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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, October 1, 2012.

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

Staff: John Barrett
Chief James Noble
Christine Quinlan
Tony Cappello
Bryan Scott

Reid Whiting, Attorney

Visitors: Dennis Catuzza
Jim & Nancy Fusco
Guy & Mary Ann Margiotta
Gail Westfall
Marnie Baker
Tom Bartolini
Robin Zitz
Jacob Zitz
Pat Tuchrello
Jan Peterson
Mary Lou Marks
Mary Rankin
Jeff Witherow
Ann Hanna
Bruno Rodgers
Maureen Kingston
Joe Montesano
Elizabeth Welch
Marla Palmiter
Dwight Brown
John Marks
Dick Corrigan

Mayor Freeman called the meeting to order at 6:00 p.m. with the pledge of allegiance.

DENNIS CATUZZA:

It has been justifiably determined that there has been long term and pervasive invasion of water into the home at 184 East Main Street through numerous breaches in the roof, and consequent mold infestation and ceiling collapse. Therefore, the home should be demolished.

The only way to rebut the reasoned determinations of our Code Enforcement Officer, Fire Chief, and Judge Temperato is to present a convincing report from a licensed engineer or architect. His or her professional opinion about the soundness of the structure, the extent of work necessary to remedy all the structural and cosmetic defects, and the cost of those many tasks will be given serious consideration. Any effort to bolster your argument that the house need not be demolished must be supported by sound findings, reasoning, and conclusions from a licensed professional.

If such a plan persuades the Village Board, you must then be able to implement the plan with a significant financial commitment.

Mr. Catuzza spoke on his behalf by saying first I would like to say I apologize for the situation I'm in and what I've created. I take full responsibility. The work I'm doing now, I'm doing all by myself. My intention was to move out three years ago. A health issue prevented me from doing so. I am in the process of moving out now. One of my scenarios was to have the whole house worked on all at once, but I don't want to go through that. I thought of tearing down the add ons. I got an estimate from a design house in Victor and he stated I have a sound exterior. The whole interior has to be demolished the walls aren't supporting the floors. The plan is to bring everything up to standards and make it livable. The roof needs to come off and redesign the interior making only one bedroom. I would put in an efficient furnace, but what I'm up against is the banking industry. I would like to convince the Board that this may be possible but its all contingent on what you think and if I can convince you to let me do the work in phases.

Mayor Freeman– It's obvious you've put your neighbors in a dangerous situation along with yourself. It all takes money and the only way we can hold a contractor is through a letter of credit. You don't owe money on the house which is a good thing. We need to see a whole package, money, money, and money and contractors and contracts before we even think about backing off. You haven't done anything to help yourself.

Dennis Catuzza – I just found out last week I was coming here. I'm not giving up. I was served with a notice, I've cooperated, and I've been honest and sincere. I'm moving by myself, no friends or relatives here. If I'm allowed to work in stages then I will go to the bank and get the Board to agree I'm working in good faith. I was born in poverty and I don't want to die in poverty.

Mayor Freeman– You need to come back with money, contracts, and a letter of credit and the Village will release those funds. We don't trust you too make an honest effort. You need to get professional help for the house.

Attorney Whiting – You said the exterior is sound, how can it be with several holes in the roof. Shouldn't the top priority be to secure the roof?

Dennis Catuzza – The house was distressed when I bought it. The whole interior has to be removed. There is nothing supporting the floor. The interior has to be gutted.

Attorney Whiting – Have you hired anyone to help you? I've represented a lot of banks, your house is less valuable as is now than a vacant lot, I think that's what you're going to find.

Dennis Catuzza – Let me find this out myself.

Attorney Whiting – Hire someone to get as much out of the house as possible. You need help; you can't do it with just your vehicle.

Mayor Freeman – You need to hire a project manager.

Chief Noble – Up to this time there has been no vandalism.

Tony Cappello – I would like to see money put into the house, but with vacant land, the bank will give him a loan to build a house there.

Mayor Freeman – We would like to invite you back to the next meeting which will be October 15th, at 6:00 p.m.

Dennis Catuzza – Would it be a possibility to work in phases?

Mayor Freeman – Have a project manager put a schedule together. Is your house empty now?

