

The regular 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 15, 2013.

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

Absent: Timmy Batzel, Trustee  
Robert Hayes, Trustee

Staff: Chief Gary Benedict, Jr.  
Tony Cappello

Visitors: Leah Shea, Genesee Sun  
Becky Rosso  
Jane Garrett  
Michael Garrett  
L. Malinda Wilson  
Mary Primm

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 McKeown the minutes from July 1, 2013 are hereby 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	Absent	
Timmy Batzel, Trustee	Absent	

**POLICE UPDATE:**

Chief Benedict reported that he and Trustee Batzel had not gotten together yet to work on the rewording for the General Order #200 regarding recruitment.

On Sunday, Genesee County chased a stolen motor cycle into Avon, in which the driver dumped it and Avon Police were chasing him. Apparently the driver got a ride to Rochester. There was a helicopter involved which flew overhead. The Sheriff's Office had a Major on the scene. Everyone was kept in the loop.

Following a discussion of a parking situation on Clinton Street from the last Board meeting Trustee McKeown remarked that most parking is on the west side of Clinton Street. There's nothing illegal about it now.

Chief Benedict thought it might alleviate some problems to have no parking from Lacy Street to Richmond Lane.

Chief Benedict reported that last week he attended a Rotary Corn Festival meeting and dinner. At that time Superintendent Amey suggested meeting with Mayor Freeman & Chief Benedict.

**ATTORNEY UPDATE:**

The Uniform Notice of Claim Act is an effort to allow Villages to share in a filing fee on claimants. Municipalities that do not file a Certificate of Designation of Notice of Claim with the Department of State will not receive a share of the service fees. The Village would receive \$125 service fee per claim. This would include personal injury claims, civil right cases, etc. The Village might get 2-5 a year.

WHEREAS the Act allows the service of notices of claim against the Village to be served on the New York Secretary of State as agent for the Village;

NOW, THEREFORE, be it resolved that the Village of Avon shall file a certificate with the New York Department of State which

- a. Designates the New York Secretary of State as the agent of the Village for service of notices of claim; and
- b. The officer of the Village to whom the Secretary of State shall forward any notice of claim is:

Village Clerk  
74 Genesee Street  
Avon, NY 14414; and

- c. The time limit for filing a notice of claim is ninety days from the act or omission by a Village officer or employee which gives rise to the notice of claim.

A motion was made by Trustee Zhe to adopt the above resolution. 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	Absent	
Timmy Batzel, Trustee	Absent	

**JAN ROGERS, LIVINGSTON INSURANCE AGENCY, INC.:**

Mr. Rogers, owner of The Livingston Insurance Agency, Inc. located in Geneseo presented material to the Board that told about his background and experience. He has been in the insurance profession for over 35 years. He has the CPCU designation (Chartered Property Casualty Underwriter). They are a full service agency which in addition to writing the traditional personal lines insurance policies (auto, homeowner, umbrella, boat, motorcycle, etc.) some of the commercial lines are served by them such as municipalities, farms, restaurants, offices, contractors and student housing. We're a generalist insurance agency. Included in his material were testimonials and references for the Board to review. We have the qualifications. Peggy Montemarano who is the Commercial Lines Customer Service Advocate has been with me 20 years. We have to add value to the table and be there when needed.

Mayor Freeman expressed his dissatisfaction with the Avon Agency by not being as serviceable as the Board would have liked. Tim Stanton gave us that personal touch and did a great job for us.

Jan Rogers – I will promise to you to go down that path and give you that same service. I can give you as much hands on as you want. I'm a people person and out of the office kind of guy. It's a people business, a relationship business; you have to have a level of trust. The one thing I can tell you is that time will allow from a service standpoint and take care of you on a professional basis. There's more pressure on me because I don't live in Avon.

Mayor Freeman – We take every dollar seriously because it is a lot of money that we spend yearly on insurance.

Jan Rogers – I would be more than happy to come in on a quarterly basis, semi-annual basis or yearly basis, whatever you want, we are flexible, we're here to accommodate you. I will do whatever the Board wants me to do.

Mayor Freeman – We represent the Village of Avon residents.

Jan Rogers – If there is a situation that you feel wasn't handled properly, you need to communicate that to us. I will give you my cell number, but communication is critical. Please remember the things Tim Stanton pointed out that weren't handled properly, that is critical.

**EXECUTIVE SESSION:**

Upon a motion by Trustee Zhe the Board entered executive session at 6:40 p.m. to discuss personnel matters. The motion was seconded by Trustee McKeown to exit executive session at 7:00 p.m.

**KURT RAPPAZZO:**

Mayor Freeman addressed the visitors that were in attendance who own neighboring property to Mr. Catuzza. We worked very hard with Dennis urging him to fix up his house and the house is now falling down around him. We've brought in contractors that were willing to help him. He wasn't interested in fixing up the house, but talked about making major changes to it. We asked him to put the house up for sale. We have a court order stating that the home is an unsafe building and not fit for human habitation and is a public nuisance and has been properly condemned by the Code Enforcement Officer. He was ordered to bring the home within full compliance by October 9, 2012 and if that didn't happen he was to remove all of his possessions from 184 East Main Street by October 9, 2012 and then the Village of Avon would commence with demolition of the house. We appreciate your patients. We will set a date tonight when we will implement the demolition.

