

VILLAGE BOARD MEETING MINUTES: ..... 2

VOUCHERS AND MANUAL CHECKS:..... 2

DPW UPDATE:..... 4

RUSS GARLAND – ROSS LANE: ..... 5

POLICE UPDATE:..... 8

CODE ENFORCEMENT OFFICER:..... 9

TRUSTEE’S UPDATE:..... 10

    LICENSE AGREEMENT W/NATIONAL GRID (ERIE-ATTICA TRAIL)..... 10

    ERIE-ATTICA EASEMENT AGREEMENT W/LIVINGSTON INDUSTRIAL..... 10

    LINDA POSTLER (LOCAL LAW & EASEMENT) ..... 11

    SRO AGREEMENT ..... 11

EXECUTIVE SESSION:..... 11

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 20, 2012.

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

Absent: Timmy Batzel, Trustee

Staff: Chief James Noble  
Christine Quinlan  
Tony Cappello  
Reid Whiting, Attorney

Visitors: Russ & Lauren Garland  
Joe Santacrose  
Peter B. Leone  
Jim Biondolillo  
Nancy & George Sullivan  
Chuck Faisst  
Dan Freeman  
Cheri Frew  
Shawn Phillips

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 August 6, 2012 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	Voting	Yes
Timmy Batzel, Trustee	Absent	

## VOUCHERS AND MANUAL CHECKS:

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

General Fund	\$ 36,989.39
Water Fund	\$ 598.78
Schedule C	\$ 1,917.43
Sewer Fund	\$ 1,550.18
Fund #10	\$
Fund #11	\$
Fund #17	\$ 1,839.30
Fund #47	\$
Fund #48	\$ 3,432.00
Fund #49	\$
Fund #50	\$
Fund #51	\$
Fund #52	\$ 2,900.00
Fund #53	\$
Fund #54	\$
Fund #55	\$
Fund #56	\$
Fund #57	\$
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$ 24,683.00
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	\$
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	\$
<b>TOTAL</b>	<b>\$ 73,910.08</b>

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	Absent	

## DPW UPDATE:

Mayor Freeman reported that Superintendent Barrett submitted an Agreement and Permit that needed to be approved and signed for Discharge of Industrial Wastes to the Village of Avon Sewer system by Kraft Foods Group, Inc.

Mayor Freeman noted that it is the same agreement as in the past ten years; the only change is the contact information with the new plant manager.

A motion was made by Trustee Zhe and seconded by Trustee McKeown to approve the agreement submitted with Kraft for industrial discharge. 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	Absent	

Superintendent Barrett will be doing the sidewalk across the driveway at 200 High Street which will go in front of Greer's house at 172 High Street. The tree will be taken down this fall.

Trustee Zhe – Does John Barrett have the time and help to continue to do River Street?

Mayor Freeman – John will keep two of the summer kids for a while longer.

## **RUSS GARLAND – ROSS LANE:**

Mr. Garland reminded the Board of his last visit to the Village Board on July 9<sup>th</sup>. He once again informed the Board that he is currently trying to sell his house and the private road he lives on is making it difficult. He stated that he has maintained the road for 15 years. Last year he gave up. He and the neighbors present want to know if the Village is going to do something about it.

The Village uses the lane along with Niagara Mohawk stated Mr. Garland. The Village has utilities on that street so why can't the Village maintain it? At one point the Department of Public Works came down and removed the gravel that had been washed down on Rochester Street and shortly after that another rainfall, the same thing occurred.

Jim Biondolillo informed the Board that the global positioning devices send people through Ross Lane.

Mayor Freeman – How wide is the road?

Russ Garland – It goes from 11-12 feet down to 9 feet.

Mayor Freeman reported that John Barrett and he went to look at Ross Lane. The Village cannot maintain private property.

Russ Garland – Did you get an easement to run the sewer down there?

Jim Biondolillo - Dennis Cohen who was the Village Attorney at the time said run it right through, there are no easements.

Reid Whiting– There should be a maintenance easement in case there is a sewer break. There could be a prescriptive easement because it's been there so long.

Joe Santacrose – Would there be any grant money that could help us out to keep the flood water to a minimum?

Mayor Freeman - If the Village could divert the water what would you think about making it a dead end?

Everyone seemed to be in agreement to making Ross Lane a dead end street.

Cheri Frew – It is very dangerous. My son has to go to Rochester Street to get the school bus they won't go down the street. Would an ambulance and fire truck be able to go down there?

