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Avon Village Board
Monday, January 23, 2012

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, January 23, 2012.

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

Absent: Timmy Batzel, Trustee

Staff: John Barrett
Tony Cappello
Chief James Carney
Christine Quinlan
Jay Batzel, Fire Chief

Visitors: Phil Swanson
Josh Williams
Paul Drozdziel
Jim Biondolillo
Steve Beauvais, NYS DOT
John Marks
Mary Lou Marks
Norm Barrett
Michael Freeman
Joe Montesano
Mary Rankin
Dwight Brown
Richard Martin
R.B. Hayes
Rob Doggett
Roseann Schmidt, P.E., Fisher Associates
Dave Herring, NYS Parks
Carl Ast, Fisher Associates
Rich Parker, NYS Parks
Katie, Fisher Associates
Pat McCormick
Pat Rountree

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Mayor Freeman called the meeting to order at 5:00 p.m. with the pledge of allegiance.

The Board discussed the Green Way Trail and discussed the access to the Trail. Going to the south takes you right through the middle, the pond, the cell tower, and the police compound. The north would take you to the corn field.

Phil Swanson stated that once the bids come in we can ask for tables and benches. For now we kept the Village's expenses at \$60,000.

Mayor Freeman - We will continue to pursue gravel for the parking lot. What do we want to do with snowmobilers?

Trustee Zhe – They're not allowed in Village Parks. I wouldn't think you would want them on the trail.

Phil Swanson - Once the trail is in place it would be nice to have a three or five year plan in place.

PAUL DROZDZIEL:

Paul Drozdziel stated that he felt it was a good thing that the Planning Board has a representative from the Village Board attending the Planning Board meetings. I think it has worked out well.

The Planning Board is trying to keep the momentum going for the main street grant and at their January 18th Planning Board meeting examined the New York Main Street program and its potential to fund improvements to the downtown area. We thought the public meeting was great. We hate to move forward and then we have no one step up to the plate. We should do a follow-up with people that attended and get their thoughts and feedback. Have some one-on-one conversations. Are you interested or not interested? I think we should reach out to people that attended and people that didn't attend.

The Planning Board offered the following suggestions:

- 1) That the Village consider a "super block" as its target area; said "super block" proceeding from the Circle Park west on West Main Street to Wadsworth Avenue, south on Wadsworth Avenue to Spring Street, east on Spring Street to Genesee Street and north on Genesee Street back to the Circle Park.
- 2) That the Village draft a list of property owners from said target area who had attended the January 9, 2012, Neighborhood Meeting on the grant program and that the Mayor and Trustees follow-up with those property owners to determine their willingness to commit financially to the program.

- 3) That the Village actively enforce building and maintenance codes as a means of making property owners aware of deficiencies and that the Village follow-up with an educational campaign on the New York Main Street program and its potential to help remediate said deficiencies.

The Board hopes the New York Main Street Program can fuel the Village's vision for a more vibrant downtown area.

The Board recognizes the Main Street Program's potential to revitalize downtowns through targeted commercial and residential improvements such as: façade renovations, interior residential building upgrades and streetscape enhancements. The Board also understands cultural anchors, such as theatres and museums, may be renovated with program funds as well.

To continue forward only encourages investors and store owners Mayor Freeman stated.

Trustee McKeown questioned what the perimeters of the "Super Block" were.

Paul Drozdziel - If you look at other successful community's it's more of a district rather than just a little street of buildings.

Paul Drozdziel – It's too good of an opportunity to pass up. The old Niagara Mohawk building on Wadsworth Avenue would be a good investment. It would improve that neighborhood immensely.

Another topic the Village Planning Board discussed at their last meeting was the disposition of the Avon Wesleyan Church located at 300 Genesee Street and made the following recommendations:

- 1) Appointment of a liaison between Church and Village or a casual, 1-on-1 meeting with the pastor to keep the Village updated on the sale of the building.
- 2) Determine potential and acceptable uses for the building, for example, as another Church or as senior housing.
- 3) Determine the desired or targeted timetable for disposition of the building and construction of the new Church in Caledonia, ie: six months, 1 year, longer.