Becky Rosso – I would like to see it demolished. You can smell the mildew and mold from our house.

Jane Garrett - Could it be fixed up?

Mayor Freeman – An Engineering Study was done by Fraser Investigative Engineering Services and it was their opinion that the original house exterior and much of the interior framing is salvageable with some repairs. The roof frame would need to be removed and replaced. Interior finishes would best be removed and replaced. Mechanical and electrical systems have been abandoned and will require a thorough evaluation and most probably repair or replacement prior to reactivation.

Code Enforcement Officer – It would have to be totally gutted.

Kurt Rappazzo from MRB submitted a reported showing the demolition costs.

It appears the building is in disrepair. Since the building has not been adequately protected from the weather, it is our understanding that heavy mold is evident in the building. To restore the structure significant work would be required.

The other option is to demolish the building to prevent an unsafe condition to residents in close proximity and the general public. Based on the age of the structure, it is likely that asbestos containing material will be found inside the structure. As a municipality proper procedures need to be followed to test and dispose of asbestos in accordance with the Department of Labor Regulations.

The costs for the demolition of the structure are as follows:

- Asbestos Survey: \$4,500 (Survey will determine if asbestos is evident in the building, includes sampling)
- Specifications/Site Plan/Bidding: \$5,500
- Construction Administration: \$2,500
- Abatement of Asbestos \$15,000-\$25,000 (May be less depending on the amount of asbestos, upper range is if friable material is found on the exterior. Cost includes DOL Notification)
- Building Demolition and disposal: \$25,000-\$30,000
- Site Restoration: \$7,500 (select soil backfill of basement and seed)

Total cost range for preparation of documents and demolition: \$60,000-\$75,000

- Independent air monitoring is required during abatement: \$500.00 per day (Village Consultant). The Contractor is also required to complete air monitoring during the abatement process.
- Mold is not a concern with the demolition but the workers need to take appropriate precautions to protect themselves.

If an asbestos survey could not be done due to structural instability of the building all the material in the building would be treated as containing asbestos. This would increase the cost of the project.

With a pre-demolition survey it clearly determines which material contains asbestos. Using this survey the abatement can be completed in a controlled environment. Once the abatement is complete, the demolition is typical and disposal of material is treated as construction debris.

Attorney Whiting – You have the ability to levy the cost on to his tax bill. There could be a suit against Mr. Catuzza. Your ultimate recourse is against the land.

Malinda Wilson – I have lived behind Mr. Catuzza for nine years. I believe him to be a hoarder. To me he's not the type of person that is going to do anything.

Becky Rosso – I walk by every day with my son. One day there were wires across the sidewalk, it's a safety hazard. It's been a year and he's been delaying and delaying.

Jane Garrett - Do you think there is someone that wants to spend \$60,000 - \$70,000 on that property, I can't imagine fixing it.

Trustee McKeown – Part of the problem is it is a demolition order the Village has. We want to get out of this the least expensive way.

Mayor Freeman – We owe it to you as neighbors.

Code Officer Cappello agreed to get the information to Mr. Catuzza so he is aware of what is going on.

A motion was made that MRB continue to prepare the documents needed and to send them out by August 1<sup>st</sup> and to have a demolition date of August 15<sup>th</sup> by Trustee McKeown and seconded by Trustee Zhe. The motion was carried by the following vote:

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

Mayor Freeman requested that Attorney Whiting contact Mr. Catuzza’s Attorney and explain the situation.

**WWTP ENGINEERING REPORT PROPOSAL:**

A report was submitted for the engineering services necessary to prepare an Engineering Evaluation Report for the Village of Avon Wastewater Treatment Plant for the planning grant.

A motion was made by Trustee Zhe and seconded by Trustee McKeown to pursue the improvement concept and enact the approval process to proceed with the grant for the WWTP. The motion was carried by the following vote:

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

**TIM ANDERSON:**

Mr. Anderson, who is with Don Allen Agency, Inc. stated that he was present tonight to ask the Board to handle the Village’s insurance again. He stated that he had a good relationship with the Village Clerk, John Barrett and the Mayor.

Mayor Freeman stated that the Village’s current agency did a thorough review and they found some things that had been overlooked and/or errors. The hands on review was missing from the Don Allen Agency. In review of equipment we weren’t 100% up to speed. I’m hoping for a little more hands on.

Tim Anderson – I'm here to apologize and make amends and hope we can work through it.

Mayor Freeman – Are there any changes in the market?

Tim Anderson – Insurance companies are not going out of business. I need to get off my horse and on my feet. The market has stayed pretty solid.

Attorney Whiting – Lippman and O'Connor I think are good attorneys. They look out for the long term investment of the Village.

## TREASURER'S UPDATE

### VOUCHERS AND MANUAL CHECKS:

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

General Fund	\$ 40,881.32
Water Fund	\$ 5,895.96
Schedule C	\$ 4,840.48
Sewer Fund	\$ 25,671.34
Fund #10	\$
Fund #11	\$
Fund #17	\$ 2,000.00
Fund #43	\$ 19,975.54
Fund #45	\$ 30.03
Fund #46	\$ 20,793.41
Fund #47	\$ 30.03
Fund #48	\$
Fund #49	\$ 1,622.90
Fund #50	\$
Fund #51	\$ 58,568.73
Fund #52	\$ 30.03

Fund #53	\$	
Fund #54	\$	30.03
Fund #55	\$	30.03
Fund #56	\$	522.68
Fund #57	\$	
Fund #58	\$	30.03
Fund #59	\$	
Fund #60	\$	
Fund #61	\$	
Fund #62	\$	
Fund #63	\$	
Fund #64	\$	
Fund #65	\$	
Fund #66	\$	
Fund #67	\$	30.03
Fund #68	\$	
Fund #69	\$	
Fund #70	\$	
Fund #71	\$	
Fund #72	\$	30.03
Fund #73	\$	30.03
Fund #74	\$	
Fund #75	\$	
Fund #76	\$	
Fund #77	\$	
Fund #78	\$	
Fund #79	\$	
Fund #80	\$	
Fund #81	\$	
Fund #82	\$	
Fund #83	\$	1,102.80

Fund #84	\$	
Fund #85	\$	
Fund #86	\$	
Fund #87	\$	
Fund #88	\$	
Fund #91	\$	
Fund #92	\$	
Fund #93	\$	812.50
Fund #94	\$	
Fund #95	\$	
Fund #96	\$	
Fund #97	\$	
Fund #98	\$	
Fund #99	\$	
<b>TOTAL</b>		<b>\$182,957.93</b>

**Manual Checks:**

Nationwide Retirement	Deferred Comp.	\$ 981.00
NYS Child Support Proc. Center	Child Support	\$1173.00
SEIU 200 United	DPW July Dues	\$ 223.94
Law Enforcement Officer Union	Police July Dues	\$ <u>335.98</u>

**TOTAL: \$2713.92**

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	Absent	
Trustee Timmy Batzel	Absent	

**CODE ENFORCEMENT UPDATE:**

- Met with the owner from Town Square Plaza regarding rezoning and he has no problem with it. Tony gave him maps to review.
- Foil information on Tops has been requested. Someone will be coming to meet with the Code Officer on Wednesday.

The Mayor suggested that Code Officer Cappello give the information to Attorney Whiting to review.

**TRUSTEE'S UPDATE:**

**REQUEST FOR CONFERENCE APPROVAL:**

Tony Cappello submitted a request to attend two conferences to be held on August 2, 2013 in East Syracuse and September 3 – September 6, 2013 in Liverpool.

Upon a motion by Trustee Zhe and seconded by Trustee McKeown approval was given to Tony Cappello to attend both conferences. 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	Absent	
Trustee Timmy Batzel	Absent	

Clerk Baker was instructed to bill the Town for half of the expense for the conferences.

**VILLAGE OF AVON PLAYGROUND:**

A motion was made by Trustee Zhe authorizing and directing Mayor Freeman to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 in an amount not to exceed \$50,000, and upon approval of said request to enter into and execute a project agreement with the State for financial assistance to the Village of Avon for the Avon Driving Park Playground and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property. The motion was seconded by Trustee McKeown and carried by the following vote:

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

## DPWUPDATE:

Mayor Freeman gave the Superintendent's update as follows:

- Genesee Street paving went well, will do crosswalks this week and next meeting an estimate on aprons will be submitted
- Waiting on Department of Health for Oak Street water main
- Spring Street paving from Wadsworth Avenue to River Street on Thursday
- Railroad cleanup, working on drainage
- Still grinding sidewalks
- Will start the fill on Spring Street the first and second week of August

Mayor Freeman – I would like to see him start on River Street on the hill and suggest that we send a letter to people on River Street telling them this is a priority sidewalk and will start this summer on the piping and curve.

Trustee Zhe mentioned that Mary Rankin on Commerce Drive has a tree between the sidewalk and street heaving her driveway; she would like the tree removed. Mayor Freeman suggested Trustee Zhe talk to John Barrett.

Trustee Zhe also reported that there are two dead trees in Case Park that Scott Carrick would like to remove and use the firewood. He believes the insurance he carries for his driveway sealing business will cover the tree removal.

Mayor Freeman suggested that Attorney Whiting look at Mr. Carrick's insurance and also involve John Barrett as to whose property the tree is on.

**FIRE TRUCK:**

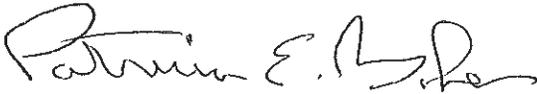
Mayor Freeman asked the Board if they should bid out the old 2003 Ford Expedition or send it to auction.

Trustee McKeown – My opinion is it is in rough shape, so I would like to see it sent to auction.

Trustee Zhe – I agree

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

Respectfully submitted,



Patricia E. Baker  
Village Clerk