help take the empty trailer off the property before winter.
- Will check at Park Theatre concerning panels that are missing in the marquee and abandon cars parked at D'Angelo's property on Rochester Street.

DPW UPDATE:

- Bryan Scott needs to go out and have an appendectomy in the near future. The Board talked about the possibility if something breaks down we may have to call someone in to help out. We'll be ok with manpower only if there's a problem with mechanic work.
- Projects we've been working on lately are working with the sidewalk grinder, striping, and patching. Some sidewalks need to be replaced before we do leaves. Working on bricks that have settled in front of store fronts.
- The wall is almost complete at D'Angelo Parkway; we need to put six caps on. The topsoil is in there.
- Crosswalk is a project for next year.

The owner of the dry cleaners asked about the handrails.

The Board agreed that since we got the quote we should go ahead and order a couple of them. One will go in front of the cleaners and one by the bank.

JIM HARRINGTON & MARY BLYE (AWARDS):

On behalf of Mayor Freeman and the Village Board and David LeFeber and the Town Board James Harrington and Mary Blye were recognized for the help and support that they gave Ted Simpson in his time of need. Mr. Harrington was also recognized for donating his van to a family in Henrietta to help a seven year old girl. Each was presented with a letter of recognition and appreciation.

ATTORNEY WHITING:

Attorney Whiting updated the Board on the variance approval for Gray Metal with the Zoning Board of Appeals.

The Board agreed the Village Board along with the Planning Board should meet one more time before giving final approval. The Board would like to discuss the zoning changes that are listed in the proposed plan. The Mayor would like to see the zoning changes pulled out of the final plan.

Attorney Whiting stated that the Zoning has to be consistent with the Comprehensive Plan.

The Board agreed and wants to make sure it gives us the flexibility we intended. It was agreed upon by the entire Board that a joint meeting will be scheduled for November 7th at 5:00 p.m. Final approval for site plan approval for Gray Metal will also be on November 7th at 7:00 p.m.

The Board reviewed the Spratt/Taylor letter from Attorney Whiting and agreed to pass it on to the Town Board. Attorney Whiting did not find any justification for the Town seeking a credit for the usage. The contract remains in full force and the Town agreed to indemnify the Village for any claim arising out of the Village's sale or furnishing water under the agreement of November 6, 1984.

A motion was made by Trustee Batzel to send the letter back to the Town Board. The motion was 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	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

TRUSTEE'S UPDATE:

TAX RELEVY RESOLUTION:

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

RESOLUTION

WHEREAS, the Village of Avon hereby requests that the County of Livingston collect certain delinquent Village taxes for the tax levy of June 2011, and

WHEREAS, the Village of Avon will take no action to recover said unpaid taxes pursuant to Section 1440 of the Real Property Tax Law of the State of New York and no sale on account of said unpaid taxes will be held pursuant to law,

NOW THEREFORE BE IT RESOLVED that the Village of Avon officially requests that the County of Livingston collect certain delinquent Village taxes for the tax levy of June 2011 pursuant to Section 1442 of the New York State Real Property Law.

AND IT IS FURTHER RESOLVED that a copy of this resolution, duly certified by the Village Clerk of the Village of Avon shall be transmitted forthwith to the Livingston County Treasurer and the Clerk of the Livingston County Board of Supervisors.

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	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

Treasurer Quinlan distributed to the Board Members grants that were currently being worked on grant/proposals, funds awarded and updates.

EXECUTIVE SESSION:

Upon a motion made by Trustee McKeown the Board went into executive session to discuss personnel matters at 7:45 p.m. Trustee Zhe seconded the motion and it was carried by a unanimous vote. The Board exited executive session at 8:30 p.m.

A motion was made by Trustee Zhe and seconded by Trustee Hayes to pay Elaine Driscoll an additional \$35.00 per pay to be applied toward her retirement. 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	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

Chief Carney asked the Board to resolve to open the following project:

- STEP (Speed & Alcohol) in the amount of \$3500 fully funded by a NYS GTSC grant

A motion was made by Trustee Hayes and 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	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

A question on jake brakes recently came up at a Neighborhood Meeting. After investigating the matter, it was determined that there is no legislation action toward jake brakes. So for now the Police Department will use the existing rules and look into the purchase of a decimal meter.

Upon a unanimous motion, the meeting was closed at 8:40 pm.

Respectfully submitted,



Patricia E. Baker
Village Clerk