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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, July 23, 2012.

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

Staff: Chief James Noble
John Marks
Tony Cappello
Reid Whiting, Attorney

Visitors: Tami Snyder
Maureen Kingston
Richard Martin
Linda Postler
Gary & Shirley Mendola
Steve & Sheri Newell

Mayor Freeman opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

POLICE UPDATE:

Chief Noble reported that a letter dated July 7, 2012 was received from Judge Temperato requesting that a Village of Avon Officer be assigned to attend court sessions once a month to fulfill their needs. They meet with the Assistant District Attorney for Livingston County on the second Monday of each month to hear penal cases along with any traffic infractions.

Effective August 1, 2012 any defendant convicted of a Penal Law Misdemeanor will be required by the State of New York to provide a DNA sample to the national database. The best way to assure the requirements are met is to have an officer present in court to take their sample immediately.

Chief Noble proposed we will be responsible and looked at the cost for full time and/or part time officers. For part-time officers it would cost the Village \$88.22 per month. For full time officers the cost would be \$163.50 for month. The other option would be to use Matt McFadden the SRO who is required to work 84 hours per pay period. As a SRO he works 80 hours per pay period, he works an additional 4 hours per pay period to meet required hours of work. Officer McFadden's duty hours are 7:30 pm to 3:30 pm. It's an involved process and will start August 13th.

Chief Noble informed the Board that he had two individuals interested in having the Village sponsor them.

Mayor Freeman stated that the Village is not looking to sponsor anyone unless they are a strong local kid; otherwise they need to look at other avenues.

Chief Noble suggested that he can start doing a background check and present to the Board at a later date to see if the one local individual could be a fit. We may consider him for the second part. He may need to go back to school for the first part since it is expiring.

Chief Noble mentioned some upcoming training seminars he would like to go to. One is at a cost of \$25 at St. John Fisher on Leadership & Integrity and the other one is also at St. John Fisher on Leadership and will be held on August 7th sponsored by the U.S. Department of Justice and is free.

On October 25-27 is a seminar Sergeant Geer would like to attend on Child Safety. It is sponsored by Cornell and New York State, and is in Atlantic City. The only thing the Village would have to pay is his regular wages.

Trustee McKeown asked if Sergeant Geer should also go to the other two seminars.

Chief Noble thought that would be a great idea and that he should go for the experience.

New Part-timers going very well.

Still interest in the 2006 Dodge, but nothing definite.

Chief Noble reported that the new server which was installed the beginning of July is still causing problems. Hopefully everything will be up and running by the end of the week.

Clerk Baker reported that Mike Tomaselli requested a \$500 credit be sent to the Village for the way the installation was handled by Dell.

CODE ENFORCEMENT OFFICER UPDATE:

Mr. Cappello reported that he had gone to court today regarding the property at 184 East Main Street. The Judge gave him six more weeks to clean it up. Mr. Cappello brought pictures in.

Mayor Freeman – What are you charging him with?

Tony Cappello – The house is condemned, when it rains the rain pours into the house. There's mold upstairs. Mr. Cappello will monitor for the next couple of weeks.

Chief Noble – Take additional pictures to show increase activity or no activity. There are bearing walls that are in danger of collapse.

Tony Cappello reported that the Health Department didn't want to go in the house with him.

Tony Cappello – Mr. Catuzza was told he could stay in the house.

Mayor Freeman asked the Code Officer if he needs more help to make your case. Someone like Attorney Whiting or an engineer? Mayor Freeman suggested that the next court date Attorney Whiting needs to go along, also when you do your inspection in two weeks, take him.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Batzel the minutes from July 9, 2012 are hereby approved as submitted. 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

JOHN MARKS (PARKS SURVEY):

Mayor Freeman reported that John Marks is here to give an overview of the Parks Survey.

John Marks – The results were very favorable toward the parks in Avon. The survey itself was done by professionals. We made a significant effort to get it marketed in Avon. It was publicized and the school helped. It was put out on face book and the Village and Town website. 260 responded. The general consensus is that people are pleased with how well kept and accessible they are.

It just confirms that what we're doing is right. The parks maintenance person is working out well and residents agree with the idea of a new playground. Bathrooms are an issue and the parking situation when it's Little League season. People like the trails and want to keep the green space and the natural space.

People would like to have an all season lodge. Overall, we were very pleased with the results, and there were no big surprises.

Mayor Freeman suggested making the topic for our October 1st neighborhood meeting "Parks and the Five Arch Bridge". We could release the survey and start engaging people verbally and get them more involved.

Trustee McKeown – I would like to see us focus more on the Five Arch. I understand the interest in the playground, but I think the Five Arch should come before the Park Lodge.

John Marks – I think the Parks Commission would agree with you.

A suggestion was made to do a special thank you to the Lions Club and the Lioness Club for the gazebo at Case Park. The Board agreed to do a presentation on October 1st at the Park's Neighborhood Meeting.

Trustee Zhe reported that on September 10-25 RIT Professors and students asked to use the Driving Park to do research. They need use of the basketball court, volley ball court, ice-skating rink and parking lot. This would be weather dependent.

LINDA POSTLER (ALEXANDER CROSSING PUBLIC HEARING):

The public hearing for the dissolution of the Alexander Crossing Subdivision was called to order and the official notice read aloud by Mayor Freeman.

The public hearing is for the dissolution of the Alexander Crossing Subdivision and PRDD zone pursuant to Village Law S7-708, now owned by Avon Development Company, and allowing it to revert to farmland.

Mayor Freeman announced that this request was something new to the Board and have never had this come up in the past. Avon Development sold the property off Pole Bridge Road and behind Lake Road to Mark Alexander and he had it subdivided and planned on developing a 59 parcel development known as Alexander Crossing. Alexander Crossing was to have had access off Pole Bridge and Lake Road and connect to Village View. Mrs. Postler held the mortgage and Mr. Alexander had made the payments, but failed to pay the property taxes. As a result, Mrs. Postler had taken most of the property back except for five parcels.

Linda Postler – We were going to put the land up for auction on August 1st but they wouldn't accept lots. They will only auction off raw land.

Mrs. Postler stated that she could donate the land to a charity.

Attorney Whiting – The Board has three options:

- Leave it in place as is
- Amend zoning to agriculture
- Amend the zoning to R-1.

Gary Mendola – Will it remain a dead end or will there be a turnaround?

Mayor Freeman– We would like to see a hammerhead turnaround.

Sheri Newell – We live on Alexander Crossing and people are always turning around in our driveway.

Mayor Freeman – In order to take dedication, there will have to be conditions placed on the approval such as putting in the turnaround, certain modifications of the road and a final topping.

Mrs. Postler – Go ahead and put in the turnaround.

Linda Postler – I sent a letter to Mr. Alexander’s attorney to get the port a potty off the land and clean up the garbage.

Mayor Freeman – That’s between you and Mr. Alexander.

Mayor Freeman asked Tony Cappello to contact Mr. Alexander and ask him to clean it up and remove the port a potty.

Mayor Freeman – If the Board decides to dissolve the subdivision tonight it could be contingent on the hammerhead turnaround.

Dick Martin – Taxes are an issue and I would like to see the land put back to where it was.

Gary Mendola – If the economy were to improve and a developer wanted the land would they use the same plan?

Mayor Freeman – Everything would change. You’re throwing away thousands of dollars.

Steve Newell – Would there be protection for my house to insure the value of the home?

Mayor Freeman – That’s why we have a Planning Board.

Gary Mendola – If it turns back into Agricultural will it be farmed immediately? Mark Alexander promised at a meeting that he would keep it mowed.

Mayor Freeman – A farmer doesn’t have to farm it each year, and farmland wouldn’t have to be mowed but twice a year.

If the subdivision is dissolved approval can be made contingent on several items:

- The property owner shall maintain the property and bush hog it two to three times a year if it is not cultivated or harvested.
- No fracking would be allowed. The Town has a moratorium in place, they have discontinued all wells.
- A right-a-way shall be granted sufficient for a hammerhead turn around

A motion was made by Trustee Hayes to dissolve the Mark Alexander Subdivision based on the above conditions:

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

A copy of the motion will be sent to Mr. Ferris and Town/Village Assessor, Tami Snyder.

Dick Martin informed the Board that he had a purchase offer made for 28 acres of land that runs behind Tom Wahl's and the plaza and behind Hal Bar Road. There is 1000' frontage on Pole Bridge and indicated that he is interested in a minor sub-division. Knowing how the economy is right now, he stated that he is not going to bring all 28 acres to the table at this time. Maybe sometime down the road he would rezone it to multi family. He asked the Board to think about it.

