

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, September 9, 2013.

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

Staff: Tony Cappello  
John Barrett  
Christine Quinlan  
Chief Gary Benedict, Jr.  
Fire Chief Dan Snyder

Reid Whiting, Village Attorney

Visitors: Leah Shea, Genesee Sun

Mayor Freeman 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 Zhe the minutes from August 19, 2013 meeting are hereby 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
Timmy Batzel, Trustee	Entered the Meeting After	
Robert Hayes, Trustee	Voting	Yes

### **CODE ENFORCEMENT UPDATE:**

Code Officer Cappello received his 24 hours of required training for 2014. He presented his Certificate of Completion to the Board. He informed the Board that more class hours will soon be available on line.

Mr. Cappello informed the Board that he had talked to Dennis Catuzza concerning the demolition of 184 East Main Street. Mr. Catuzza told the Code Officer that he will make one more trip to the site to make sure everything he wants is out of the house and after that he is not concerned about the situation, it's too far gone. The deadline for selling the property is September 13<sup>th</sup>. Tony talked to him on Saturday, September 14<sup>th</sup>. He verified that he had received the letter from Attorney Whiting.

The Board suggested notifying the neighbors that demolition will begin on or about the 16<sup>th</sup> of September.

Mayor Freeman instructed Code Officer Cappello that the Board would like a list of other homes that are getting close to similar conditions as 184 East Main Street.

Code Officer Cappello indicated he has a list he will submit to the Board and will send warning letters to them.

Mayor Freeman asked Treasurer Quinlan to get someone from the County to come to the next Board meeting to talk about possible grants that may be available for deteriorating homes.

## **DPW UPDATE:**

- Working on the underpass of Erie Attica Bridge. I took the map to Bruce Howlett from MRB and he was happy with that. We graded out the drive way to the parking lot.
- Doing a concrete gutter system at Five Arch
- Sidewalk repairs to do and Kime's fence.
- County is going to grind and pave Rochester Street sometime next week

Superintendent Barrett reported that they had an inspection of the fuel depot. The DEC instructed Superintendent Barrett to put in a leachate collection system to collect the runoff water around the gas pumps. Superintendent Barrett felt that to do what DEC wants the Village to do is not worth it so I would like to get rid of our fuel storage tank. We have one 50 gallon tank and I would like to buy one more and keep them in the back of trucks to fuel skid steers, tractors, etc. To sell the tanks you have to get them completely cleaned which might be expensive so it might be just as easy to send them to the scrap yard.

Mayor Freeman suggested getting an estimate for cleaning the tanks.

Mayor Freeman stated that in the past we have been successfully in getting summer workers to come back and help with leaf pickup. He questioned whether an ad should be placed in the paper.

Superintendent Barrett informed the Board that Dan Allen is staying through leaves and that he would see what Brittany Smyder's schedule is.

Superintendent Barrett stated that he has a new leaf machine coming and should be here by the 2<sup>nd</sup> or 3<sup>rd</sup> week of October.

Mayor Freeman questioned street sweeping and if all Village streets were done?

Superintendent Barrett indicated that for two week the streets were not swept because the machine was out for repairs.

## **ATTORNEY UPDATE:**

### ***POSTLER UPDATE:***

After September 16<sup>th</sup> the Village Board can designate someone to negotiate with Attorney Morris of Livingston County to purchase the Postler Property. If negotiations aren't successful, the Village will have to appear at the tax sale in October. Mayor Freeman asked Attorney Whiting to speak with Attorney Morris.

Mayor Freeman – We need to protect the two houses on Jacobs Landing, the investment is significant but currently they don't have legal access to the road.

Mayor Freeman reported that the Village may be advertising for a Zoning and Planning Board Clerk and asked Attorney Whiting if an alternate Board member could also act as Clerk?

Attorney Whiting will investigate and get back to the Board with an answer.

## **POLICE UPDATE:**

- A thank you note was received from the individual whose car was stolen and taken to South Carolina.

- Clinton Street Parking – Adopt local law to put no parking on the north side of the street. I've been up there the last few days and there hasn't been too much of a problem. We followed buses around the first day of school.
- We've had some higher profile cases the last couple of weeks.
- Travis McFadden has 60 hours of field training so he's pretty much on his own.
- Joe Geer is back to work, things going pretty smooth. He is working four 10 hour days, He comes in at 10 a.m., he is continuing on with his bachelor degree on Mondays. For the additional 4 hours we use him on drug task force or fill in.

Mayor Freeman - Is there a point where we want to sit down with Joe and not wait until the end of his probation?

Chief Benedict – I believe that his probation is extended out until October 18<sup>th</sup> now (26 weeks). I've sat down with him on what is expected. He's been doing fine so far.

Chief Benedict– We will be purchasing uniforms in the near future and ammunition and possible side arms. We have had several jams. We're trying to coordinate with the County and piggy back with them and we would be able to get a better deal.

The taser used in 2007 was just returned a month ago. It was sent in for repair and they replaced it. We got a \$150 credit for it. The new one cost \$800.

Trustee Hayes asked if the Police were aware of a 5k race at St. Agnes on September 28<sup>th</sup>.

Chief Benedict – Yes someone mentioned it and I was supposed to get a flyer. We have it penciled in for the 28<sup>th</sup> of September, but I haven't gotten anything official.

Chief Benedict – I'm still pursuing another part-time position.

