

POSTLER PROPERTY UPDATE:..... 2
MARK ALEXANDER:..... 3
DENNIS CATUZZA: 3
ROSS LANE:..... 4
EXECUTIVE SESSION:..... 4

A special 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 25, 2013.

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

Reid Whiting, Village Attorney

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

POSTLER PROPERTY UPDATE:

Trustee McKeown updated Mayor Freeman on their meeting of February 18th when the Mayor was out of town. 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 four 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 1st. She indicated she could.

That's when the Board agreed to have tonight's special meeting after speaking with Attorney Whiting. Attorney Whiting indicated that there was no way things could be taken care of by March 1st. There would need to be a merger to combine the lots.

There is still an issue with the school parking lot; Mark Alexander never took care of that issue. The question remains who will take care of the turnaround. Would the Village put it in or the perspective buyer?

Attorney Whiting - Mark Alexander retained five lots and Avon Development owns everything else. Mr. Alexander still has to deal with Mrs. Postler before he sells to get the mortgage lien released.

Trustee Batzel – Whose property is the roadway?

Attorney Whiting – It's part of the subdivision. The subdivision format would indicate the sequence. We'd have to go back and look at that. The withholding of the Certificate of Occupancy is the Village's leverage. Unless it is built to Village specs, the Village isn't obligated to take dedication.

Trustee Batzel – We need to take dedication, which was the original intent. If it goes to auction what happens to the roadway?

Attorney Whiting – It goes to the successful bidder at auction.

Attorney Whiting – If we can get a deed for the description of the strip, dedication won't be that difficult. I will call Mrs. Postler's Attorney and if needed, I'll call Mrs. Postler, as long as she doesn't incur any expenses, I think she would give that piece of property to the Village. I will have Avery Engineer get a description.

MARK ALEXANDER:

Mayor Freeman agreed to call Mark Alexander directly regarding the hammerhead turnaround.

DENNIS CATUZZA:

Reid – I've made two calls to Catuzza's Attorney and have not received a call back.

Trustee McKeown – We started this process in October, are we going to wait for it fall down?

Attorney Whiting – The order started on September 26th and Mr. Catuzza had until October 26th to start renovations.

Mayor Freeman – Do we put out a request for quotes to tear the building down or can we force a sale?

Attorney Whiting – The Court can only order in favor of the Village like demolition. I can send a certified letter to both Mr. Catuzza and his attorney, stating that the Village Board would like to negotiate a sale protocol for the property consisting of an agreed opening list price. If there is no response, the Board will have no option but to seek demolition bids.

The Board agreed to give him until April 1st to respond to Attorney Whiting's letter.

ROSS LANE:

A letter was received from Steven Sessler, Attorney for Russ Garland that Mr. Garland is interested in the Village acquiring ownership and maintain Ross Lane. He anticipates providing the Village with a deed signed by the landowners who abut Ross Lane.

Mayor Freeman once again stated that if they can prove no one owns the lane, than the Village would consider taking it over.

EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe, the Board went into executive session at 6:45 p.m. to discuss contractual matters. Trustee Batzel seconded the motion and the Board exited executive session at 8:00 p.m. The motion was carried by a unanimous vote.

Upon a unanimous motion, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk