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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, February 18, 2013.

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

Absent: Mayor Thomas Freeman

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

Visitors: Jimmy Harrington  
Jeremy Batzel  
Tammy Snyder  
Kurt Schultz

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

**VILLAGE BOARD MEETING MINUTES:**

Upon a motion made by Trustee Hayes the minutes from February 4, and February 13, 2013 meetings are hereby approved as submitted. Trustee Zhe seconded the motion and it was carried by the following vote:

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

**VOUCHERS:**

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

General Fund	\$ 31,989.98
Schedule C Fund	\$ 10,202.12
Water Fund	\$ 1,180.27
Sewer Fund	\$ 4,485.84
Fund #10	\$
Fund #11	\$
Fund #17	\$ 1,364.44
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	\$
Fund #94	\$
Fund #95	\$
Fund #96	\$ 2,925.00
Fund #97	\$
Fund #98	\$

Fund #99	\$
TOTAL	\$ 52,147.65

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

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

The budget deadline to turn in budget sheets is March 1, 2013.

**COMMERCIAL SEWER UNITS:**

The Board reviewed the proposed commercial sewer unit changes. The only one that was questionable was A.B. Equipment (Fat Sam’s). It appears to be similar as last year’s usage. These accounts include multi-structures, i.e. a business with apartments above, as well as strictly commercial businesses is as follows:

<u>Acct.</u>	<u>Name</u>	<u>Present</u>	<u>Proposed</u>
2006700	Edward Coyne	W-29,SE-25	W-28,SE-24
2006800	Community Bank	1	2
4001000	ACS Elementary School	7	10
4001100	ACS High School	23	26
4001200	Avon Nursing Home	30	20
4005000	State of NY-Craig DDSO	5	4
500600	PEMM, LLC	15	22
5001125	Avon Towne Plaza	2	1
5001500	Tom Wahl’s	20	16
5002050	McDonalds	9	7
5002251	Cole Real Estate Investment	5	6
7005300	Michael Oros	1	2
12004300	Star Headlight	11	18
12004600	Gray Metal Products	12	8

12005500	A.B. Eqt. Co.	2	4
1200600	Paul Vanvalkenburg	2	1
<b>TOTAL W</b>		<b>174</b>	<b>175</b>
<b>TOTAL SE</b>		<b>170</b>	<b>171</b>

The Board directed that the property owners be notified of the proposed changes. A motion was made by Trustee Hayes and seconded by Trustee Zhe that a public hearing is scheduled for the second meeting in March on Monday, March 18<sup>th</sup> at 6:00 p.m. The motion was carried by the following vote:

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

**DPW UPDATE:**

Superintendent Barrett reviewed with the Board items that he is currently working on:

- Cleaning out drying beds, sending samples off to labs and permits ready to go to land fill and we will contract to have it hauled away.
- Working on repairs on equipment such as pumps and skid steer, which we would like to sell at the auction in the spring.
- Waiting to hear from Terry Tree on their schedule for work
- Waiting for quote from West Security
- Working on budget in the office, hopefully for the next meeting Schedule C will be done
- Will be on vacation March 19<sup>th</sup> – 27<sup>th</sup>

Trustee Zhe suggested reviewing the “To Do” List.

- **County Sewer Agreement** – Treasurer Quinlan and I will put together the numbers as we did once before. We will meet with Kathy VanHorne and bring it back to the Board.
- **No Dumping Sign** – Has been installed

- Will get quote on fascia on building, (aluminum wrap)
- Voros/McCallister – Will do work in the Spring
- Solar Crosswalk Sign – Too expensive
- Jim Greer – Months ago Mr. Greer addressed the Board and would like to move the sewer because it runs kitty corner through an empty lot that he perhaps will sell. Grades were shot and it is possible to move the sewer. The Village would need a right-a-way and a survey would need to be done. There would need to be engineer drawings so it can be built to engineer specs. There would be approximately 700’ of pipe and one man hole.

Deputy Mayor McKeown suggested that Superintendent Barrett make a list and give it to Mr. Greer so he knows what expenses are involved.

Superintendent Barrett stated that the Village Board needs to decide who’s paying for what before approaching Mr. Greer.

**FIRE CHIEF UPDATE:**

Chief Scott presented a proposal to purchase a Scott RIT-Pak III emergency air supply system. The purpose for the pak is to supply additional air to an injured or trapped firefighter until rescue operations can be completed. It could be used during a fire or ammonia leak (haz-mat) situation at Kraft or other industry. It can be used with any make and model of SCBA not only the brand that we use.

The RIT-Pak would be carried on pumper 224 at all times.

The cost of the RIT-Pak III is \$3,502.35 through Dival.

The Board discussed the possibility of Mayor Freeman talking with Kraft on sharing the cost since there is a bigger risk at Kraft with the ammonia tanks.

A motion was made to purchase the RIT-Pak III by Trustee Hayes and seconded by Trustee Zhe and carried by the following vote:

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

The next proposal from Chief Scott was for an Apple I-pad 32GB with Wi-Fi. The purpose for the I-pad is to use as a resource for Haz-Mat material identification reference, and Hybrid/Electric car hazard and cut zones for MVA's. It can also be used to fill out incident, injury and exposure reports on-site as well as access to additional references.