Peter Leone – My parents built their home in 1969. We're not asking for sidewalks and street lights just a simple matter of making it more accessible and passable and less dangerous. We would just like the Village to fix it. The Village allowed new homes to go in there knowing the condition of the road.

Jim Biondollio – I have no problem putting a gate down there I just ask that you fill the ruts.

Peter Leone – Homes were landlocked and banks wouldn't give you a mortgage because of that. I have a 33' easement on the back side of the house. We're not asking you to make it a 33' roadway.

Russ Garland – We're not looking for a two lane roadway.

Trustee McKeown – What is your thought about maintenance, road grindings?

Russ Garland – We had road grindings before and it was washed out in about five years.

Jim Biondollio - Something else needs to be done or it will be washed out. You need to do something more substantial.

Mayor Freeman – Say for a second the Village will help maintain the road, five years from now the Village might not be able or willing to do that.

Trustee Hayes – I don't think we're in a position to do that as charity, I think they need to make it come up to Village standards.

Cheri Frew – The leaf truck comes through there.

Trustee Hayes – It is a private drive.

Peter Leone – Charity is not a good word. We're not asking for what everyone else has, we just want it manageable. How many years have to pass and taxes not paid before the Village can claim it?

Mayor Freeman reviewed the minutes from what transpired with Richmond Lane with the visitors.

Attorney Whiting- I appreciate your problem the Village is also in a difficult position, the Village could be sued for gifting to private property owners.

Attorney Whiting - You would have to put a roadway in that's up to code for the Village to take dedication. The Village has to determine if they want to take dedication. It has to be a full blown street.

Jim Biondolillo – Why couldn't the Village do a quick claim deed?

Reid Whiting – Once the Village review all abstracts we would have to get an executor from the Wadsworth estate to sign a deed and purchase title insurance.

Mayor Freeman suggested that the homeowners get together and prepare your abstracts for review.

Peter Leone – The Village would have no claim to back taxes if they haven't requested them by now. Does the Wadsworth family still have claim to ownership since they haven't paid taxes.

Peter Leone - Could the Village pursue it as to what legal means it would take to pursue since no one is paying taxes on it. We will work to get an understanding and something for Attorney Whiting to review.

Russ Garland informed the Board that two years ago Sheri's mother had an accident on Ross Lane and the ambulance got down there but the Fire Department couldn't get down the road.

Dan Freeman – The Village has four properties on undedicated roads but the Village continues to collect taxes. There are difficulties with Police and Fire Protection, but the Village has allowed construction.

Mayor Freeman – The people of Hickory Hill would have to do the same thing. It would have to be resurveyed.

Chuck Faisst – I feel sorry for Ross Lane they don't know who owns the street. At least we don't have that problem on Hickory Hill. We've had drainage problems.

Jim Biondolillo - The Village has an obligation to this group of people. The permits should have not been issued.

**POLICE UPDATE:**

- The Village received a check for a bankruptcy case for Second Chance Body Armor for \$289.61
- Charger sold for \$5800
- Notices put in the Genesee Sun, Livingston County News and Penny Saver informing people that there will be an increase in speed enforcement in targeted areas. We have received phone calls from people who appreciate the presence.
- Upgraded the sonic wall and router

Chief Noble informed the Board that two years ago a speed trailer was purchased with grant money along with Caledonia. There's a computer in it that can track and give you actual speed. It gives a traffic count, time of day for highest flow of traffic and will give you a printout.

Chief Noble requested that Sergeant Geer be allowed to attend a training seminar at Monroe County training Center on September 17, 2012 on Missing Person Toolbox. Also a request was submitted for a conference to be held in Atlantic City on October 25–27, 2012 that Sergeant Geer would also like to go to. The only cost to the Village would be gas, food and tolls. The workshop is a Child Passenger Safety Technical Conference.

Chief Noble also submitted two requests for Officer McFadden to attend two workshops. The first one will be held on September 24-28, 2012 at the Finger Lakes Law Enforcement Academy in Canandaigua at a cost of \$125. The workshop is for Basic Investigative Photography. It would be in the best interest of the Department to have Officer McFadden go. Chief Noble has talked with Superintendent Amey who is in agreement. Also the other conference will be held at the same location on October 15–26, 2012 at a cost of \$350. The topic will be Police Crime Scene & Evidence Specialist.

A motion was made by Trustee McKeown and seconded by Trustee Zhe to allow Sergeant Geer to attend both conferences along with Officer McFadden. The motion 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

Upon a motion made by Trustee Zhe and seconded by Trustee Hayes authorization was given to Mayor Freeman to submit a Section 211 waiver for Chief Noble to the State Commission for its consideration. The motion 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

Chief Noble and Chief Scott along with Sergeant Geer tried to get individuals interested in the training for the Child Safety Seating Program. It would require 27 hours of training, two checks per year and ten hours of yearly training. There were no volunteers.

