

The Board of Trustees of the Village of Avon met at Village Hall, 74 Genesee Street, at 5:00 PM Monday, April 15, 2013.

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

Absent: Timmy Batzel, Trustee

QUORUM, 4 Present, 1 Absent

Staff: Christine Quinlan, Treasurer  
Anthony Cappello, Code Enforcement Officer  
Chief James W. Noble, Police Chief  
Ryan T. Colvin, MRB Group President

## POLICE UPDATE:

### A. DNA Samples

Village Justice Joseph Temperato had written the Village Board noting the state required defendants convicted of misdemeanor offenses to provide a DNA sample for the state registry. Court Clerk Janis M. Cole had been trained to take samples, but it would slow court proceedings for her to leave the bench to take them on a regular basis. Officer John Jordan was also qualified and was training every member of the Police Department, Justice Temperato noted.

### B. Court Security

The state had strongly encouraged courts to have security during sessions. Justice Temperato asked the Village Board to provide a Police Officer during Village Court sessions. The Court convened the second, third and fourth Mondays at 4:00 PM, but Justice Temperato noted that could be cut down to the second and fourth Mondays, if the Board was looking to cut costs.

Was there any problem having those convicted of misdemeanor offenses come to Village Hall for DNA testing? Mayor Freeman asked.

Chief Noble said he would have to sit down with Justice Temperato and talk over DNA testing, adding he'd like to have Officer Jordan train every member of the department.

### C. Psychological Testing of Officer Candidates

The Village was considering pre-employment screenings of Police Officer candidates, the screenings would cover: psychological evaluations, medical examinations and physical fitness standards.

Chief Noble had met with psychologist Dr. Jay A. Supnick of Rochester and hoped the doctor could attend the May 6 Board meeting to offer Trustees some insight on what sort of information

psychological testing might provide as well as the costs associated with sending officer candidates to Dr. William McIntyre in Albany for the tests.

Responding to a question from Trustee McKeown, Chief Noble stressed he was recommending psychological testing of all new hires.

#### **D. 2013 Chevrolet Tahoe**

According to the fleet manager at Hoselton Auto Mall in East Rochester, Chief Noble said the department's new Tahoe SSV (\$28,300.85 from the 2012-13 budget) should be delivered any day. The Chief said he'd make sure the striping could be done and that Rochester Radio installed the necessary radio equipment.

Remind me of the need for a larger vehicle, Trustee Hayes asked.

At some time, during the winter, Chief Noble felt the department would need a 4-wheel drive vehicle. They may have to tow the speed (detection) trailer at some point as well, he told the Trustee.

There was still enough land in the Village where the department might need a 4-wheel drive vehicle, Mayor Freeman remarked, pointing out the Village did have 95 acres of park land.

... and the Greenway (nature trail), Chief Noble added.

## **CODE ENFORCEMENT OFFICER'S UPDATE:**

### **A. Garbage Citation – Avon Holdings, 34 Rochester Street**

Mayor Freeman inquired about the garbage situation at 34 Rochester Street, an apartment house owned by Michael Weagley of Rush (Avon Holdings, LLC).

A citation had been written a week ago, Code Enforcement Officer Cappello responded, but the garbage was still there. Cappello said he would call the Village's waste hauler, Shanks Enterprises of Lima (who had sub-contracted the clean-up to Coakley Disposal Service of Honeoye Falls). The Village would pay the bill then put the cost on the tax bill for the property, Cappello said.

### **B. Delapidated House - Dennis R. Catuzza, 184 East Main Street**

Catuzza owned a 2-story house at 184 East Main Street with numerous breeches of the roof, long-term and pervasive invasion of water and ceiling collapse.

According to Cappello, Catuzza was still working with the federal Department of Housing & Urban Development (HUD) to remediate the structural problems.

Mayor Freeman asked Cappello to have Catuzza contact his lawyer then have the lawyer contact Village Atty. Reid Whiting. The Mayor was interested in getting a "For Sale" sign up on the property and moving forward towards a resolution.

If the Village waited for Catuzza to do something, something bad was going to happen, the Mayor speculated. He didn't feel the Village had to wait until the next Board meeting to initiate some sort of action.

**C. Fencing, Building & Sidewalks - James VanMaaren, 144 Wadsworth Avenue**

VanMaaren owned the former Niagara Mohawk building at 144 Wadsworth Avenue. The front portion of the property was zoned R-1 One Family Residential while the back half was zoned I-1 Light Industrial.

VanMaaren's insurance company had suggested VanMaaren erect a 6-foot tall chain link fence, 6-feet back from the sidewalk, to keep skateboarders out and otherwise reduce his liability exposure.

Chapter 30, *Zoning*, Section 43, Paragraph I of the Village Code read:

*2. Fences may be erected, altered or reconstructed to a height not to exceed three (3) feet above ground when located within twenty-five (25) feet from the right-of-way line.*

Cappello added VanMaaren wanted to put a building up on the back half of the property, but would be going to the Planning Board for that.

Also, the sidewalk in front of the property was low and collected water during rainstorms. If the Village paid for the concrete, Cappello said VanMaaren would lay a new sidewalk.

Mayor Freeman advised Cappello to consult with Village Atty. Whiting on exactly what VanMaaren could build.

**D. Pool Complaint (point of information) – Bridge Circle**

Cappello told Trustees he'd received a complaint concerning a swimming pool at a Bridge Circle home.

Chapter 35, *Swimming Pools*, Section 35.2, Paragraph A, said:

*A. Every family swimming pool, having a depth of eighteen (18) inches or more shall be completely surrounded by a substantial fence or wall not less than four (4) feet nor more than eight (8) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension except for doors or gates.*

But, at the Bridge Street home with the pool, the fence on one side belonged to a neighbor, Cappello continued, and the neighbor didn't want his fence connected to the pool. The fence has been up for three-to-four years, the Code Enforcement Officer added.

## 2013 – 2014 BUDGET PUBLIC HEARING

Pursuant to Section 5-508 of Village Law, the tentative budget for the Village of Avon had been prepared and filed with Village Clerk Patricia Baker and had been available for inspection from 8:00 AM until 4:00 PM weekdays. Mayor Freeman opened a public hearing, in relation to adoption of the budget, at 6:15 PM. No members of the public were in attendance.

Trustee McKeown raised the possibility of establishing a fire truck reserve fund, financed by \$15,000 from the General Fund along with any unexpended funds from the Fire Department's A3410.2 and A3410.4 accounts. He had spoken with department members and told them reserve account monies wouldn't be available until the Village was ready to purchase a new truck.

Mayor Freeman also mentioned a \$5,000 contribution to Parks. The Board was expected to consider adoption of the budget Monday, April 29, 2013.

### RESERVE FUND:

Upon a motion made by Trustee McKeown, the following resolution was adopted:

RESOLVED, that pursuant to General Municipal Law, as amended, this Village Board of Trustees did hereby establish a Reserve Fund to finance the cost of a fire truck.

The Treasurer was directed to deposit the monies of this reserve fund in a separate bank account to be known as the Reserve Fund.

The Treasurer was authorized to invest, from time-to-time, the monies of this fund pursuant to General Municipal Law. Trustee Zhe 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

CARRIED, 4 Ayes, 0 Nays

### POLICE UPDATE – resumed

#### E. Vehicle Broker – 3-Year Trade-in Program

The department might want to have a broker work with them rather than selling vehicles outright, Chief Noble told Trustees, suggesting the Village might make out better. The Chief went on to propose sale of the department's 2009 Crown Victoria cruiser.

Overall, Chief Noble felt the Village should adopt a 3-year trade-in program, noting the last new vehicle his department had purchased was a 2011 Crown Victoria. With a 3-year trade-in program, the department might spend \$35,000 on a new vehicle then be able to recoup \$10,000 in three years, the Chief speculated.

**F. Proposed Property Tracking and Control Project**

As for property management, Chief Noble said Michael Tomaselli of Prosoft in Penfield, the Village's IT consultant, had contacted three companies with property tracking and control programs.

The Chief was referring to property that came into the department's possession as evidence. When the evidence was brought to court, the department had to demonstrate a chain of possession. Grant funding might be possible, Chief Noble said he'd have to research it.

The 2013-14 budget did contain a general, equipment reserve fund that could amount to \$68,000 or more by the end of the next fiscal year (May 31, 2014), Treasurer Quinlan noted.

**MRB GROUP UPDATE**

**A. Waste Water Treatment Plant (WWTP) -- Digester Cover Replacement**

Ryan T. Colvin, President of the Village's engineering consulting firm, MRB Group of Rochester, addressed the Village's WWTP, telling Trustees, MRB was focusing on the plant's digester cover and would be pursuing funding from EFC to replace it.

EFC stood for New York State Environmental Facilities Corporation, a public authority that provided low cost capital and technical assistance for environmental projects. EFC's funding came from the State Revolving Fund (SRF). Awards were competitive.

**Authorize a "Facilities Plan"**

Colvin encouraged Trustees to authorize a facilities (comprehensive) plan for the wastewater treatment plant and to submit it to the EFC. The plant was old and in need of upgrades, the aeration basins were shot. Prepare a plan, submit it and "ask for it all," Colvin recommended.

MRB recently completed a facilities plan for the Village of Belmont, a community of 1,000 and the county seat for Allegany County, three miles south of Route 86 in the southwest corner of the state. The plan cost Belmont approximately \$52,000.

We know we have to do major work here, Trustee Zhe conceded.

We're sitting here blind, Mayor Freeman added.

**Reimbursements Possible**

The plant is at its life's end, Colvin resumed. If the Village got a facilities plan turned-in to the EFC, the funding program would allow the Village to get reimbursed for work done up to three years after completion.

Trustee McKeown was concerned with the timing, the plan could take six months to prepare, two years to evaluate then five years to complete whatever work they decided to do. Meanwhile,

Trustee McKeown said, that new industry that had been looking at Avon might have moved on down the road.

Mayor Freeman suggested the Board take an MRB-guided tour of the plant.

That sounded like a plan, Colvin agreed, tour the plant, review the deficiencies then decide to go ahead with the facilities plan.

**VOUCHERS AND MANUAL CHECKS:**

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

General Fund	\$ 26,250.39
Water Fund	\$ 81.24
Schedule C	\$ 10,477.86
Sewer Fund	\$ 10,597.16
Trust & Agency	\$ 2,183.21
Debt Service	\$187,728.99
Fund #10	\$
Fund #11	\$
Fund #17	\$
Fund #47	\$
Fund #48	\$
Fund #49	\$
Fund #50	\$ 350.30
Fund #51	\$
Fund #52	\$
Fund #53	\$
Fund #54	\$
Fund #55	\$
Fund #56	\$
Fund #57	\$
Fund #58	\$
Fund #59	\$
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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	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
<b>TOTAL</b>	<b>\$237,669.15</b>

Manual Checks: Check #3966 NYS Assessment Receivables \$51.77  
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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

**CARRIED, 4 Ayes, 0 Nays**

**VILLAGE BOARD MEETING MINUTES:**

Upon a motion from Trustee Hayes, the minutes from March 26th, 2013, were approved as submitted. Trustee Zhe 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

**CARRIED, 4 Ayes, 0 Nays**

Upon a motion from Trustee Zhe, the minutes from April 1, 2013, were approved as submitted. Trustee McKeown 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	Abstaining	

**CARRIED, 3 Ayes, 0 Nays, 1 Abstention**

Upon a motion from Trustee Zhe, the minutes from April 8, 2013, were approved as submitted. Trustee McKeown 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	Abstaining	

**CARRIED, 3 Ayes, 0 Nays, 1 Abstention**

**TRUSTEE'S UPDATE:****FIRE DEPARTMENT:**

Mayor Freeman had invited outgoing Fire Chief Bryan Scott to attend the meeting to formally thank him for his service as Chief this past year. The Mayor described Scott as "very honorable" and a "great servant" to the people of Avon.

Mayor Freeman also thanked Scott for bringing the condition of the Chief's vehicle to the Board's attention, adding he was surprised Scott had made it through the year with it.

A new floor would be laid in the Fire Station within the next two weeks, Mayor Freeman continued. The job would require from 48 and 50 yards of concrete then the equipment would

have to be kept off the floor for a week. Scott said he was very happy with the way things had worked out.

Mayor Freeman said the Board had also discussed clerical help for the Fire Department.

Trustee McKeown noted the Avon Pumper Company Annual Ladies Night Banquet was coming up Saturday, May 18, 2013 at the Lima Country Club, getting underway at 6:00 PM. He encouraged everyone to mark the date on their calendars.

Upon a motion from Trustee McKeown, the following election results from the 2013 Fire Department Election are hereby accepted by the Village Board of Trustees:

Daniel Snyder	Fire Chief
John Kellen, Jr.	1 <sup>st</sup> Assistant Chief
Brian Strozewski	2 <sup>nd</sup> Assistant Chief

Trustee Zhe seconded the motion and it was passed by the following vote:

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

**CARRIED, 4 Ayes, 0 Nays**

**KEYLESS ENTRY:**

The Village had received two proposals to upgrade and expand the access control system for Village Hall and the Fire Department. The quotes were: \$17,670 from West Fire Systems, Inc., and \$25,750 from Securitronics.

We all have a good idea of what we want to do, Mayor Freeman remarked, adding there hadn't been any abuse of the building. No action was taken on the proposals.

**PLAYGROUND UPDATE:**

John Marks, Chairman of the Playground Committee, handed out a concept plan from Bears Playgrounds of Lima for a new playground at the Avon Driving Park.

With regards to fundraising, Marks hoped Trustees might offer some direction on how to approach larger businesses without stepping on any toes.

**Lay-Out Described**

Shifting to the concept plan he'd handed out, Marks noted the play areas were referred to as "pods." The shaded rectangle in the upper right was the concession stand while the rectangles in the lower right were the bathrooms.

At 11:00 o'clock, Marks said they'd see a sand pit area and, adjacent to that, a natural play site. Below that was Area C, the 5 to 12-year-old play area and, next to it, a small hill with a slide built into it.

At 6:00 o'clock, there was the 2 to 5-year-old play area. The committee planned to remove an old slide and, possibly, relocate it to Case Memorial Park, Marks noted.

Bears, Marks said, was the committee's vendor-of-choice. The committee had put together a budget, but members were still tweaking the equipment portion of it and might add a handicapped swing, but they hadn't gotten a cost estimate on that, yet.

And, the Playground Committee was still playing with the path that connected the pods to the parking area, Marks said they were considering three different options. He told Trustees they planned on using street grindings from Wadsworth Avenue for the path and might use grindings for the borders around the pods, too.

**Funding - \$77,000 Total Budget**

The total budget was \$77,000 which covered equipment, installation and the safety surface (mulch over landscape fabric), Marks continued.

Did the \$77,000 figure include in-kind services? Trustee McKeown asked.

Yes, Marks responded, explaining the \$77,000 figure included a \$60,000 cash outlay to Bears and \$17,000 in in-kind services.

On the revenue side, the committee planned on \$10,000 from the Village's capital reserve account and \$7,500 from the Avon Rotary Club, Marks said.

What kind of recognition would major donors receive? Trustee Hayes asked, mentioning the "KRAFT Pavilion" as an example.

They were still talking about that, Marks said, adding they were talking about three donor levels.

It was a new year and Parks was asking the Board for, what, \$10,000? Mayor Freeman asked.

I'd like to see a \$100,000 fundraising goal, Trustee Hayes said, engaging families as a major component.