VOUCHERS AND MANUAL CHECKS:

After a discussion the majority of the Board agreed not to pay Chief Carney's voucher that was submitted for \$203.40.

Upon a motion by Trustee Zhe the following vouchers are approved for payment.

Fund #1 General Fund	\$ 40,456.51
Fund #4 Schedule C	\$ 2,429.77

Fund #5 Water	\$ 316.86
Fund #6 Sewer	\$ 2,552.63
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$ 1,848.20
Fund #43	\$ 45,000.00
Fund #44	\$ 27.30
Fund #45	\$
Fund #46	\$
Fund #47	\$ 6,527.30
Fund #48	\$ 3,465.22
Fund #49	\$
Fund #50	\$ 675.00
Fund #52	\$ 8,095.79
Fund #53	\$
Fund #54	\$
Fund #55	\$
Fund #56	\$ 27.30
Fund #57	
Fund #58	\$ 8,623.16
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$ 4,812.02
Fund #63	\$
Fund #64	\$ 264.36
Fund #65	\$ 27.30
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	\$	27.30
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	\$	27.30
Fund #97	\$	
Fund #98	\$	
Fund #99	\$	

TOTAL

\$125,203.32

Trustee McKeown 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

Attorney Whiting reviewed the National Grid draft Assent Agreement for the occupation of lands necessary for the Erie Attica Trail with the Board and had several concerns:

- One-time \$500 document processing fee
- The trail is the only improvement except for the one bridge; the Village would pay the increased tax. It seems unworkable and unreasonable. How could anyone determine the tax increase because of the trail
- \$4,000,000 balloon policy?

Mayor Freeman suggested Attorney Whiting call the attorney and see if they agree with his concerns. We are under the gun and it's holding us up.

Mayor Freeman gave a brief update for Superintendent Barrett.

- West Fire submitted a quote for the key access system. Two more quotes are required
- The doors on the building only need to be adjusted not replaced before installing the key access system
- Paving being done on Clinton Street this week
- Tree trimming is currently in the works
- Survey is needed for the area going down to the Driving Park and that will be part of the Neighborhood Meeting on "Sidewalks"

Trustee McKeown reported bad sidewalks in front of Richard Burke's, Mrs. Warners and Mr. Fries homes on Clinton Street.

Mayor Freeman updated Attorney Whiting on the request the Board received from Russ Garland, a resident that lives on a private road. Mr. Garland has asked that the Village fix the road. He is trying to sell his home and the bank is concerned over the ingress and egress. He has maintained the road for 15 years and has given up on trying to maintain it. The homes on Ross Lane are paying full taxes and Mr. Garland would like the Village to take the road over.

Attorney Whiting – The correct way to dedicate this lane would be to review the deeds, abstracts, tax searches, federal searches and surveys of all properties on both sides of the lane. If title to all

those properties is good and marketable, then we would secure deeds from all those abutters to the Village of Avon, if the Village wants to construct another street and maintain it.

If the Wadsworth estate retained any right of way, easement or other interest in the lane, a deed from that estate would also be necessary.

To summarize, the issue is whether the Village wants to take on the responsibility of building and maintaining another street. If it does not, that's the end of the discussion. If it does, we must follow the procedures outlined above. If this is a strong request from other people, then write a private road stipulation.

Trustee Zhe – I think the homeowners on Ross Lane need to get together and do something themselves to fix the road.

A suggestion was made to send a letter to each homeowner advising them of the request that had been made and get some feedback from them.

TRUSTEE'S UPDATE:

REQUEST FOR CONFERENCE ATTENDANCE:

Bill Wall, member of the Planning Board submitted a request to attend a Planning and Zoning Summer School seminar on July 31, 2012 in Fishkill. The reason for choosing that location is because he has a son that lives there and plans on visiting while there.

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel approval was given for Mr. Wall to attend. The motion 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

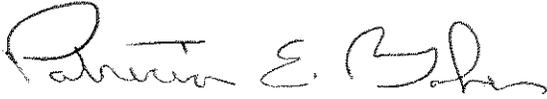
The Board agreed to give him \$100 for mileage.

July 23, 2012

[VILLAGE BOARD OF TRUSTEES]

Trustee Zhe informed the Board that he had met with Jim Ferrara under the direction of Treasurer Quinlan of North West Mutual who provides benefits for employees.

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



Respectfully submitted by
Patricia Baker, Village Clerk