

Avon Village Board Meeting
Monday, November 21, 2011

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Avon Village Board Meeting
Monday, November 21, 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, November 21, 2011.

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

Staff: Christine Quinlan
Tony Cappello

Visitors: Mary Ann Thompson
Bob Thompson
Amanda Sprinkle
Gael Orr
Rob Brunson
Beth Carr
Steve Phillips
Bruce Clarke
Joe Schill
Martha Cousins
Rebecca Rio
Mark & Debbie Morrow
Deb French

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 November 7, 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:

The Board discussed some vouchers submitted by the Fire Department that had not followed the Village's Purchasing Policy of obtaining quotes. Mayor Freeman will discuss with Fire Chief Batzel.

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

General Fund	\$161,269.49
Water Fund	\$ 29,054.68
Schedule C	\$ 13,263.50
Sewer Fund	\$ 64,678.66
Fund #10	\$
Fund #11	\$
Fund #17	\$ 586.52
Fund #47	\$
Fund #48	\$
Fund #50	\$
Fund #51	\$
Fund #52	\$
Fund #53	\$
Fund #54	\$ 30.03
Fund #55	\$
Fund #56	\$
Fund #57	\$ 30.03
Fund #58	\$
Fund #59	\$

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Fund #60	\$ 1,202.97
Fund #61	\$ 30.03
Fund #62	\$ 24,204.02
Fund #63	\$ 30.03
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	\$
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	\$
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$ 294,379.96

Manual Check:

Zion Episcopal Church – Poinsettias

\$ 50.50

NYS Child Support - Child Support	\$ 256.00
Nationwide Retirement – Deferred Comp	<u>\$1,101.00</u>
TOTAL:	\$1,407.50

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:

Treasurer Quinlan reported that if MRB does the environmental report required it will cost \$2,000. As of today, we have paid \$8412 in engineering fees since 2009 copies of the invoices were distributed to the Board and we have no guarantees on this. We need to have MRB do the report to stay on the list. The Board needs to make a determination.

An e-mail was received today from Clement Chung of MRB who stated that their fee for preparing the RD Environmental Report for the project would be not-to-exceed \$2,000.

As discussed, the Village would like to pursue every avenue for procuring funding, MRB has been told by USDA that this project does not score very highly on their priority list, and that will factor into their ability to fund this project for this fiscal year. If they are not able to offer financing this year, the likelihood is that interest rates on their loans will continue to increase. The Village needs to decide whether the ancillary costs involved in complying with their requirement would be better spent applied to the capital improvements themselves.

Mayor Freeman – The \$8400 has snuck up on us why are we continuing to pay for this? How did we get to this point? We have \$400,000 set up in capital reserve. Mayor Freeman informed the Board that John Barrett is meeting with MRB and he would like to pursue establishing a project for a bar screen rake or digester lids. This would be a low interest loan. Did the Board authorize the expenditure way back when and did we put a limit on it?

Cynthia Newcomb, Area Specialist with the U.S. Department of Agriculture, Rural Development is asking for an update on whether the Village of Avon is going forward with their application for the Wastewater Treatment Plant.

The Board advised Treasurer Quinlan to call Cynthia Newcomb and let her know that we're going to proceed and MRB will prepare the full report.

COMMUNITY PLANNING GRANT RECOMMENDATION:

The Community Planning Grant Committee met and discussed the potential uses of the data contained in the final reports provided by In.Site.Arcitecture and Asterhill Associates for our Community Planning grant.

The Committee's recommendations are as follows:

- 1) The Village Board pass a resolution tonight to accept the final deliverables, allowing the closing of the current grant. We suggest that the Village Board pass on these deliverables to the Planning Board for their review and possible inclusion in our Code and/or Comprehensive Plan, and then returned to the Village Board for final adoption.
- 2) Rick Hauser has suggested a presentation to property owners, business owners and the general public on the material contained in the guidelines. We have remaining money in the grant to cover the \$200 expense for this information meeting.
- 3) The steering committee will meet with Thoma Associates to discuss the upcoming NY Main Street, CDBG and HUD grants; and the possible inclusion of portions of the work in Avon in these submissions.
- 4) Further assistance opportunities may be available on the basis of Historic Preservation and/or Historic District characteristics, and the committee will research these possibilities.
- 5) There is the opportunity to gain the assistance of Rick Hauser with projects as they proceed.

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

RESOLUTION

A RESOLUTION authorizing the Village to accept the final deliverables, allowing the closing of the current grant.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The deliverables shall be passed on to the Planning Board for their review and possible inclusion in our Code and/or Comprehensive Plan, and then returned to the Village Board for final adoption, along with a presentation to property owners, business owners and the general public on the material contained in the guidelines.

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

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

Paul Drozdziel sent an email stating that he highly recommends that the entire study be added to our Comprehensive Plan. Also any other corridor studies or are related community development plans should be considered for inclusion into the plan.

CLOSED PROJECTS:

Upon a motion made by Trustee Zhe the following projects are hereby closed and the remaining monies returned to its original funding source:

<u>Project Name</u>	<u>Balance Remaining</u>	<u>Original Source</u>
H58-Holiday Banners	\$369.53	HR24-Streets Reserve
H80-Brush Hog	\$ 91.38	HR42-Sewer Plant
H91-Step Grant	\$0	

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

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

Trustee McKeown – Does the discontinuance of MRB hosting Mapguide Intranet GIS viewer have an impact to us?

Treasurer Quinlan – They didn't get rid of it and MRB will still support the Village. It just won't be able to be viewed by the public.

Treasurer Quinlan said she would verify with Ryan Colvin and/or Dan Allen but her understanding is they will continue to support Superintendent Barrett.

Mayor Freeman suggested having Ryan Colvin attend a meeting.

CODE ENFORCEMENT OFFICER UPDATE:

- Cars on Rochester Street – They belong there, it's not an empty building there's a repair shop in there currently. As soon as I can get a hold of the guy that works there I'll inform him that he can't have all those cars there.
- Randy Peterson – Talked to Robert House who is currently cleaning up the property that belongs to Randy Peterson to put in a garden. Mr. House is going to talk with Randy Peterson and wants remain living there after stating he would be leaving by December 1st and taking all his junk with him. If he is going to stay there Randy Peterson needs to come to a Board Meeting to discuss the request.
- Possible addition of a conference room on the north side of Barilla.
- Jerris's place up at the Avon Town Square Plaza wants to expand. We need to do a fire inspection because exits are blocked off. It was temporary, now it's not.
- Fire in D'Angelo's block, A walk through needs to be done because the Code Officer got a call from a lady that lives there and there are no smoke detectors and if someone didn't come and knock on her door she wouldn't have known there was a fire.

It was suggested that a series of alarm be installed, and if one goes off, they all will go off. The Fire Marshall does inspections every three years.

Mayor Freeman directed Code Officer Cappello to send an official letter to Randy Peterson to remove all non-operable equipment. Mr. House was expected to be out of Mr. Peterson's home by December 15th.

BOB & MARY ANN THOMPSON – HYDROFRACKING:

A group of concerned citizens from across Livingston and Ontario counties have been campaigning the area asking Town and Village Boards that a one year moratorium be enacted to prevent permits from being issued until local governments pass zoning laws and other ordinances pertaining to fracking.

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A presentation was presented including information from hydraulic fracturing critics. They point out the new technologies used by drilling extract gas from the Marcellus shale formation and the dangers which the hydraulic fracturing method of natural gas extraction poses for Livingston County.

Fracking was perfected in the 1990s as a way of extracting methane gas trapped in underground formations of shale. Wells are drilled vertically, then horizontally for large distances. The shale is detonated with explosives, and then the methane is forced to the surface using chemically treated water under high pressure.

The DEC is in the latter stage of an approval process which could sanction well drilling in our region as early as January of 2012.

New York City and Syracuse are exempt; therefore, they are coming to the Finger Lakes and Southern Tier.

The Village Board will discuss the issue with Village Attorney Reid Whiting in regard to adopting a moratorium delaying fracking. There are a lot of things we don't know.

TRUSTEE'S UPDATE:

Back in August a resident of Hickory Hill attended a meeting and requested that the Village DPW plow his street. He stated that he receives brush and leaf pickup, Police Service and Fire Protection and snow plowing was the only service he didn't receive as a Village taxpayers.

Attorney Whiting reported that a municipality cannot use its resources to maintain private property. If a road or street has not been dedicated to the Village, the Village cannot maintain or plow it.

It is the opinion of Attorney Whiting that municipal plowing, paving or maintaining of a private road is unconstitutional.

Trustee Batzel – I need a clarification, who owns in front of St. Agnes School?

Trustee Zhe – The State, that's why they did the work there.

Trustee McKeown suggested that he write a letter in response to the request and send a copy of Attorney Whiting's letter.

Trustee Zhe reported that he is going to be meeting with the cell tower people again.

The Board agreed to change the meeting dates in January to the 9th and 23rd because of New Year's Day and Martin Luther King's Birthday.

Mayor Freeman – Are there any other options for disability like Aflac?

Trustee Hayes – Aflac has a cancer policy. I can get other information for other plans.

Trustee Hayes will also look into long term disability.

EXECUTIVE SESSION:

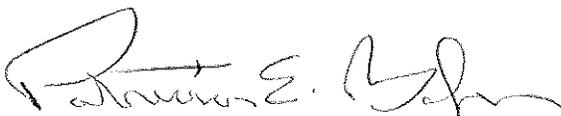
Upon a motion made by Trustee McKeown the Board went into executive session to discuss personnel matters at 8:00 p.m. Trustee Hayes seconded the motion and it was carried by a unanimous vote. The Board exited executive session at 8:25 p.m.

A motion was made to pursue the enriched NY DBL Program Plan G which would increase the current New York State statutory disability plan by Trustee Batzel and seconded by Trustee Hayes for all employees. The motion was carried by the following vote:

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

Upon a motion the meeting was adjourned at 8:35 p.m.

Respectfully submitted by,



Patricia E. Baker
Village Clerk