## CODE ENFORCEMENT OFFICER:

Code Officer Cappello informed the Board that he and Attorney Whiting made an inspection earlier in the evening of Mr. Catuzza's residence at 184 East Main Street. Mr. Cappello stated that Mr. Catuzza is not sleeping in the house. He and Attorney Whiting consider it beyond repair.

Trustee McKeown expressed concern over the electric. It's pulling away from the house and is a safety hazard. The Fire Department is also worried over gas and electric.

Trustee McKeown – So what's next on the East Main Street property?

Mayor Freeman – I would like to see Attorney Whiting go to court with the Code Officer.

Attorney Whiting – I think National Grid need to be called and shut the power off.

Mayor Freeman asked Attorney Whiting to please review what Tony has done and decide what the next step should be.

Code Officer Cappello announced that he has a concern about a local property owner who wants to put a business in his garage. The Board suggested that he work with the Village Attorney.

Trustee Zhe reported that he had received a complaint regarding the property at 305 North Avenue.

The Code Officer stated that he has already looked at it and it's not a code violation. I did tell him to get the blocks of the grass as soon as possible.

**TRUSTEE'S UPDATE:**

**LICENSE AGREEMENT W/NATIONAL GRID (ERIE-ATTICA TRAIL)**

Upon a motion made by Trustee Hayes and after review of the Erie-Attica Project License Agreement with National Grid Mayor Freeman is hereby duly authorized to execute said agreement on behalf of the Village of Avon. It was noted that Attorney Whiting had a concern with the insurance requirements which have been satisfied. Another concern was with the reimbursement of Real Property Taxes.

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

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

**ERIE-ATTICA EASEMENT AGREEMENT W/LIVINGSTON INDUSTRIAL**

Upon a motion made by Trustee Zhe and after review of the Erie-Attica Easement Agreement with Livingston Industrial Mayor Freeman is hereby duly authorized to execute said agreement on behalf of the Village of Avon.

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

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

**LINDA POSTLER (LOCAL LAW & EASEMENT)**

Reid Whiting informed the Board that Mrs. Postler refused to execute the easement agreement for Avon Development Company, thereby making the agreement null and void resulting in the subdivision remaining as is and not revert back to agricultural.

Mrs. Postler stated in a text mail that she would give the land to the Village. She stated that the Village could foreclose on her or she would deed the land over.

Attorney Whiting – If she fails to pay taxes, the property will be foreclosed and then go to auction.

Mayor Freeman informed the Board that the Village has no intention of accepting a gift from her. Attorney Whiting will send her a letter and copy her Attorney Mr. Ferris on the situation, and that it remains a subdivision.

**SRO AGREEMENT**

Attorney Whiting informed the Board that he has completed review of the SRO agreement. He will have his secretary reprint and if the Board is satisfied with it, then it will be circulated to the Town.

**EXECUTIVE SESSION:**

Upon a motion by Trustee McKeown, the Board entered executive session at 8:10 p.m. to discuss personnel matters. The motion was seconded by Trustee Zhe to exit executive session at 8:30 p.m.

The Fire Marshall Position was briefly discussed. Mayor Freeman is meeting with David LeFeber on Wednesday.

Mr. Blanke's property is once again for sale.

Trustee Zhe reported that he has a meeting scheduled for September 12<sup>th</sup> @ 9 a.m. with Jim Ferrara. He is with North Western Mutual and wants to discuss things he can do for our employees.

September 17<sup>th</sup> there is a meeting scheduled for the Village Board, DPW workers and the Union Representative to discuss upcoming union negotiations' at 5:00.

Trustee Zhe suggested that the Village adopt a policy either by ordinance or local law that all refuse should be picked up on one certain day. He asked if Attorney Whiting could draw something up.

Trustee Hayes suggested having Attorney Whiting look into it to see if it can be legally done.

Trustee McKeown mentioned that the Fire Department Chiefs want to be able to fill up their own vehicles on a monthly basis at least. It would depend on the situation. It would be for Dan Snyder, John Kellen and Eric Anderson. Mayor Freeman will talk with Chief Scott and let him know it would be ok, and if it were to be any different he needs to inform the Board.

Upon a motion the meeting was adjourned at 9:15 p.m.

Respectfully submitted by,



Patricia E. Baker  
Village Clerk