CHIEF JAY BATZEL:

Mayor Freeman informed Chief Batzel that the Board and his Officers need to sit down and discuss what projects they might have for the upcoming budget year of 2012-2013.

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Chief Batzel reported that he hasn't had a chance to talk with John Kellen or Bryan Scott yet, but Tim Batzel is also willing to sit down with the Fire Department when they work on their budget submittal.

Mayor Freeman informed Chief Batzel that the replacement of doors is being pursued and John Barrett is working on estimates for door frames.

Mayor Freeman – So no big projects for the upcoming budget?

Chief Batzel – I haven't had a chance to talk with the other guys. I would like a time line so we know when things are due.

PHIL SWANSON – CELL TOWERS:

Phil Swanson along with Trustee Zhe reviewed two options for the purchase and easement on our cellular site to include the scheduled cell site tenant revenue at Farmers Road.

Option #1 – Unison will pay \$253,691 (to be paid over 5 years in 6 equal annual installments) in exchange for a perpetual, general easement if the offer is accepted by January 31, 2012.

Option #2 – Unison will pay \$211,409 (to be paid at closing) in exchange for a perpetual, general easement if the offer is accepted b January 31, 2012.

The offer is to purchase a defined easement for the cell site. Easement area will include an additional 15 feet adjacent to the existing ground space (“Additional Space”). Unison will receive the currently scheduled rent stream (including escalators) for the term of the easement, and agrees that for all rent over and above this amount received from new tenants located within the Additional Space, Site Owner will collect 50% and Unison will collect 50%. The final amount of the offer is subject to due diligence and confirmation of the monthly rent escalators and site tenants.

Mayor Freeman – Should we have an audit done to make sure we're getting our fair share?

Dick Martin suggested looking at other Villages in the area to see if the Village is getting what we should.

The Board unanimously agreed to hang on to the tower because the stream of funds will always be there. A letter to Unison will be sent saying, thanks but no thanks.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from January 9, 2012 meeting 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
Timmy Batzel, Trustee	Absent	
Robert Hayes, Trustee	Voting	Yes

TREASURER'S UPDATE:

A calendar of dates "Checklist" for Village Budgeting was distributed by Treasurer Quinlan. March 1, 2012 budget estimates should be submitted back to the Treasurer, and by March 20, 2012 the preparation and filing of a tentative budget shall be provided to each Board member.

Chief Carney is currently working on his budget sheets and will get them back to Treasurer Quinlan as soon as possible.

Superintendent Barrett reported that there will be no sewer or water projects. They will be replacing old hydrants and looking for a mini excavator. River Street is the next targeted area for sidewalks especially with the Erie Attica Project. We can't do it all in one year manually or monetarily. We need to set up a time line and an estimate for the project needs to be obtained. The sidewalks will run along the east side.

VOUCHERS:

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

Fund #1 General Fund	\$27,502.56
Fund #4 Schedule C	\$ 46,045.08
Fund #5 Water	\$ 2,601.73
Fund #6 Sewer	\$ 1,628.25
Fund #9	\$
Fund #10	\$

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Fund #11	\$
Fund #17	\$ 1,477.46
Fund #44	\$
Fund #45	\$
Fund #47	\$
Fund #48	\$ 688.80
Fund #49	\$
Fund #50	\$
Fund #52	\$
Fund #53	\$ 8,995.00
Fund #54	\$
Fund #55	\$ 5,255.25
Fund #56	\$
Fund #57	\$
Fund #58	\$
Fund #59	\$
Fund #60	\$ 6,275.00
Fund #61	\$
Fund #62	\$ 19,971.60
Fund #63	\$
Fund #64	\$ 32.76
Fund #65	\$ 32.76
Fund #66	\$
Fund #67	\$
Fund #68	\$
Fund #69	\$
Fund #70	\$
Fund #71	\$
Fund #72	\$
Fund #73	\$
Fund #74	\$

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Fund #75	\$
Fund #76	\$
Fund #77	\$ 216.50
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	\$
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$ 14,084.89
Fund #99	\$
TOTAL	\$134,807.64

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

Thomas Freeman, Mayor Voting Yes

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

DEFERRED COMPENSATION PLAN FOR VILLAGE OF AVON:

Pursuant to the procedures for bidding and establishing an “eligible deferred compensation plan” set forth in Subtitle II, Parts 9002 and 9003 of the June 15, 2011 Rules and Regulations, (the “Regulations”), by the New York State Deferred Compensation Board, we are adopting for the benefit of our employees the Model Plan, as amended and restated on August 26, 2011 (the “Model Plan”).

Pursuant to Section 9002.2a (3) of the Regulations, we certify the following:

- a. We, on behalf of the Village of Avon are aware that there are three options available for adopting a Deferred Compensation Plan as described in Section 9001.2(a) of Regulations, that we have made an informed choice in adopting such plan, and that we understand the ongoing responsibilities being undertaken by adopting such a plan, including and without limitation, the Regulations, Section 457 of the Internal Revenue Code and the Model Plan Document;
- b. That the Deferred Compensation Plan and Trust Agreement meet the requirements of Section 457 of the Internal Revenue Code and all other applicable Federal, State and local laws including Subtitle II of the Regulations; and
- c. That all required approvals of any local governing body or officer have been obtained. Pursuant to Section 9002.2a (4) of the Regulations, we certify the following:

The following contractors, who are providing deferred compensation services for the Village of Avon, have been duly selected to provide these services in accordance with the provisions of Part 9003 of the Regulations.

Administrative Service Agency: **Nationwide Retirement Solutions**
Financial Organization: **Nationwide Financial Services, Inc.**
Treasurer: **Christine Quinlan, Treasurer**

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WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Village of Avon has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Village of Avon by adopting the amended Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Avon hereby amends the Deferred Compensation Plan for Employees of the Village of Avon by adopting the amended Model Plan effective August 26, 2011, includes the optional provisions in Schedule A.

A motion was made by Trustee Zhe to amend and restate the model Deferred Compensation Plan for the Village of Avon. The motion was seconded by Trustee McKeown and carried by the following vote:

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

CODE ENFORCEMENT OFFICER'S UPDATE:

- Randy Peterson – Letter sent to Rob House from Randy Peterson. If things aren't moved by February 29th, then someone else can go in and move them out.

DPW UPDATE:

Trustee McKeown had submitted a request for Superintendent Barrett on 3 follow-ups from a Fire Chief's meeting.

The two doors to the back of the buildings are still sticking open from time to time as well as the front door to the fire department. It appears that they may need to be replaced.

Key Pad entry system – Apparently there have been some issues with their operation. Trustee McKeown asked that West Fire Systems come and look over the Fire Department as well as the Village Hall to update and install the system in the building.

Street lights. The following needs to be fixed:

Light pole in front of the Fire House entrance

Light pole in the park across from the gas station entrance
Light pole in the park, north side across from the post office exit driveway
Light pole lamp is dim on the corner at the top of the hill on the north side, Avon on the Green
Light pole lamp is dim in the East triangle

Mayor Freeman said Superintendent Barrett had some vendors come in and look at the doors and key fob and he is currently waiting for quotes.

POLICE UPDATE:

Mayor Freeman had a question on a payroll time sheet where several people were working.

Chief Carney explained that during the time in question, due to police matters he had to have four shifts at an average of 14 hours each.

CONFERENCE APPROVAL FOR POLICE OFFICERS:

Trustee McKeown questioned the fact that Police Officers have not been submitting a training request prior to conferences they may attend.

The Board feels they should be made aware of any training or seminars and to make that part of our standard agenda.

TRUSTEE'S UPDATE:

Mayor Freeman reported that a lady came in and complained about the parking in front of the Post Office. She had a confrontation with someone because she had parked on an angle, so she questioned the parking along Prospect Street.

Chief Carney suggested either stripping or signage indicating that diagonal parking is what the code allows on the East side of Prospect Street and parallel parking along the west side.

WATER WORKS COMMITTEE OPENING:

Currently there is an open position with the Avon Water Works Committee. The opening was created by the expiration of member Jim Schillinger's appointment. The Town has advertised for the position and Jim has expressed interest in serving an additional five-year term on the Water Works Committee. As Jim has proven to be a valuable asset to the Committee the Town would like to make the recommendation that he be reappointed to another term.

A motion was made by Trustee Hayes to reappoint James Schillinger to another five-year term on the Water Committee. The motion was seconded by Trustee Zhe and carried by the following vote:

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

DAVID LEFEBER LETTER - (RICHARD BLANKE):

A letter was submitted by Supervisor LeFeber to Richard Blanke who owns property at Genesee Street. He informed Mr. Blanke that the Town and Village are interested in discussing the possibility of purchasing all or part of the currently vacant parcel on the west side of his property.

ASSESSMENT EXEMPTION, RPTL S485-n:

Attorney Whiting drafted a local law to implement the commercial/mixed use exemption provided for in that recently enacted statute.

If the Board does want to implement that exemption regimen, there are a couple of discretionary areas that the statute leaves to the municipalities:

1. Method of appointment of the Commercial/Mixed Use Incentive Board. Section 2.B.
2. Size and composition of that board. Section 2.B.
3. Threshold investment that creates eligibility for the exemption. Section 4.B.II.

If the Board is interested in pursuing this concept which is likely to stimulate investment in commercial and mixed-use properties, the Board must decide whether they would like to follow the usual appointment sequence with this new board, how many and what type or board members will serve, and whether you want to increase or decrease the investment threshold from \$10,000.00. An increase in that amount will result in fewer applications being considered, while a decrease in that amount would tend to increase the number of applications.

Mayor Freeman will set up a meeting with David LeFeber, Bruce Amey and Tami Snyder to discuss further.

ATTORNEY WHITING'S CORRESPONDENCE - HYDROFRACKING:

Avon Town Attorney Campbell has advised that the Town of Avon will be considering a local law imposing a moratorium on hydrofracking for the Town of Avon at its next meeting. The local law, if adopted, will not exempt the Village of Avon from its scope. Therefore, the moratorium will apply within the Village of Avon.

Mayor Freeman – We're uniformed with the Town? How do we do it? We're concerned with the truck traffic going through our Village. We've reviewed this and we decided this needs much more investigating.

National Grid owns property that falls underneath the high lines, it was deeded over to us for the detention pond and we hope the egress and aggress will be the same for the trail. We may just need to be included in the easement for the trail to go underneath. Someone from Fishers Associate is looking into this for the Village.

HURRICANE TECHNOLOGY:

The Village received a letter from Hurricane Technology offering the Village another 10 hour block of time for \$800.

A motion was made by Trustee Zhe and seconded by Trustee McKeown that we buy another 10 hour block of time with Hurricane Technologies, Inc. and that we need to request that they provide us a monthly breakdown of time used. The motion was carried by the following vote:

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

ERIE ATTICA TRAIL PROJECT:

The Village of Avon, in conjunction with the NYS Office of Parks, Recreation and Historic Preservation, held a Public Informational Meeting to discuss the Erie-Attica Bridge and Trail Project. The meeting began with a presentation by the design team followed by a question and answer session. Roseann Schmidt, Director of Transportation of Fisher Associates explained that following the questions and answer session, the project design team will be available to explain the project, answer questions, and record feedback in a one-on-one setting. Any ideas and input on this project are welcomed.

The proposed trail will be constructed along the former Attica Branch of the Erie Railroad, which is now abandoned, between the Genesee Valley Greenway and Horseshoe Boulevard. The corridor is owned by NYS Office of Parks, Recreation and Historic Preservation from the Greenway to the easternmost pier of the existing truss bridge over the Genesee River, and owned by the Village of Avon from this point east to the project terminus at Horseshoe Boulevard. As part of this project, a firm and stable, ADA compliant trail surface will be provided along the railroad corridor, a new deck and railing system will be installed on the existing truss bridge over the Genesee River, and a new bridge span will be provided over Farmers Road. A new trail segment will be constructed connecting the Farmers Road bridge span to the sidewalk along Horseshoe Boulevard. In addition, a trail parking area will be constructed along the east side of Farmers Road just north of the Farmers Road bridge span. The total trail length as part of this project is approximately 1.4 miles and is located within the Village of Avon and Town of Caledonia in Livingston County.

Trail on Former Railroad Corridor

- The trail begins at the Genesee Valley Greenway.
- The trail will be 10' wide with 2' shoulders on the former rail bed and approximately 5,600' in length.
- Stabilized surface for all trail users.
- The trail will be routed around abutments of three former bridges.
- A new culvert will be installed for stream crossing.
- Trail ramps down to parking area east of Farmers Road.

The proposed parking area will be gravel or asphalt depending on the project cost. It will be sized to accommodate vehicles and horse trailers.

Trail on Existing Truss Bridge

- The existing railroad truss ridge over the Genesee River is eligible for listing on the National Register
- The span is approximately 220' including a short approach span at the west end.
- A new timber deck and rail are proposed.
- The timber deck will be 10' or 11' wide depending on project cost.

Trail on New Bridge Over Farmers Road

- The new bridge over Farmers Road is a span of approximately 35'.
- A new bridge will be a steel multi-girder and have a timber deck and railing.
- The timber deck will be 10' or 11' wide depending on project cost.

Option 1 – Trail North of Pond

- The trail begins at the parking area and travels along the northerly edge of the pond and is about 1,100' in length.
- The trail will be 10' wide with 2' shoulders.
- The trail surface will be either asphalt or stone dust depending on project cost.

Option 2 – Trail South of Pond

- The trail begins at the parking area and travels along the southerly edge of the pond and is about 1,400' in length.
- The trail will be 8' wide with 2' shoulders. The width is limited by the geometry of the pond embankment.
- The trail surface will be either asphalt or stone dust depending on project cost.
- The trail will span the pond spillway with a system of drainage pipes.

Schedule

Project Initiation – August 2011
Submit Draft Report - December 2011
Public Information Meeting – January 2012
Revise Draft – February 2012
Final Design Report - March 2012
Design Approval - April 2012
Final design– April 2012
Bid Project – August 2012
Award – October 2012
Construction Complete – October 2013

Bridge Estimate - \$450,000
Parking - \$112,000
Trail - \$400,000

The Village has \$60,000 set aside, 80% will be grant money and the remainder will be New York State Parks.

Questions were asked on the maintenance of the bridges.

There will be routine periodic maintenance, and the trusses will not be painted. The timber deck will be pressure treated lumber. The old ties and timbers will be cleaned up. On the existing bridge there will be no significant structural improvements.

A question was asked about potential flooding?

Ms. Schmidt stated that the railroad bed itself is elevated; therefore, there is no potential for flooding.

A visitor asked if any projections were done on how many people would use this.

Roseann Schmidt reported that it was pretty difficult to say. Their experience is that if you build it, people will come. A feasibility study was conducted.

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Trustee Hayes reported that part of the feedback they got back when they were doing the survey for the Comprehensive Plan was people wanted walking trails.

The question was asked if they had considered a plastic bridge like the one on Trihammer Road. Would it be less expensive?

Roseann Schmidt assured them that they would investigate that idea.

A question was asked about restrooms?

As for now, it is not part of the plan. Lehigh Valley Trail was built about six years ago and now they are adding public restrooms at the halfway point.

The Village will mow and maintain it east of the river.

For the road to be ADA compliant, what type of surface are you talking about for the road for horses, trailers and snowmobilers?

Roseann Schmidt – Currently it is still under evaluation.

Upon a unanimous motion, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Patricia E. Baker".

Patricia E. Baker
Village Clerk