

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 15, 2012.

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

Staff: Chris Quinlan
Tony Cappello
Chief James Noble
Fire Chief Bryan Scott

Reid Whiting, Attorney

Visitors: Dennis Catuzza
Richard Martin
Jeff Witherow

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

EXECUTIVE SESSION:

Upon a motion made by Trustee Hayes, the Board went into executive session at 5:30 p.m. to discuss contractual matters. Trustee Zhe seconded the motion and the Board exited executive session at 6:20 p.m. The motion was carried by a unanimous vote.

FIRE CHIEF SCOTT:

Fire Chief Scott distributed a cost comparison for replacing the Fire Chief's Expedition. He quoted costs from a recent auto auction provided by Rhodes Automotive for used vehicles. Quotes for new vehicles were also submitted. Either vehicle could be set-up with existing equipment from current Fire Expedition for \$1,500 or less.

Another option would be to buy a new vehicle for the Fire Department and pass it down to the DPW in a few years.

The current truck has 127,000 miles on it. In a years' time approximately 5,000 are put on it.

Chief Scott mentioned that the doors on the Village building are still in need of replacement. Several times he has found them left ajar.

Mayor Freeman – It's been mentioned to Superintendent Barrett.

POLICE CHIEF UPDATE:

The Board went outside to look at an SUV (the Enforcer) on loan from VanBortel. Chief Noble has a meeting with Hoselton to obtain price comparisons on a new vehicle.

Trustee McKeown – Would a car work just as well?

Chief Noble – A car is smaller and about the same cost.

Trustee McKeown asked if Chief Noble could get the Board the years and models of all police vehicles.

A letter was received from Sheriff York regarding the DWI money we receive from the County confirming that the money can be used for fringe and transferred over for equipment.

Chief Noble updated the Board on an accident involving Patrolman John Jordan and intern Brittany Smyder early Saturday Monday (October 13, 2012).

Chief Noble requested that the Police Department once again join the New York State Association of Chiefs of Police, Inc.

A motion was made by Trustee Hayes, and seconded by Trustee Zhe to approve the membership and the motion was carried by the following vote:

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

A car larceny report was submitted to each Board member on the recent spree of stolen items. Subpoenas have been requested due to some activity on the stolen credit cards.

Chief Noble submitted information to the Board regarding Accurint – Real Time Phones Search for Law Enforcement. The Accurint Real-Time Phones Search can help agencies generate investigative leads to help further improve their investigation process and find up-to-date

consumer or business identifying information tied to a phone number instantly. It can locate hard-to-find individuals tied to a phone number or address and uncover associates or critical information tied to an investigation.

The cost would be \$85 per month per user. Chief Noble asked the Board to consider it and the user would be Officer Ippolitto.

A motion was made by Trustee Hayes and seconded by Trustee Zhe to give it a six month trial. The motion was carried by the following vote:

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

DENNIS CATUZZA:

Mr. Catuzza reported that he had consulted with a structural engineer from Fraser Engineering Services in which he gave a report which Mr. Catuzza read aloud. The Engineer's inspection report indicated the following:

- Lawn & Yard – Fair to Poor
- Driveway – Fair
- Exterior of Structure – Fair/Poor
- Roofing – Poor
- Heating – Unknown
- Plumbing – Unknown
- Electrical – Unknown
- Energy Efficiency – Unknown/Poor
- Structural – Fair/Poor
- Environmental Assessment – N/A

The building is in a serious state of disrepair. It is the opinion of the Engineer that the original house exterior and much of the interior framing is salvageable with some repairs. The roof frame will need to be removed and replaced. Interior finishes would best be removed and replaced.

Mechanical and electrical systems have been abandoned and will require a thorough evaluation and most probably repair or replacement prior to reactivation. All of this work must be done with the realization that hazardous materials such as lead, asbestos and mold are likely to be present.

Mayor Freeman – What is the bank saying to you about money?

Dennis Catuzza - I talked with a Loan Manager from Chase, he said it would be a minimum of 60 days before funds are available if approval was given. At this point I am exhausted and I am by myself.

Dennis Catuzza - It doesn't seem conceivably possible to even do it in phases now. It will be five months since I started moving out. I could rebuild, I could donate it to the Village, I apologize for letting my house get to this point. I don't have it in me to fight with the bank. I have an older brother who has a pacemaker. My sister will be 70 and I will be 60 and I'm tired. I'm going to seek bids to demolish my property.

Attorney Whiting – You mentioned the renovations costing \$165,000?

Dennis Catuzza – It's an estimate from a design place in Victor.

Mayor Freeman – We don't want to tear the house down.

Dick Martin suggested putting up a for sale sign.

Mayor Freeman – We're fearful for the neighbors. What would the land be worth?

Dick Martin - \$30,000, and \$10,000 – \$12,000 to demolish it.

Mayor Freeman – Fraser Engineer started you in the right direction.

Dick Martin – The bank will not take that property under any circumstance. Give me your phone number and we can talk about other options.

Tony Cappello – The whole roof is the problem. All the rafters are shot.

The Board would like to have Mr. Catuzza come back on the 5th of November.

RICHARD MARTIN:

Mr. Martin informed the Board that he had met with Tom Wahl's and want to talk about seriously finishing the road. There's 50' Mr. Martin would give to Tom Wahl. 70' needs to be completed on Dream Valley Blvd. Would engineer MRB supply the drawings and would the Village accept dedication if it was all done to standards?

Mayor Freeman – When CVS came in they tore down a building. The Village purchased property from Avon Town Square Plaza in order to create access to the property. At that time, Tom Wahl's didn't want to participate. Today they see the advantage. It's the perfect scenario.

Mayor Freeman – Have you discussed it with to the Planning Board?

Dick Martin – I didn't think it was a Planning Board issue.

The Board agreed to move forward but Trustee McKeown had a concern with drainage issues. Mr. Martin will meet with Keith Herman and if he is serious his engineer needs to talk with MRB.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Batzel the minutes from October 1, 2012 are hereby approved as submitted. Trustee Zhe seconded the motion and it was carried by the following vote:

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

VOUCHERS AND MANUAL CHECKS:

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

Fund #1 General Fund	\$ 37,202.07
Fund #4 Schedule C	\$ 9,795.17
Fund #5 Water	\$ 6,260.43
Fund #6 Sewer	\$ 31,717.01
Fund #9	\$
Fund #10	\$
Fund #11	\$ 8,518.99
Fund #17	\$ 1,505.02
Fund #44	\$
Fund #45	\$
Fund #47	\$
Fund #48	\$
Fund #50	\$ 30.03
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	\$ 159.85
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	\$
Fund #99	\$
TOTAL	\$ 95,188.57

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 Timmy Batzel	Voting	Yes
Trustee Robert Hayes	Voting	Yes

SENIOR CITIZEN AND DISABILITIES INCOME EXEMPTIONS:

Joseph Pukos, Director of the Livingston County Real Property Taxes Department forwarded the following memos to the Village Board along with Town/Village Assessor Tami Snyder.

SENIOR CITIZEN AND DISABILITIES INCOME EXEMPTIONS:

SUBJECT: Exemption Income Limits

Livingston County has raised the income limits for the Senior Citizens Exemption (Section 467 RPTL), and for Persons with Disabilities and Limited Incomes (Section 459-c RPTL). The 50% level will rise from \$19,500 to \$20,000. With the sliding scale added, the upper limit was effectively raised from \$27,899.99 to \$28,399.99. The 2013 parameters are listed below.

For Towns, Schools, and Villages that want to have levels consistent with the County, changes must be made on or before March 1, 2013 Taxing jurisdictions that maintain income levels at amounts that are different from the County are not being asked to change their levels. However, if your jurisdiction chooses to change exemption income limits, please notify the local assessors as well as this department of the change.

The Board reviewed the proposed changes to the senior citizen income exemptions for 2013 and the Disability exemptions and upon a motion made by Trustee Hayes to go with the proposed increase as follows:

<u>INCOME</u>	<u>RESIDENTIAL INCOME</u>
0-\$20,000	50%
\$20,000.01 – 20,999.99	45%
\$21,000.00 – 21,999.99	40%
\$22,000.00 – 22,999.99	35%
\$23,000.00 - 23,899.99	30%
\$23,900.00 – 24,799.99	25%
\$24,800.00 – 25,699.99	20%
\$25,700.00 – 26,599.99	15%
\$26,600.00 – 27,499.99	10%
\$27,500.00 – 28,399.99	5%

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

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

ROSS LANE:

Attorney Whiting reported that as of today, the people of Ross Lane have not taken his advice. If they go through and do what I suggest, I won't have to go through 20 abstracts. It will be a lot less expensive for the Village. To date I only have one abstract. It could take up to 16 hours looking at abstracts. Attorney Whiting offered to do the job and can't get the abstracts.

Trustee McKeown stated that if you're not going to help yourself we're not going to help. Why should we do that? They chose to live on a private road. Attorney Whiting has given them another way to solve the problem and they can't get everyone to chip in. We have been providing them with legal advice, when they could fix the problem for \$1,000. It's those people's job to fix the problem. We've been paying our attorney to fix their problem.

Trustee Zhe - I totally agree.

Trustee Mckeown – Can the Village give them the guarantee they want?

Attorney Whiting - No, we need a 3rd party validation.

Trustee Batzel -- Can we put it in writing to them?

Mayor Freeman suggested sending a letter to Ross Lane residents to jointly get together, and instruct them in writing what they have to do.

TRUSTEE’S UPDATE:

- Trees are taken care of
- Joint Town/Village meeting – November 29th @ 7:00 p.m. at the Town Office
- School considering alternative energy, looking at windmills
- Watering of fields on Lake Road. Town might sell at wholesale rate
- Bus Shelter – RTS and Lats are working together. They would give us a bus shelter; need to decide on the best place for it.
- Drawings are out for bid for the Erie-Attica Trail Project

NYSERTA GRANT –The Fire Department would like a freezer & refrigerator, they would like to take advantage of the grant and what they don’t pay, the Fire Department will pay the difference. The DPW needs a refrigerator and we would receive 75% back.

Dick Steen, Jim Blye, Trustee McKeown and Trustee Zhe met with Dean O’Keefe for the position of Fire Marshal, and the town agreed to hire him for \$16.00 an hour to catch up on things. He has the right credentials. Do we want to hire on with Mr. O’Keefe. He would work with Gary and Jennifer. This will be a temporary position. Interviews will be conducted for the permanent position.

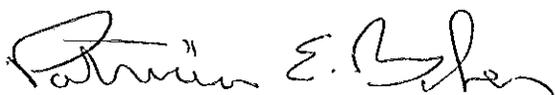
A motion made by Trustee Zhe to hire Dean O’Keefe on a temporary basis. The motion was seconded by Trustee McKeown and carried by the following vote:

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

A question was asked on the HSA contribution for new DPW employee, Chad Bailey. Since he just started on October 15th, October, November, and December will be prorated, then next year he would get 100% for nine months then drop to what the other guys get.

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

Respectfully submitted,

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

Patricia E. Baker
Village Clerk