## **VOUCHERS AND MANUAL CHECKS:**

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

General Fund	\$ 12,993.63
Schedule C Fund	\$ 85,636.18
Water Fund	\$ 2,851.20
Sewer Fund	\$ 6,888.36
Fund #10	\$
Fund #11	\$
Fund #17	\$ 937.25
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	\$	332.07
Fund #94	\$	
Fund #95	\$	
Fund #96	\$	
Fund #97	\$	
Fund #98	\$	

Fund #99	\$
TOTAL	\$ 109,638.69

Manual Checks:

NYS Child Support Proc. Center – Child Support	\$1173.00
Colonial Belle - Deposit for Appreciation Day	\$ 400.00
Law Enforce. Union – September Union Dues	\$ 350.00
SEIU 200 United – September Union Dues	\$ 223.94
Nationwide Retire. – Deferred Comp	\$ 981.00
Colonial Belle – Bal. for Appreciation Day	<u>\$ 230.00</u>

**TOTAL: 3,357.94**

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
Timmy Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

**BERNIE THOMAS:**

A memo was received from Bernie Thomas stating that he would like to start the survey for the Village Housing Grant. The Village Board needs to decide whether to do a Village wide rental property program with priority given to those properties or determine a target area and offer an owner program as well as a rental property program in that area.

The Board agreed to do Village wide with a target area that if they apply they would get additional points. The defined area for extra points would be down the hill both sides to Bronson Avenue and Wadsworth, up the hill and around the circle as a target area.

The Board suggested getting a recommendation from parks for the extra \$15,000 for street scape. We could use the money for benches, sound system, etc.

Treasurer Quinlan informed the Board that a budget adjustment will be needed for the Fire Department's concrete apron project. The project is over budget by \$17,608.86.

Trustee McKeown - We went from \$3500 up to \$21,000? Will it come from general fund balance?

Treasurer Quinlan – Yes.

Treasurer Quinlan announced that the New York Main Street grant is going well.

### **TRUSTEE'S UPDATE:**

Trustee McKeown revisited the topic of easements behind Genesee Street buildings. Now is the time to work things out before we get back into road maintenance issues.

Code Officer Cappello offered to bring the Board copies of the signed easements.

### **CONFERENCE ATTENDANCE:**

A letter was received from Jan Cole, Joseph Temperato and Peter Piampiano requesting that Jennifer Sargeant be allowed to attend a training seminar for the New York State Association of Magistrates Court Clerks in Albany on October 6 – 9, 2013 in Jan Cole's place because of an upcoming wedding for Jan's daughter.

A motion was made by Trustee Zhe and seconded by Trustee McKeown to allow Jennifer Sargeant to attend the workshop. The motion was carried by the following vote:

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

## **ASSOCIATION MEETING:**

Geneseo will be hosting the next Village Association Meeting on September 18, 2013. It will be held at the Livingston county Historical Society and Museum.

## **485N TAX ABATEMENT UPDATE:**

485N – Needs to be enacted by March. Village enacts it first before the school and town. We have to do it first and tell them that it's done.

The Mayor needs to appoint a Commercial Mixed Use Incentive Board. The Incentive Board determines the defined benefit area that will be exempt by considering the planning objectives of the municipality and the need for the exemption to spur commercial/mixed use development. The properties would be exempt from increase in real property taxes for 12 years.

Mayor Freeman informed the Board members to follow up with the guidelines and be prepared for discussion at the next meeting.

## **TAX RELEVY RESOLUTION:**

Trustee Batzel offered the following resolution and moved for its adoption:

### **RESOLUTION**

WHEREAS, the Village of Avon hereby requests that the County of Livingston collect certain delinquent Village taxes for the tax levy of June 2013, and

WHEREAS, the Village of Avon will take no action to recover said unpaid taxes pursuant to Section 1440 of the Real Property Tax Law of the State of New York and no sale on account of said unpaid taxes will be held pursuant to law,

NOW THEREFORE BE IT RESOLVED that the Village of Avon officially requests that the County of Livingston collect certain delinquent Village taxes for the tax levy of June 2013 pursuant to Section 1442 of the New York State Real Property Law.

AND IT IS FURTHER RESOLVED that a copy of this resolution, duly certified by the Village Clerk of the Village of Avon shall be transmitted forthwith to the Livingston County Treasurer and the Clerk of the Livingston County Board of Supervisors.

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

### **CATUZZA UPDATE:**

A memo was received from Attorney Whiting stating that on August 21<sup>st</sup>, Stephen Kornienko, Attorney for Dennis Catuzza received Attorney Whiting's letter of August 20<sup>th</sup>. If Mr. Catuzza does not receive an offer from anyone by September 13<sup>th</sup> to purchase his home, the Village may proceed with the demolition.

### **FIRE CHIEF UPDATE:**

Picture presented to Board for proposed stripping for Fire chief's vehicle, should be under \$1,000 and also a fire application was submitted.

An application was submitted for Kimberly Quinlan for an active William VanZandt Hose Company Member.

Upon a motion made by Trustee Hayes, the application of Kimberly Quinlan to the Avon VanZandt Hose Company is hereby accepted. Said motion was seconded by Trustee Zhe and 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

Chief Snyder informed the Board that he will be out of town from Wednesday, September 11<sup>th</sup> through Sunday, September 15<sup>th</sup>. John Kellen will be in charge.

## **EXECUTIVE SESSION:**

Upon a motion made by Trustee Hayes, the Board went into executive session 7:40 p.m. to discuss personnel matters. Trustee Zhe seconded the motion and the Board exited executive session at 8:30 p.m. The motion was carried by a unanimous vote.

REMINDER: Playground Fund Raiser, September 21<sup>st</sup> at 11:00 a.m.

Trustee Hayes – Yield to Pedestrian signs, how many did we buy? There is only one out.

Upon a motion the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Patricia E. Baker  
Village Clerk