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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 18, 2012.

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

Staff: John Barrett
Christine Quinlan
Chief Jim Noble
Reid Whiting, Attorney

Visitors: Pat Rountree
Julie Marshall
Paul Drozdziel
Kathy VanHorne (Livingston Co. Water & Sewer Authority)
Mike Hinds
Linda Postler (Avon Development Company)
Dan Seely, Realator
Jeff Witherow, Genesee Sun
Jim Greer

Mayor Freeman opened the meeting at 5:30 p.m. with the Pledge of Allegiance.

EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe, the Board went into executive session at 5:30 p.m. to discuss new business and contractual issues and exited at 6:05 p.m. Trustee McKeown seconded the motion and it was carried by a unanimous vote.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Hayes the minutes from June 4, 2012 & June 12, 2012 are hereby approved as submitted. 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	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

VOUCHERS AND MANUAL CHECKS:

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

General Fund	\$23,467.36
Water Fund	\$ 1,026.26
Schedule C	\$ 1,283.78
Sewer Fund	\$13,760.44
Fund #10	\$
Fund #11	\$
Fund #17	\$ 364.74
Fund #47	\$
Fund #48	\$ 416.00
Fund #50	\$ 32.76
Fund #51	\$
Fund #52	\$ 16,784.93
Fund #53	\$
Fund #54	\$ 1,985.00
Fund #55	\$
Fund #56	\$
Fund #57	\$
Fund #58	\$ 11,102.68
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	\$
Fund #79	\$
Fund #80	\$
Fund #81	\$
Fund #82	\$
Fund #83	\$
Fund #84	\$ 3,775.00
Fund #85	\$
Fund #86	\$
Fund #87	\$
Fund #88	\$
Fund #91	\$
Fund #92	\$18,600.00
Fund #93	\$ 17.97
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$92,616.92

Manual Checks:

Avon Community Cares - J. Matusak \$ 200.00

TOTAL: \$ 200.00

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	Voting	Yes
Timmy Batzel	Voting	Yes

BUDGET ADJUSTMENTS:

Upon a motion made by Trustee Hayes, the following budget adjustments are approved as submitted:

To adjust for fiscal year end salary accruals. – GENERAL FUND

Increase	A1110.1	Village Courts	\$732
	A1325.1	Treasurer	\$180
	A1410.1	Clerk	\$766
	A1490.1	Supt.of Public Works	\$949
	A1620.1	Buildings	\$12
	A3010.1	Fire Board	\$18
	A3120.100	PT Police	\$17,647
	A3120.111	Crossing Guard	\$ 632
	A5110.1	Street Maintenance	\$1533
	A5142.1	Snow Removal	\$20
	A5410.1	Sidewalks	\$9
	A8540.1	Drainage	\$44

To adjust for contractual expenses – GENERAL FUND

Increase	A1010.4	Board of Trustees	\$125
	A1325.4	Treasurer	\$180
	A1450.4	Elections	\$500
	A1640.41	Central Garage Gas & Electric	\$189

	A1680.4	Central Data Processing	\$423
	A1920.4	Municipal Association Dues	\$145
	A4020.4	Vital Statistics	\$181
	A5110.4	Street Maintenance	\$1616
	A7110.4	Parks Commission	\$3506
	A8560.4	Shade Trees	\$76
	A9055.8	Disability Insurance	\$278
Decrease	A1990.4	Contingency	\$4545
	A4120.1	Police-FT	\$17,773
	A9289.8	Health Savings Acct.	\$7443
	To adjust for fiscal year end salary accruals – SCHEDULE C		
Increase	C1010.1	Board of Trustees	\$1
	C1210.1	Mayor	\$1
	C1325.1	Treasurer	\$89
	C1410.1	Clerk	\$102
	C1490.1	Supt.of Public Works	\$764
	C8320.1	Source of Supply	\$6722
Decrease	C1990.4	Contingency	\$7679
	To adjust for contractual expenses – SCHEDULE C		
Increase	C8320.4	Source of Supply	\$16,010
	C8335.4	Fluoridation	\$699

	C9030.8	Social Security	\$267
	C9055.8	Disability	\$9
	C9060.8	Health Insurance	\$137
Decrease	C1950.4	Taxes & Assessment	\$10,575
	C8320.4	Soure of Supply	\$6547

To adjust for fiscal year end salary accruals – WATER FUND

Increase	F1010.1	Board of Trustees	\$1
	F1325.1	Treasurer	\$245
	F1410.1	Clerk	\$663
	F1490.1	Supt.of Public Works	\$380
	F8340.1	Transmission & distribution	\$700
Decrease	F8320.1	Supply Power & Pumping	\$1989

To adjust for contractual expenses – WATER FUND

Increase	F1010.4	Board of Trustees	\$125
	F1325.4	Treasurer	\$18
	F1640.41	Central Garage gas & electric	\$264
	F1670.4	Central Print & Mailing	\$815
	F1680.4	Central Data Processing	\$423
Decrease	F9289.8	Health Savings Acct.	\$1570