Dennis Catuzza – I'm at about 90% of what is salvageable. The rest of the things have water damage.

Mayor Freeman advised Mr. Catuzza that he needs to meet with the bank on October 2nd and meet with contactors and find someone to manage things. You will need a stamped set of drawings. It was suggested that Mr. Catuzza take notes of the Board's suggestions. We need to have a registered engineer or architecture give us a report.

Attorney Whiting asked that the following conversation be put on record of what the Fire Chief and Code Officer states so that Mr. Catuzza can refute it.

Attorney Whiting asked Fire Chief Scott when he went to the house and what did he observe?

On May 21 Chief Scott made an inspection of the home. What he observed was that the roof was in poor condition, there were missing pieces and the rain and weather was getting in the house. Inside there were a lot of personal belongings, pathways were full, large extent of water damage, the 2nd floor had water damage and there was mold and water running down through electrical fixtures.

Attorney Whiting - Did you deem it to be a fire hazard?

Chief Scott – Yes.

Dennis Catuzza – Clutter and disarray, is what he found.

Attorney Whiting - Is there anything you can add, Tony?

Tony Cappello – There was water coming in after a bad rainfall, I noticed several holes in different areas of the roof. My concern is the mold issue and the house needs to be empty and needs to be inspected. If it's a mold issue, then it's a tear down issue.

Attorney Whiting – Have you seen the roof and put a ladder up against the eaves?

Tony Cappello – No I haven't done that, but some of the eaves have rotted away.

Attorney Whiting – Have you gotten Judge Temperato's order Mr. Catuzza?

Dennis Catuzza – Yes.

Attorney Whiting – Have you looked for an apartment?

Dennis Catuzza – With cold weather coming I'm not going to be able to stay there.

Dennis Catuzza – I thank everyone for their time and allowing me to explain the circumstances. If I'm able to do it I'll do it and if I'm not, then I won't.

MINUTES:

Minutes of September 24th were questioned on the work being done on Ross Lane prior to the abstracts being reviewed. Trustee McKeown didn't think the road should have been done until Attorney Whiting reviewed the abstracts.

The work at Voros/McAllister should have been done before Ross Lane.

Upon a motion made by Trustee Batzel the minutes from September 24, 2012 are hereby approved as submitted. 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
Robert Hayes, Trustee	Abstained	
Timmy Batzel, Trustee	Voting	Yes

Upon a motion made by Trustee Batzel the minutes from September 27, 2012 are hereby approved as submitted. 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:

OPEN PROJECT:

Chief Noble informed the Board that he is looking at VanBortel and Hoselton for a new vehicle. They offer a service to install lights. The vehicles run around \$27,000 but what adds to the cost are the add ons. I need to research them further.

Computers – One of our laptops in the crown vic is not operating very well, it needs to be replaced. I'm looking at 2 laptops, and I'm also looking at replacing a desk top.

Radar units – We're down one, one burned out, and I am looking at replacing the one that use to be in expedition. One unit is not consistently working.

Chief Noble - We received a check from Livingston County for \$6,551.38 for the STOP DWI Fund Sharing program. \$3,360.54 has been allocated to the Avon Police Department based on 2010 DWI arrests and \$3,190.84 based on 2011 arrests. The money has been set aside in the budget.

Trustee McKeown - I think we need more information before approving the projects.

Chief Noble – Another option for a vehicle is to go out and bid a used vehicle for Chief Scott. I will meet with individual salespersons on the vehicle and by October 15th give you a close to cost quote.

Trustee Batzel questioned if the STOP DWI overtime in the amount of \$2425.63 funded by STOP DWI funds could be used for fringe items or perhaps the radar units.

Chief Noble will contact Jack York to find out.

Chief Noble requested the Board resolve to open the following projects:

- APD computers in the amount of \$3,000 from HR22- General Equipment Reserve
- Radar units in the amount of \$4000 from HR22-General Equipment Reserve for \$2794.25 and STOP DWI monies for \$2205.75
- STOP DWI overtime in the amount of \$2425.63 funded by STOP DWI funds

HR22 – GENERAL EQUIPMENT:

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

Resolution

A resolution authorizing the expenditures of \$3,000 from capital reserve funds HR-22 GENERAL EQUIPMENT for APD computers 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 APD COMPUTERS. 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

HR22 – GENERAL EQUIPMENT:

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

Resolution

A resolution authorizing the expenditures of \$2,794.25 from capital reserve funds HR-22 GENERAL EQUIPMENT for radar units 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 RADAR UNITS. The maximum estimated costs of the aforesaid specific object or purpose is \$2,794.25.