The I-Pad would require a service fee of \$39.95 monthly through Verizon for a data plan and the cost of the I-Pad unit is \$599.00 if purchased through Walmart. It would be kept in the Chief's vehicle.

Trustee Hayes said that he would investigate to see if he could get the same thing at a lower cost.

A motion was made by Trustee Zhe to approve the purchase for an Apple I-pad with an amount not to exceed \$599.00. The motion was seconded by Trustee Hayes and carried by the following vote:

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

**JIMMY HARRINGTON:**

Jimmy Harrington addressed the Board in regard to salting in the back alley way behind the stores. Two Friday's ago he was concerned over the back alley having two inches of ice. Mr. Harrington presented a map showing that there's a 12' right-a-way from Shirley Carney's. The Village needs to take responsibility. There are businesses and apartments that use that back alley and the survey map shows a 12' right-a-way that the Village needs to maintain.

Deputy Mayor McKeown reminded Mr. Harrington that it is private property, and those maps are not correct. Years ago we tried to get building owners to sign an easement and there was one that wouldn't sign. John Barrett runs through the alley with the plow, on the advice of the attorney we shouldn't run public snow plows on private property. We realize it needs to be kept open for emergencies.

Kurt Schultz – Who owns that lane?

Trustee McKeown – The Village has bought parking lots behind the stores and building owners own a sliver of land that they would have to either give up or give an easement to the Village.

Jim Harrington – Who has the right property maps?

Tony Cappello - Each individual property owner has maps.

Deputy Mayor McKeown – If we can secure maps, which we will get from Treasurer Quinlan and Tammy Snyder, and everyone gives the Village an easement than the Village could salt that. We'll have the information by next Board meeting to discuss further.

## **POLICE UPDATE:**

There will be an in service training for fire arms next week.

## **TAMMY SNYDER:**

Tammy Snyder Village/Town Assessor came before the Board questioning the status of the Postler property and if it has been returned to the agriculture status.

She informed the Board that there was a person interested in purchasing the property and was inquiring on:

- Changing from an approved subdivision back to agriculture
- The status of the short road that was built and if someone were to purchase the land would they be responsible for the completion and creating the T or hammer head turn around.

The perspective buyer wishes it be farmland for now. They are aware of the back taxes owed. They will be unable to get the agricultural exemption if it is a subdivision.

The paperwork prepared before indicates that the property owner would be responsible for the completion of the roadway. A public hearing was held on July 23, 2012 to change the zoning back to farmland and approval was contingent upon three items, in which Mrs. Postler would not agree to.

Mrs. Snyder also indicated that the potential buyer would like to complete the transaction prior to March 1, 2013 to have a lower 2013 tax rate.

Deputy Mayor McKeown asked the Assessor if it were possible for her to lower the assessment on the property that would be equal to ag status since there is not much time left until March 1<sup>st</sup>. She indicated she could.

The Board agreed that they would have a special meeting on Monday, February 25<sup>th</sup> to discuss further and Deputy Mayor McKeown will check with Attorney Whiting.

Assessor Snyder informed the Board that anyone who owes personal tax or state tax will lose their star exemption.

## **CODE OFFICER UPDATE:**

I took care of the junk put out on North Avenue and haven't got a hold of Larry Quakenbush regarding the house on Genesee Street.

## **TRUSTEE'S UPDATE:**

Trustee Zhe updated the Board on several items:

- Land Mark keeps calling regarding the cell towers
- Money left in the budget so Parks will be purchasing new swing seats and a digger for the playground
- Kevin O'Donohue surveying Spring Street at the Downs, there is 33' from the center line. We have space for separation from the road and proposed sidewalk
- Trustee Hayes and Trustee Zhe met with a representative from Deferred Comp for Nationwide ProAccount.

ProAccount is a managed account option within our deferred compensation plan where an experienced investment firm actively manages an employee's account based on how they feel about risk and where they are on the road to retirement. It can help take the guesswork out of investment decisions by placing that responsibility in the hands of professionals who do it every day. This option can be offered to employees at no additional cost to the Village.

Deputy Mayor McKeown signed the agreement realizing it is an option for the employees and will add no additional cost to the Village and that the Board was agreeing to the option not to Nationwide.

Trustee Hayes reported that Lynn Mignemi would like to get on the next Village Board agenda to discuss colon/rectal awareness.

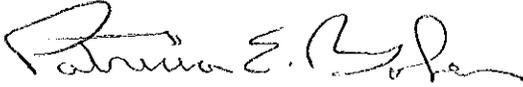
Deputy Mayor McKeown mentioned that the upcoming Planning Board meeting will be held on Wednesday, February 20<sup>th</sup> and Five Lot Farm is on the agenda. He asked if someone from the Village Board would attend. Trustee Hayes agreed to attend.

**EXECUTIVE SESSION:**

Upon a motion made by Trustee Zhe, the Board went into executive session at 7:55 p.m. to discuss personnel matters. Trustee Batzel seconded the motion and the Board exited executive session at 8:30 p.m. The motion was carried by a unanimous vote.

Upon a unanimous motion, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,



Patricia E. Baker  
Village Clerk