How are you gauging April 27 (Opening Day for Little League)? Mayor Freeman asked.

. . . and what was your timeframe? Trustee McKeown followed-up.

The targeted timeframe was a year, Marks responded, with site preparation this fall and equipment installation by this time next year.

The All-Class Reunion, the committee should touch base there, Trustee Hayes suggested.

Trustee Zhe said he didn't know the best time to hit the bigger companies, but this was definitely a project they could get their arms around.

How would you approach a company? Mayor Freeman asked.

They'd begin by telling companies they were building a community playground, Marks responded.

Would you ask them for \$5,000, \$3,000 or a smaller amount? Trustee McKeown asked.

What about the Town of Avon? Mayor Freeman wondered, noting taxpayers had the ambulance staring them in the face . . . and what if you're \$10,000 or \$20,000 short? How do you close that? the Mayor followed-up. These companies Marks was talking about were taxpayers, water payers and sewer payers, too. If the fundraising effort came up short, what would they do, give the donations back?

I want to know if I can go ahead and talk to these people? Marks asked.

If you got \$40,000 by this time next year, could you do so many modules then continue fundraising and finish the playground the following year? Trustee McKeown asked.

Yes, Marks answered, adding Saturday, April 27, the opening day for Little League should be a good thermometer, that would be their kick-off. Marks said they'd be selling 200 T-shirts and have a 50/50 drawing. They'd also have blow-ups of the plans, have the lay-out spray painted on the ground and a volunteer sign-up sheet.

If you came to me, I'd believe you were under the guise of the Village of Avon because the playground was going in a Village park, Trustee McKeown said.

## **MISCELLANEOUS:**

### **A. Circle Park Veterans Monument**

Matthew Huffman, son of Gary & Leslie Huffman of 295 Spring Street, had approached the Village about an Eagle Scout project. He wanted to place a stone monument on the east side of the Circle Park, something comparable to the Veterans Memorial on the west side of the park.

The Village had an agreement with the Veterans of Foreign Wars (VFW) and American Legion to consult with them on any monument to veterans, Mayor Freeman noted. Department of Public Works (DPW) Superintendent John Barrett would help Huffman with a concrete pad, the Mayor said.

Trustees noted a stone monument could cost in the neighborhood of \$5,000.

**B. ADA Compliant Polling Places**

Livingston County Voting Machine Custodian Michael Manning was assessing polling places for compliance with the Americans with Disabilities Act (ADA). While Manning thought Avon's Village Hall was better off than most, he thought an additional ramp might be needed, Trustee Zhe noted.

That might be part of their building project, Mayor Freeman noted, automatic doors and an additional ramp. Was Manning going to send them a letter?

No, Trustee Zhe answered.

**C. Budget Hearing Left Open Until April 29**

Mayor Freeman said they'd leave the public hearing on the 2013-14 budget open until the next meeting.

**D. Local Government Workshop – Good Training Opportunity**

Trustee Hayes said there were good sessions at the Genesee/Finger Lakes Regional Planning Council's upcoming SPRING 2013 REGIONAL LOCAL GOVERNMENT WORKSHOP.

The workshop was scheduled for Thursday, May 16, 2013 at the Burgundy Basin Inn in Pittsford. The registration deadline was May 7. Trustee Hayes and Planning Board Chairman Malcolm D. Lafever were authorized to attend.

**E. Pedestrian Safety**

Trustee Hayes said he had been down in Florida and come across a neat concept in pedestrian safety. The pedestrian stepped on a pad before entering the crosswalk and that lighted up the crosswalk. He said he'd look into it more.

**EXECUTIVE SESSION/ADJOURNMENT:**

Upon a motion from Trustee Zhe, the Board entered an executive session to discuss a contractual matter at 8:15 PM. Trustee McKeown 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

**CARRIED, 4 Ayes, 0 Nays**

Adjournment followed at 8:45 PM.

  
Gary Margiotto  
Deputy Clerk