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

Chief Noble reported that Sergeant Geer did a nice job while he was gone. What we need to address is whether to keep the credit cards Jim Carney used or should we get rid of them. Chief Noble saw no advantage of holding the cards.

The Board agreed to get rid of the cards.

Over the past few years we had a service called accuriant, which we used for bank records, and telephone records, we paid \$55 a month. The cost now is \$85 per month per operator. I will submit a proposal for you on the 15th. I need to gather more information and hope the Board will take a look at it.

An inventory was done recently and we found a lot of historical tools. Ken Ippolito would like to set up a case in the foyer that would show the history of the Village.

We went through an on line survey for an audit on how we maintain our records. The results came back favorable.

Chief Noble reported that he is waiting for the State determination, and at the end of the month he will be at \$30,000. I don't want to leave my family in a financial hardship, I need some protection.

DPW UPDATE:

Mayor Freeman instructed Superintendent Barrett to put together a package for a new mower and see what Lakeland would give for our old mower.

John Barrett got quotes, for the same machine that we have at a cost of \$16,184 and a discount of 24 ½%. The mower will cost the Village \$12,396.00 and give \$6800 on trade-in.

HR22 – GENERAL EQUIPMENT:

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

Resolution

A resolution authorizing the expenditures of \$7,000 from capital reserve funds HR-22 *GENERAL EQUIPMENT* for a lawn mower 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 JOHN DEERE MOWER. The maximum estimated costs of the aforesaid specific object or purpose is \$7,000.

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

Town has a stainless steel salt body that they gave to the Village.

Superintendent Barrett stated that there was an upcoming workshop for sewer and water that Kenny Farrell and he would like to go to at the end of October and need the approval before the next meeting.

Superintendent's update:

- Leaf vac ready
- Black topping
- Trees to come down looked at last week, the work should be done next week

VOUCHERS AND MANUAL CHECKS:

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

General Fund	\$10,913.57
Water Fund	\$ 2,396.31
Sewer Fund	\$ 5,841.75
Fund #4	\$ 1,089.09

Fund #10	\$
Fund #11	\$
Fund #17	\$ 3,070.86
Fund #47	\$
Fund #48	\$
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	\$	
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	\$	298.50
Fund #94	\$	
Fund #95	\$	
Fund #96	\$	
Fund #97	\$	
Fund #98	\$	
Fund #99	\$	
TOTAL		\$ 23,610.08

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

CLOSED PROJECT:

Treasurer Quinlan reported that the following projects are completed and prepared for the Board to resolve to close and return monies to their original funding sources:

<u>Project Name</u>	<u>Balance Remaining</u>	<u>Original Source</u>
H43-Mini-Excavator	\$0	
H45-AFD Trash Pump	\$0	
H47-Eqt. Trailer	\$1472.70	HR22-General Eqt.
H48-Sidewalk Repairs	\$ 38.34	HR24-Streets Reserve
H54-Pipe Locator	\$ 984.97	HR31-Water Ines
H76-Buckle Up NY	\$0	

Upon a motion made by Trustee Zhe the Board resolved to close the projects. The motion was seconded by Trustee McKeown 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

PARKS INFORMATIONAL MEETING:

Mayor Freeman began the informational meeting by presenting a plaque to the Lions and Lioness Clubs for their gift of the gazebo at Case Park. The gazebo was in memory of past club members.

John Marks, Chairman of the Parks Commission informed the residents that the purpose of the meeting was to obtain vision for the parks and receive feedback from the survey that was done in June.

The Village of Avon conducted a survey of Avon resident's to learn more about their views towards town parks and potential improvements/enhancements to them.

The questionnaire was developed by Crux Research Inc. with input from the Town of Avon.

The Village and Town of Avon were responsible for promotion and obtaining response to the survey. A variety of methods were used such as online links, school district, email, Penny Saver advertising, posters/flyers, etc.

The parks involved in the survey were:

- Driving Park – 65 Acres
- Circle Park – 2 Acres
- Five Arch Bridge – 29 Acres
- Case Park – 4 Acres
- Csapo Park – 2 Acres
- Paper Mill Park – 3 Acres

DRIVING PARK

Purchased 1966
Recreation and historical
Athletic Fields
Trails & benches
Historical connection
Sulfur Springs
Race track – 1836
Kiosk

FIVE ARCH

Donated to Village 1971 by George Stewart
State and National Historic site
Built 1856 – connect Rochester to Mt. Morris
Historical and natural

CIRCLE PARK

Community gathering place

Memorial Day 1877 – monument dedicated
Historical, natural, meditative & social

CASE PARK

Donated by Case family in memory of C.Z. Case
Natural, recreational and meditative

CSAPO PARK

Donated to Village by Frank Csapo
Links neighborhoods
Natural

PAPER MILL PARK

Town Park
Site of paper mill
Natural

WHY DO WE NEED PARKS?

- **Maintain connection**
- **Connect to history**
- **Connect to Nature**
- **Connect to community**
- **Connect to ourself**
- **Recreation and meditative**

The care of the parks is a collaborative effort.

Dennis Catuzza – I just discovered the Driving Park and the other parks and am sorry I didn't discover them sooner. When the weeds are over grown accessibility is difficult. I suggest you hire a grant writer and draw up some plans to keep the parks maintained.

Mrs. Hanna commented that the parks are fine as is and the Village doesn't need to spend more money on the parks.

Maureen Kingston – Jim Fusco has done a fantastic job. I'm glad the parking lot has remained gravel. It is a more natural setting.

Liz Welch – Are there leash laws? And are there any plans on where dogs can run?

John Marks – There is a leash law and no plans on a dog park. It has been looked at.

Pat Tuchrello – In Case Park, if someone wanted to donate a bench, are you allowed to do so?

John Marks – Yes, but I suggest you come to a Parks meeting with any ideas.

Dick Corrigan – The Park’s Commission should have a plan for things they need and want.

Troop 26 would like to be provided with a list of what the community needs. They would take it on as one of their projects.

Marla Palmiter – Is there any way to stop vandalism at Paper Mill Park?

John Marks – The Sheriff’s Department would address that.

Marla Palmiter – Is Paper Mill Park funded through the Town?

John Marks – Yes.

Mayor Freeman – The 4-H Club asked for a project and we gave them the Burke garden. Anyone could adopt a park.

Dwight Brown – We have an ice skating rink, volley ball, basket ball, and a sledding hill. We need feedback on what we use the trails for.

John Marks – We currently have a sub-committee looking into playground equipment. We are also working on a maintenance project for the Five Arch Bridge.

Liz Welch – What is your budget?

John Marks - \$11,000 for material plus four seasonal workers.

We have ongoing maintenance projects. All the roofs are new at the Driving Park and the work was all done by the Village crew which was a huge savings.

TRUSTEE’S UPDATE:

Contingent upon the results of his physical a motion was made by Trustee Zhe and seconded by Trustee Hayes that Chad Bailey be hired as a permanent full time laborer. The motion was carried by the following vote:

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

Trustee Batzel reported that Treasurer Quinlan and he are putting together a list of appliances for the NYSERDA grant.

FIRE DEPARTMENT APPLICATION:

Upon a motion made by Trustee Hayes, the application of Ryan O'May for membership for active membership in the Avon Fire Department is hereby accepted. Trustee Batzel seconded the motion and it was carried by the following vote:

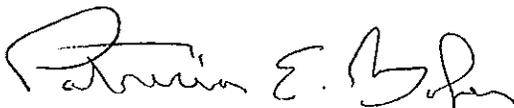
Thomas Freeman, Mayor	Voting	Yes
Robert Hayes, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe the Board went into executive session to discuss contractual issues at 9:05 p.m. and exited at 9:30 p.m. Trustee Batzel seconded the motion and it was carried by a unanimous vote.

Upon a motion, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk