

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, November 5th, 2012.

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

Staff: Chief Jim Noble
 John Barrett
 Bryan Scott
 Anthony Cappello

Visitors: Dennis Catuzza
 Russell Garland
 Joseph & Jean Santacroce
 Cheri Frew

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 Batzel the minutes from October 15th, 2012 are hereby approved as submitted. Trustee Zhe 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

DEPARTMENT OF PUBLIC WORKS:

Superintendent Barrett updated the Board on the status of his department as follows:

FIX/REPLACE DOORS: Superintendent Barrett recommended replacing the front door, back door and kitchen door and either fixing or replacing the Fire Hall door. The Superintendent suggested keeping the front door frames.

Superintendent Barrett told Trustees nothing had been set aside to accomplish this task. There was money in the buildings account, but there hadn't been a permissive referendum to borrow money for the project.

Trustees reviewed a proposal from North Ridge Glass Company of 864 Driving Park Avenue, Unit 2; Rochester as follows:

BACK DOOR: Remove the existing door and frame and install a new steel frame and door with a new threshold, closer, hinges, sweeps, 12 X 12 window with wire glass, rim panic bar, surface-mounted HES electric strike, door kick plate and caulking; debris clean-up and removal; wiring by others.

FRONT DOORS: Remove the existing, exposed vertical rod panic bars from the doors; install new rim panic bars (lock come out the edge of the panic bar like back door) and a removable mullion. The removable mullion will have a key cylinder at the top of the bar for easy removal. The one panic bar will not have a key on the outside of the door – it will be an exit only – the other will have a key to get in. The door with the key will have an electric strike mounted on the removable mullion that could be put on a timer to unlock at a certain time and lock at a certain time. In between times, the door will be unlocked for people to come and go. The electrical wiring will come down into the mullion.

All wiring would be done by others.

Material & labor: \$6,850.00
Tax-exempt

HANDRAILS: Mayor Freeman told Trustees he would like to try a couple of sidewalk step railings overtown – one by Community Bank NA at 68 Genesee Street and the other by Valley Dry Cleaners, Inc., at 90 Genesee Street.

Trustees reviewed a proposal from RS&R (Rochester Stair & Railing, Inc.) at 448 Portland Avenue, Rochester, as follows:

HANDRAILS: Provide and install stainless steel pipe railings (two configuration options), fabricated from 1½-inch (1 7/8-inch outside diameter) pipe based to be finish-painted by others.

PRICE PER ONE-EACH:	\$450.00
PRICE PER FIVE-EACH:	345.00
PRICE PER MORE THAN FIVE:	300.00

The Mayor expressed a preference for a black powder coat finish.

MCALLISTER/VOROS WATER ISSUE: Superintendent Barrett told Trustees drains could be installed to keep run-off away from the Voros and McAllister houses. The drains cost \$300 per 10-foot section and installation would be at the discretion of the Village Board – either now or in the spring.

LEAF COLLECTION: The Department of Public Works (DPW) was finishing their third trip around the Village, Superintendent Barrett reported. Crews had collected about 40 loads of leaves thus far.

HURRICANE SANDY: The storm had passed through the area Tuesday, October 30, and, despite wreaking havoc along the eastern seaboard, Mayor Freeman reported Avon had sustained little damage. The Village had lost a pine tree at the 5-Arch Bridge and a small tree on Burke's Triangle around the Circle had been knocked down.

SEWER LINE: The Village would go to work on James Greer's sewer line this winter, the Mayor announced.

FIRE HALL REPAIRS: Village officials had conducted a walk-through inspection at the Fire Hall, Mayor Freeman said. Cracks in the concrete had been noted and would have to be epoxied. Dry wall repairs were needed on the ceiling and the top board behind the gutters should be wrapped in aluminum.

FIVE-ARCH BRIDGE: There were sandbags on the north end of the bridge, the Mayor noted. Concrete should be poured there. The Mayor and Trustees agreed to meet with DPW at the site, at a date to be determined, to specify the scope of work.

FIRE DEPARTMENT:

Fire Chief Bryan Scott updated the Board on the status of his department as follows:

CALEDONIA FIRE: The Caledonia Fire Department and seven additional fire companies, including Avon, responded to a barn fire at Heindale Farms, 1488 McEwen Road, in Caledonia at 10:30 PM Sunday, November 4.

The Village of Avon sent eight fire fighters and a pumper, Chief Scott told Trustees. A portable pond had been set-up to supply water to the fire. Eighty dairy cows had been housed in the barn, but fire had been confined to the north end of the structure and only six calves had been lost. Electrical components were considered a possible cause.

HURRICANE SANDY: The Fire Department had 14 pumps on standby during the October 30 storm, but Chief Scott told Trustees none had been needed. Mayor Freeman thanked the Chief for the Department's readiness.

CALL COUNT: The Fire Department had responded to 96 calls thus far this year, Chief Scott reported; that compared with 126 calls last year and 96 in 2010.

AIR PACKS: Chief Scott told Trustees a number of the department's air packs needed to be replaced, but characterized the situation as "nothing major."

DENNIS CATUZZA:

Dennis Catuzza updated the Board on the status of his 184 East Main Street home as follows:

LOAN DENIED: Catuzza had visited a local bank and applied for a \$25,000 personal loan, but had been denied. Catuzza claimed he had paid off his mortgage in 10 years and his car loan in one. As such, he considered the loan denial as discrimination. Bank officials, he added, had told him he would receive formal notification of their decision within days, but two weeks had passed and he still had not received anything.

CREDIT UNION: Catuzza said he next visited his credit union; the most they could go was \$7,500 and Catuzza said that simply wasn't enough. He noted the meters had been removed and he'd been told that a house without meters wasn't a house.

HOMEOWNER'S INSURANCE: Catuzza said he had put in a claim to his insurance company, but hadn't heard back. The insurance comes due in December, but, as it stood now, Catuzza said the house could not be insured.

ADD-ONS DEMOLITION: Catuzza said he had contacted a demolition contractor and been told the add-ons could be taken down by Christmas. Catuzza didn't name the contractor or indicate how he would finance the work.

ROOF REQUEST: Catuzza claimed the house used to have a tile roof. The roof, he added, was supported by 6-inch beams. Catuzza asked Trustees if he could cover the roof with plywood until he could address the interior. He wanted to re-arrange the interior of the house and he'd wanted to use the attic for living space.

Catuzza pointed out:

- He had come before the Board without an attorney
- He had come in good faith
- He was done apologizing
- He didn't want the house taken down
- He wanted his rights protected
- He was not standing still

The basement was flooded, Catuzza continued and he conceded, the house was in distress, but he told Trustees he had worked two jobs for 10 years to pay for the house and he wasn't ready to let it go.

Catuzza said he'd been offered \$20,000 for both the house and land, but said he considered that figure an insult. Catuzza assured Trustees he was making efforts to rectify the situation and he wasn't sitting idly by, doing nothing.

DOCUMENTATION: Mayor Freeman asked Catuzza for documentation, pointing out the Village had an obligation to the neighbors as well as the community as a whole. Village officials had been trying to work with him every week.

Catuzza said he had:

- spoken to a design place in Victor
- Spoken to a structural engineer
- Spoken to a loan officer

Without a certificate of occupancy, the building wasn't even considered a house, Catuzza claimed, adding, for a loan, he needed collateral. Catuzza reiterated he didn't want his house torn down, but bad things did happen to good people and that's where he stood right now.

The whole house needed to be gutted, Catuzza continued. There were no interior rooms, no insulation, no wallboard and no tub. The house, he added, needed a new kitchen and new floors.

The house had been stucco at one time and the construction was block construction, Catuzza told Trustees. The walls were a foot thick and, if the house were not that sturdy, Catuzza said he wouldn't be pursuing this.

The electrical plugs, Catuzza added, were in the floor; the kind of changes the house needed weren't going to happen overnight.

Code Enforcement Officer Anthony Cappello confirmed a demolition crew had looked at the house and they could have the add-ons taken down by December, but he stressed the roof would have to be fixed by winter.

ROOF REQUEST REVISITED: Could he "slap plywood over the roof to cover it?" Catuzza asked Trustees.

Mayor Freeman urged Catuzza to stop saying, "slap plywood over the roof," pointing out there was a hole in it the size of a Volkswagen.

FLOODED BASEMENT: Revisiting the flooded basement, Catuzza said water was coming in to the sump pump. Mayor Freeman asked Chief Scott to have the Fire Department pump out the basement.

Chief Scott asked the Mayor if he was asking Fire Fighters to enter the house. Mayor Freeman suggested they might be able to run a line down to the basement from outside the house. Chief Scott asked if this were a 1-time request. The Mayor said it was.

LIVING AREA: Catuzza said the house had been sold to him as a 3,000-square-foot house with 2,000-square-feet of living area, but it hadn't been that, there wasn't even 1,000-square-feet of living area, he claimed.

PROJECT MANAGER: Mayor Freeman reminded Catuzza they had suggested he retain a project manager. He hadn't and, as such, the Mayor said he wasn't bringing the Board a lot of confidence.

You bring sincerity and you bring honesty, but not confidence, the Mayor told Catuzza. You have to write these things down, the Mayor continued, asking, where will you be in two weeks? The Mayor reminded Catuzza the Village had a court order. He reiterated the Board had asked Catuzza to get a project manager and suggested the Board give him two more weeks.

CLERK'S OFFICE: Catuzza said he had gone to the Clerk's office had hadn't been able to get a straight answer. He had asked if he could put a trailer in his backyard to work on the house. He had also asked if he needed a demolition permit.

Catuzza noted he had been living in the front seat of his vehicle. Referring to the two weeks more the Mayor had suggested, Trustee Batzel added the contingency; as long as you come back with a plan.

Trustee Hayes said the bank had to give him an answer to his loan application in writing. Mayor Freeman again implored Catuzza to hire someone to figure this out for him.

VETERANS OUTREACH: Catuzza said he had been thinking, doing and acting, adding he had an appointment with the Veterans Outreach Tuesday, November 6.

Code Enforcement Officer Cappello said the 184 East Main Street house needed:

- A complete new roof
- New electric
- Water & sewer
- Insulation
- Mold abatement

Catuzza conceded he would be building a house from the outside in, but, for the time being, he didn't want to put on a new roof only to have to tear it off again later. Catuzza said he wanted a mansard roof.

Hire a project manager, draft a project schedule and get your financing in place, Mayor Freeman implored.

Catuzza said if he gutted the interior it was considered new construction and it would take six months to get architectural renderings, but he claimed he understood what the Mayor and Board had said to him.

NEXT MEETING: We'll see you on Monday, November 19, Mayor Freeman said in closing.

POLICE DEPARTMENT:

Police Chief James Noble updated the Board on the status of his department as follows:

CHILD ABDUCTION RESPONSE PROGRAM: Former Police Officer (PO) Kenneth C. Bowser had begun work on a Child Abduction Response Program. PO Timothy F. Ferrara, Jr., had since been assigned to continue that work, Chief Noble said.

PO Ferrara was working with Ontario County. Work was in the pre-planning stage. Chief Noble said, when complete, the Child Abduction Response Program would be a countywide program.

WESTERN NEW YORK ASSOCIATION OF CHIEFS: Chief Noble requested authorization to join the Western New York Association of Chiefs; annual dues were \$100 per year.

PERMISSIVE REFERENDUM AUTHORIZED: Chief Noble requested a permissive referendum to purchase a Chevrolet Tahoe with emergency equipment to be installed by Star Headlight.

The base price was \$28,300; a wrap-around grille protector and striping would raise the price to \$38,000.

Mayor Freeman asked if a permissive referendum in the amount of \$40,000 would be sufficient to cover the cost of the new vehicle with all the necessary emergency equipment? Chief Noble confirmed that.

RESERVE 22 – GENERAL EQUIPMENT:

Resolution

A resolution authorizing the expenditure of \$40,000 from capital reserve funds *HR22-GENERAL EQUIPMENT* 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 a *CHEVROLET TAHOE*. The maximum estimated cost of the aforementioned specific object or purpose of \$40,000.

Upon this resolution taking effect, the same shall be published in full in the LIVINGSTON COUNTY NEWS, the official newspaper together with a legal notice of the Village Clerk as provided by law.

This resolution is adopted subject to a permissive referendum.

Trustee Zhe 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

NARROW BAND RADIOS: As of January 1, 2013, the department must have narrow band radios, Chief Noble told Trustees. The base unit and four mobiles could be narrow-banded, he added.

MADD AWARD: The New York State STOP DWI Foundation and Mothers Against Drunk Driving (MADD) had selected Avon PO John Jordan to receive a 2012 Recognition Award for his outstanding work in driving while intoxicated (DWI) enforcement.

The awards luncheon would be held at Mallozzi's Restaurant in Schenectady on Tuesday, November 13. Twenty-two individuals from throughout the state had been selected to receive this award. Chief Noble said he and Mayor Freeman would accompany PO Jordan to the luncheon; they planned to make the approximately 470 mile round-trip in one day.

MENTAL HEALTH TESTING: Candidates for employment with the Avon Police Department will undergo mental health testing. Chief Noble said he would reach out to mental health evaluators from Monroe County and that they would borrow the necessary forms from the City of Rochester. Chief Noble said the goal was to protect the Village when hiring officers who might be working 12-hour shifts with minimal supervision.

BOCES STUDENTS: Two senior students from the Genesee Valley BOCES Criminal Justice Program will spend time observing operations in the Avon Police Department, one for a week in December and the other for a week in January, Chief Noble said.

DOT COMMERCIAL VEHICLE INSPECTIONS: The Avon Police Department has been working, in conjunction with the New York State Department of Transportation (DOT), on commercial vehicle inspections, Chief Noble told Trustees.

A propane hauler had been cited. Inspections took from an hour to 90 minutes. Chief Noble said the department would like to conduct such inspections as many as four times next summer.

FOURTH GRADE INSTRUCTION: Program Assistant Darci Dembrowski from Avon Elementary School had requested a volunteer from the Village to teach fourth graders about government. Chief Noble said he had volunteered and would visit with fourth graders six times, for an hour each time, over the course of the school year.

NEW WORLD SYSTEMS: Chief Noble said he would research the scope of the department's contract with the software company, New World Systems of Troy, MI. The Chief said the department had paid the company \$5,860 for three years accessing and messaging service, but, he noted, the department had discontinued use of New World's reporting system in 2007 and he wanted to ensure the department wasn't paying for something it wasn't using.

ROSS LANE

Russell Garland of 200 Ross Lane addressed the Board on the status of Ross Lane (a private drive) as follows:

VILLAGE TAKE-OVER: If there were a gore (strip) of land where the Ross Lane roadway was located, it might be reasonable for the Village to begin maintaining the road, Mayor Freeman told Garland and other Ross Lane residents in attendance.

Would you give us a guarantee the Village will take over Ross Lane? Garland asked.

That couldn't happen until it had been determined who owned the roadway -- somebody did own the land -- Trustee McKeown said. There was a process the Village Board had to follow before accepting a dedicated street.

Village Atty. Reid Whiting had been surprised there had been a gore of land on which no one had paid taxes, Mayor Freeman said.

Could you have your attorney (Stephen Sessler) draft a letter addressing that issue? the Mayor asked, adding the Village Board was willing to work with Ross Lane residents.

Garland said his attorney had laughed at that, that he'd said the Village didn't want to take ownership of the road.

We're not out to double-cross you, Trustee Hayes assured Garland.

The Village had already done an improvement on property no one owned, Trustee McKeown pointed out.

The Board would contact Village Atty. Whiting and tell him to be as cooperative as possible, Mayor Freeman told Garland, adding if there were any way Whiting could find to shorten the process, he would.

CODE ENFORCEMENT OFFICER UPDATE:

Code Enforcement Officer Anthony Cappello updated the Board on his activities as follows:

DENNIS CATTUZA: Referring to the work and financing necessary to rehabilitate Catuzza’s 184 East Main Street, Code Enforcement Officer Cappello speculated it simply wasn’t going to happen. The demolition crew had been there Sunday and was positive the add-ons could be taken down, but they didn’t know where Cattuzza would get the money.

AMALFI DRIVE VARIANCE: The Planning Board and Zoning Board of Appeals would conduct a joint meeting at 7:00 Thursday night, November 15, in the Whitney Room at Village Hall to consider a front setback area variance for 42 Amalfi Drive, also known as Lot 25 of Avon Commons Subdivision Phase III, to allow a front setback of 17 feet instead of the required 25 feet.

Cappello said the property owners, Mascot, Inc. (Lou Masi), had wanted the variance addressed Thursday, November 8, to accommodate a closing on the property, but Village Atty. Whiting had told him that wouldn’t be possible because of the advertising requirements for a public hearing on the application.

EXECUTIVE SESSION:

Trustee Batzel moved for an executive session to discuss the proposed acquisition, sale or lease of real property, the publicity of which could substantially affect the value of said property. His motion was made at 8:05 PM and seconded by Trustee Zhe and 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

Trustee Zhe moved to return to open session at 9:07 PM. His motion was seconded by Trustee Batzel and 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

TRUSTEES' UPDATE:

ACCEPT XMAS TREE BID

The Avon Village Board had invited the submission of quotes for (23) 7-foot, fresh-cut, Douglas Fir pine trees, the bids to be submitted by 10:00 AM Monday, November 5, 2012 at the Office of the Avon Village Clerk.

Three bids had been received:

Boy Scout Troop 26	\$15.00 apiece	for Concolor White Fir
Stokoe Farm Trees	19.00 apiece	for Douglas Fir
Spring Hill Tree Farm	29.50 apiece	bid received at 11:05 AM, Nov. 5

BIDDERS: Trustee Hayes asked if there were any reason not to accept the Boy Scout bid?

We've gotten bad trees from the Scouts several times in the past, Trustee Zhe responded. As much as he would like to award the bid to the Boy Scouts, Stokoe Farm Trees had provided the Village with good trees in the past.

Trustee Zhe said the \$19.00 per tree price from Stokoe was a good price.

Trustee Batzel suggested making a phone call to Stokoe to see if they could match the Boy Scouts \$15.00 per tree price.

Trustee Zhe reiterated the Village had had a bad experience with the Boy Scouts for a number of years.

Trustee Hayes said his preference would be to see the Boy Scouts get the bid.

Mayor Freeman said, him too, blame this one on the Mayor.

MOTION: Trustee Zhe moved to accept the bid from Stokoe Farm Trees. Trustee McKeown seconded the motion and it was defeated 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

MOTION: Trustee Hayes moved to accept the bid from Boy Scout Troop 26. Trustee Batzel seconded the motion and it carried by the following vote:

Mayor Thomas Freeman	Voting	Yes
Trustee Mark McKeown	Voting	No

Trustee William Zhe	Voting	No
Trustee Robert Hayes	Voting	Yes
Trustee Timmy Batzel	Voting	Yes

ANNEXATION AGREEMENT

Mayor Freeman updated the Board on an annexation agreement between the Town of Avon and Village of Avon pertaining to 22.4 acres of land at Barilla Park.

JOINT PUBLIC HEARING: A joint public hearing would be held at 7:00 PM Thursday, November 29, at Avon Town Hall, 23 Genesee Street, to consider and hear testimony on a local law authorizing the execution of an annexation agreement in regard to the annexation by the Village of Avon from the Town of Avon of a tract of real property comprising approximately 22.4 +/- acres of land generally bounded on the east by lands now or formerly owned by Niagara Mohawk Power Corporation and the Village limits on the south.

The real property that is the subject of the annexation hearing is owned by Livingston Industrial Complex, LLC, and is identified as Tax Identifier Map Parcel Number 24-2-1. Said owner duly filed a Petition for Annexation with the Town of Avon and the Village of Avon.

VOUCHERS AND MANUAL CHECKS:

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

Fund #1 General Fund	\$12,390.05
Fund #4 Schedule C	\$5,153.47
Fund #5 Water	\$2,371.44
Fund #6 Sewer	\$7,182.10
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$1,520.46
Fund #44	\$
Fund #45	\$
Fund #46	\$
Fund #47	\$
Fund #48	\$
Fund #50	\$

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 #89	\$
Fund #90	
Fund #91	\$
Fund #92	\$
Fund #93	\$298.50
Fund #94	\$
Fund #95	\$
Fund #96	
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$28,916.02

Manual Checks:

NYS Child Support – Child Support Payment	\$ 256.00
Nationwide Retirement Sol. – Deferred Comp.	\$1,108.44
Village of Avon – HSA Contribution – Bailey	\$ 93.00
Village of Avon – HSA Contribution – Bailey	\$ 240.00
Village of Avon – HSA Contribution – Bailey	\$ 224.75
Village of Avon – HSA Contribution – Bailey	\$ 217.00
	\$2,139.44

Trustee Zhe 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

ASSOCIATION DINNER:

The Association of Village Boards of the Genesee Valley of Livingston County had scheduled a Dinner Meeting, to be hosted by the Village of Leicester, at 6:00 PM (social hour at 6:00 PM and dinner at 7:00 PM) at the National Hotel at 2927 Main Street, Cuylerville.

Mayor Garagozzo was scheduled to report on the "Main Streets Go Blue" campaign for Livingston and Wyoming Counties. The Livingston County Scheriff's Department and Livingston County Emergency Management Department would present an overview of the New York Alert System, an emergency notification system designed to benefit citizens and municipalities.

A sign-up sheet was circulated and Trustees McKeown and Zhe indicated they would attend.

Upon a motion, the meeting was adjourned at 10:05 PM.

Respectfully submitted by,


Deputy Clerk