	F9060.8	Hospital Insurance	\$75
To adjust for fiscal year end salary accruals – SEWER FUND			
Increase	G1325.100	Treasurer	\$386
	G1325.110	Treasurer	\$58
	G1410.100	Clerk	\$888
	G1410.110	Clerk	\$162
	G1490.100	Public Works Admin.	\$1811
	G8120.1	Sanitary Sewers	\$595
Decrease	G8130.422	WWTP Electricity	\$3900
To adjust for contractual expenses – SEWER FUND			
Increase	G1010.4	Board of Trustees	\$167
	G1325.400	Treasurer	\$7
	G1380.4	Fiscal Agent Fees	\$33
	G1420.4	Legal Fees	\$1170
	G1440.4	Engineering Fees	\$490
	G1440.400	Engineering Fees	\$3542
	G1640.421	Central garage-gas&electric	\$151
	G1640.422	Central garage-gas&electric	\$151
	G1680.4	Central Data Processing	\$372
	G8110.451	Sewer Administration	\$101

	G8130.2	WWTP eqt.	\$5000
	G8130.425	WWTP gas	\$100
	G8130.460	WWTP Misc.	\$404
Decrease	G9289.8	Health Savings Cont.	\$5560
	G9901.9V	Transfer to Debt Svc.	\$6128

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	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

POLICE UPDATE:

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

RESOLUTION

WHEREAS, the Avon Police Department currently provides the service of “fingerprinting” and

WHEREAS, the Livingston County Sheriff’s Office currently provides the service of “fingerprinting” on a certain time schedule and at a certain rate of fee; and

RESOLVED, that effective immediately, the Village of Avon shall commence charging for the service of “fingerprinting” for all non-Village residents at the same rate of fee as the Livingston County Sheriff’s Office of \$7.50 and it is further

RESOLVED, that all Village residents and employees shall continue to receive the service of “fingerprinting” free of charge, and it is further

RESOLVED, that all monies derived from said “fingerprinting” fee shall be deposited in the General Fund in total.

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	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

- Chief Noble reported that he had received positive feedback from the neighborhood meeting, and as a result of that meeting they have put the speed trailer on Pole Bridge Road.
- Livingston County News informed the Police Department that they could send items concerning police business to their paper and wouldn't list any names. Chief Noble asked the Board how they would like to handle it. He suggested that he would e-mail each Board member prior to publication so they could see what will be put in the paper.
- Charger will be taken to Pioneer to sell and list for \$5,000.
- New police server is being ordered and the County will assist Mike Tomaselli with the transfer.
- The first interview last week went well. Tuesday there are three interviews scheduled.

Mayor Freeman asked that the Board have knowledge of what grants are available before applying for them.

KATHY VANHORNE:

Ms. VanHorne explained the reason for her attendance at this evenings meeting. Due to a water leak which was reflected in the County's April, 2012 water billing, Ms. VanHorne requested some relief for that leak. She explained that a hydrant wasn't turned off all the way in a farm field and it wasn't discovered right away.

Trustee McKeown explained that when this occurs the Board likes to have the individuals come in and make a request for an adjustment.

A motion was made by Trustee McKeown and seconded by Trustee Zhe that the amount now due is \$13,355.41. 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

Mayor Freeman informed Ms. VanHorne that the formula for water charges had been recently reviewed and the County hasn't had any recent increases. We would like to address with you what impact an increase would have on Village customers.

Kathy VanHorne – In regard to treatment cost the calculations you use is based on average daily flow and you should use actual flow on a yearly basis. It appears you are treating less sewage.

Ms. VanHorne suggested using the flow meter that goes into the Village's sewage treatment plant. Use our total flow that goes through meter which is about 60,000 gallons. In Section 11 it was suggested using the actual metered water usage in the calculation.

Treasurer Quinlan - What timing would you like to see?

Ms. VanHorne - We start budgeting next month and pass our budget at the last meeting in October. We would try to put it into our February billing.

LINDA POSTLER:

I want to request that the land previous owned by Mark Alexander and now owned by Avon Development be returned to one piece of land and that the status be returned to farm land rather than a residential development.

Mrs. Postler reviewed the history of the property with the Board. In 2006 the land was sold to Mark Alexander, and Avon Development held the mortgage. In spring of 2011 Mrs. Postler was informed that Mark Alexander had not paid the taxes since 2009. Since he had paid the mortgage payments through 2010, there was no indication that anything was wrong. By law, a mortgage holder is not notified until the person is 22 months behind in their taxes. Since 2011 and 2012, the Town Assessor had taxed all the lots as if they were improved lots. The total taxes went from \$9,569.59 to \$29,095.63. There is no infrastructure there.

Mayor Freeman – We're not responsible for Mark Alexander. There is a value to the property.

Dan Seely – Mrs. Postler doesn't want to continue on with the development because of taxes. I agree, there is value in the property.

Attorney Whiting – The whole development phase would have to be reversed and public hearings would have to be held. But currently there is no procedure in our Village Code for withdrawing a subdivision.

Trustee McKeown – Until tonight I haven't heard of any discontent from you.

Linda Postler – I am very discontented. I filed a grievance and three lots went down, the majority stayed the same and one or two lots went up.

I plan on auctioning off two parcels the first week of August. If the land is not returned to farm land by then, the land will be given to a charity.

Attorney Whiting - Auctions produce poor results.

Dan Seely – It does not make sense to me how she has it assessed without infrastructure. Developers aren't willing to lay out the money at this time because of the economy to put in infrastructure at this point and time.

Mayor Freeman suggested that they take this to the Planning Board.

Attorney Whiting – A SEQR study would have to be done. Your attorney can probably give you the best advice you can get. There's a parcel merge process that's easy to do but you need to talk with your attorney. For example if your attorney had been involved while you were in Florida and have him check once a year on the status of taxes you might not have been put into this position. He needs to be involved in all these steps. You could get a judgment against Mark Alexander and enforce it.

Attorney Whiting and Mrs. Postler's attorney will be in contact to discuss where to go from here.

JIM GREER:

The Village has a sewer easement that runs across his property and would he would like to reroute that sewer if possible. The easement is dated 1913 and was put in for the canning factory. He would like to tie it into the sewer which would be about 315' and would it would require a manhole. I'm asking if you would consider allowing me to do this and what would you expect of me?

Mayor Freeman– Giving you a new easement isn't a problem. We will give the information to Superintendent Barrett.

Attorney Whiting– The Village has no obligation to change an existing easement. Any cost would be negotiable with Village and property owner.

Mr. Greer also reported that the Storm drain runs east – west across the property. It starts at the east of Wadsworth Avenue up by the railroad tracks. There is 82' of open ditch and is a catch all, we've cleaned it out and Village has cleaned it out several times. Would the Village consider putting a pipe in the open ditch because it is a catch all for cans and trash? It's an eyesore.

DPW UPDATE:

- We won't due the final paving this summer for Genesee Street. Board suggested updating the status of Genesee Street on the website to inform the residents.
- We've identified sidewalks and will start to replace or fix them. We need direction from the Board on where you want us to go next with new sidewalks.
- Trustee Zhe -- Curbs on the north side of Clinton Street side are crumbling.
- Mayor Freeman -- Before we do any sidewalks, we need to notify homeowners. Some Trustees feel High Street should be done. The Board discussed different areas of preference and need for new sidewalks.

TRUSTEE'S UPDATE:

WATER METER CHARGE – Currently the Village charges \$101.85 for a water meter and a minimum water usage. The Village Clerk proposed increasing the current charge to \$225.00 to cover the cost of a radio read meter and water usage.

Mayor Freeman felt that the Village should not charge new residents for a water meter. Other Board members disagreed with that.

A motion was made by Trustee Zhe and seconded by Trustee McKeown to raise the price of water meters and usage for new builds to \$225.00. The motion was carried by the following vote:

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

OFFICE RENOVATION:

The Mayor and Board briefly discussed office renovation. The current server room degrades the equipment and works against us over time. The current server room is too small and too hot. The

Mayor expressed that he would like to move forward on looking at a conceptual plan and figure out how much we are going to do. The money would come out of fund balance.

AUDIT FINDINGS:

Trustee Batzel and Treasurer Quinlan will review the audit findings next week and it will be discussed at the next Board meeting.

The Police waiver was discussed and the Village will fill out the paperwork and submit to the State.

Mark McKeown reported that on July 9th there will be truck inspection at 7 pm. The problems and concerns with the gas pumps at the school were discussed. Treasure Quinlan is looking into obtaining fleet cards. The Fire Department is looking into how to get people to respond for drills and gas calls. They are trying to find new ways to attract more people into the department. There is 90 hours of classroom instruction time required. The Department would like people to show support by attending functions when they get an invitation.

Mayor Freeman – How about hiring a marketing consultant to market the fire department?

Trustee Zhe reported that some revisions need to be made to the parks survey. We'll have copies made. A suggestion was made for a neighborhood meeting to have the ambulance come and speak. They liked the idea of having a single topic.

Mayor Freeman reported that he looked at the gazebo roof and he thinks that all it needs is a little maintenance and to be power washed. I got up on the roof and it looked fine.

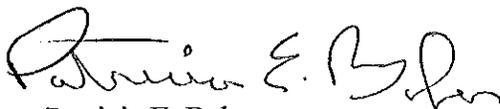
Trustee Zhe stated that John Barrett was going to have Elmer Davis look at it.

Trustee Batzel reported on the Ethic Training Seminar that he attended.

Trustee Hayes reported that there are a lot of concerned people that he's talked to down at the Little League games on the status of the playground equipment.

Upon a motion, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk