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The Annual 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, April 1, 2013.

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

Absent: Robert Hayes, Trustee

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

Visitors: Richard Martin  
Kevin O'Donohue  
Alan Coyne  
Josh Williams  
Jason Coyne  
Karalynne Costello Temperato  
Matt Murphy  
Susan Thompson  
Scott Thompson

Mayor Freeman opened the meeting at 5:00 p.m. with the Pledge of Allegiance.

## **POLICE UPDATE:**

The Mayor had asked Chief Noble for a strategic plan for Department Leadership, copies were distributed. It included a Background and Recruitment Process. One thing that the Department lacked was pre-employment screening, pre-employment evaluations, medical examinations and pre-employment physical fitness standards. Avon's Police Department is lacking in their Rules of Conduct and Personnel Complainant Process.

Every system has flaws and that's how you learn. When it is discovered, you deal with it and try to improve/correct the situation and the courts look favorably toward that.

The Board assured Chief Noble they would review the material in detail and discuss further at a later date.

**ANNUAL MEETING 2013:**

Mayor Freeman opened the Annual Meeting by reading the duly published notice.

**APPOINTMENTS:**

Mayor Freeman began by appointing Mark McKeown as Deputy Mayor for a term of one year, and asked for a motion to approve the following appointments:

Upon a motion made by Trustee McKeown, the following appointments were made:

AVON POLICE DEPARTMENT:

|                            |                      |
|----------------------------|----------------------|
| Sergeant                   | Joseph Geer          |
| Police Officer             | Timothy Ferrara, Jr. |
| Police Officer             | John Jordon, Jr.     |
| Police Officer             | Matthew McFadden     |
| Police Officer - Part time | Kenneth Ippolito     |
| Police Officer – Part time | Tamara Bingham       |
| Police Officer – Part time | James Noble          |
| Police Officer – Part time | Michael Bihrl        |
| Police Officer – Part time | Mark Bishop          |
| Police Officer – Part time | Dan Gleason          |

DEPARTMENT OF PUBLIC WORKS:

|                                |              |
|--------------------------------|--------------|
| Superintendent of Public Works | John Barrett |
|--------------------------------|--------------|

ANNUAL:

|                          |                  |       |
|--------------------------|------------------|-------|
| Zoning Officer           | Anthony Cappello | 1 yr. |
| Code Enforcement Officer | Dean O’Keefe     | 1 yr. |
| Village Attorney         | Reid Whiting     | 1 yr. |

|                        |                   |       |
|------------------------|-------------------|-------|
| Acting Village Justice | Peter Piampiano   | 1 yr. |
| Court Clerk            | Janis Cole        | 1 yr. |
| Deputy Court Clerk     | Jennifer Sergeant | 1 yr. |

PARK COMMISSION:

|                             |             |        |
|-----------------------------|-------------|--------|
| Park Commission Chairperson | John Marks  | 1 yr.  |
| Park Commission Member      | Mary Rankin | 5 yrs. |

ZONING BOARD:

|                          |              |        |
|--------------------------|--------------|--------|
| Zoning Board Chairperson | Dan Freeman  | 1 yr.  |
| Zoning Board Member      | Richard Hite | 5 yrs. |

PLANNING BOARD:

|                            |                 |        |
|----------------------------|-----------------|--------|
| Planning Board Chairperson | Malcolm LaFever | 1 yr.  |
| Planning Board Member      | Kevin O'Donohue | 7 yrs. |

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 | Voting | Yes |

Since Richard Martin was not reappointed, there is a vacancy on the Planning Board. The Board was asked to think about possible individuals to fill the position.

BOARD LIAISONS:

Planning Board  
 Fire Board  
 Park Commission  
 Water  
 Town Board

Mayor Freeman asked if the Board members could alternate on the different Boards becoming familiar with each one and the duties they perform.

Upon a motion made by Trustee McKeown the following are hereby approved as follows:

**BANK:**

The Bank of Castile  
Community Bank  
Five Star (Wyoming County Bank)  
J P Morgan (Chase)  
Canandaigua National Bank & Trust

**OFFICIAL PAPER:**

The Livingston County News

**MEETING NIGHTS AND TIMES:**

First and third Monday of each month at 6:00 pm.

In an effort to conduct an efficient and time conscious Board meeting, Mayor Freeman asked that all parties having items for discussion with the Village Board present them to Clerk Baker by noon the Thursday before the meeting for insertion on the agenda. Only topics listed on the agenda will be discussed at the Board meetings. Mayor Freeman asked that all Trustees and employees come to the meetings prepared to discuss the items on the agenda.

**ADVANCED APPROVAL OF CLAIMS:**

Utility bills, postage, etc., bills which might incur a late penalty shall be paid in advance and approved at the next regular Village Board meeting.

**MILEAGE ALLOWANCE:**

IRS 2013  
Privately owned vehicle – 56.5 cents per mile

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

Voting

Yes

Upon a motion made by Trustee McKeown the following investment policy, borrowing policy and check signing authority is hereby approved as submitted:

**INVESTMENT POLICY**

**1. INVESTMENT POLICY PURPOSE:**

The Board of Trustees desires to provide the finest services possible to its residents, compatible with the least cost to its taxpayers. To achieve this goal, all sources of revenue, other than taxes, must be enhanced. Interest earnings offer a large potential alternative source of revenue.

The Board of Trustees desires that excess Village monies, not needed for immediate payment of bills, be temporarily invested to earn a safe return as provided for within the Village Law, General Municipal Law, Local Finance Law and Banking Law. The criteria for investing Village monies, in order of priority, shall be:

- 1.1 **Safety**-Funds must not be lost to the Village.
- 1.2 **Liquidity**-Appropriate amounts must be available for each payroll, debt service, and abstract date. No investment should mature later than the date the invested funds are anticipated to be needed and in no case, more than two years from the date of purchase.
- 1.3 **Yield**-The highest market interest rate available (other conditions being equal) is to be solicited.

**2. PRUDENCE:**

All participants in the investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village's ability to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence would exercise in the management of their own affairs; not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**3. DIVERSIFICATION:**

The policy of the Board of Trustees is to reduce the risk by diversifying deposits and investments by: (1) bank or trust company, (2) investment instrument, and (3) date of investment maturity.

4. DELEGATION OF AUTHORITY FOR INVESTING VILLAGE MONEY AND SIGNING CUSTODIAL/SECURITY AGREEMENTS:

The Board of Trustees hereby specifically delegates the authority to sign the written security and/or custodial agreements with the designated banks and to make the day-to-day investment decisions, including Certificates of Deposit, within the guidelines and limitations of this policy resolution to the incumbent in the position title of:

- 4.1 Village Treasurer, as Chief Fiscal Officer, and/or
- 4.2 Village Mayor, and/or
- 4.3 Deputy Mayor

The above officers and administrators are hereby authorized to utilize the advisory services of municipal consulting firms in planning the timing, amount, maturity, bidding, placement, and reporting of any investments made hereunder.

5. AUTHORIZED COMMERCIAL BANKS OR TRUST COMPANIES:

The Board of Trustees authorizes the use of the following commercial banks or trust companies (not savings banks or associations), located and authorized to do business in New York State, for placing investments and specifically prohibits using private brokerage firms or investment firms. Diversification of depositories increases the safety and total FDIC coverage of Village monies. Consequently, to the extent practical, more than one bank or trust company will be utilized. The Village must enter into a written Security Agreement and/or Custodial Agreement with each (General Municipal Law §10 & §11, Local Finance Law §165.00 (b), Banking Law @107-a).

- 5.1 Community Bank
- 5.2 The Bank of Castile
- 5.3 Five Star
- 5.4 J P Morgan Chase
- 5.5 Canandaigua National Bank

- 5.6 And any other commercial banks or trust companies meeting the above requirements when bidding conditions warrant.

6. AUTHORIZED INVESTMENT INSTRUMENTS:

The Board of Trustees authorizes the following types of investment instruments for investing Village monies with commercial banks or trust companies authorized to do business in New York State:

- 6.1 Savings Accounts.
- 6.2 N.O.W. Accounts.
- 6.3 Money Market Deposit Accounts.
- 6.4 Super N.O.W. Accounts.
- 6.5 7 to 31-Day Accounts.
- 6.6 Certificates of Deposits.
- 6.7 Repurchase Agreements.
- 6.8 U.S. Treasury Bonds, Bills, Notes.
- 6.9 Other investment instruments as may be approved by the Office of the State Comptroller from time to time.

7. FDIC INSURANCE AND OVERAGE COLLATERALIZATION:

The primary objectives of this policy are to enhance the safety and availability of any Village monies invested. These objectives are partially met by FDIC insurance covering the first \$100,000 of Village checking account deposits and an additional \$100,000 for time or savings account deposits with any one specific commercial bank or trust company (12 Code Federal Regulations 330.8).

Any amounts exceeding the FDIC insurance limit, as presently set or subsequently revised, are to be insured to the Village by requiring an allocation and pledging of appropriate collateral by the bank or trust company winning the bid for the investment. All investments must be bid specifying "with collateral". Written custodial and/or security agreements must be entered into with each bank or trust company (General Municipal Law, §10 & §11, Banking Law §107-a) which require the custodial bank or trust company to keep the securities they purchased as collateral for the Village separate and apart from the institution's own general assets. Banking law requires the bank or trust company to comply in completing the written agreements.

8. SECURITY AGREEMENT:

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses

arising out of the collection of such deposits upon default. The security agreement shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the Village to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Village, such securities shall be delivered in a form suitable for transfer or with an “assignment in blank” to the Village or its custodial bank.

The security agreement and the custodial agreement may be combined in a single document pursuant to Section 10, 3, a of the General Municipal Law.

#### 9. CUSTODIAL AGREEMENT:

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be co-mingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Village a perfected interest in the securities.

#### 10. COLLATERAL:

Village deposits and investments may be secured either by obligations or securities or, in whole or in part, by a surety bond or irrevocable letter of credit.

Surety bonds must be issued by an insurance company authorized to do business in this State, the claims-paying ability of which is rated in the highest rating category by at least two nationally recognized rating organizations. The surety bond must be equal to 100% of the aggregate amount of deposits and the agreed upon interest.

Eligible letters of credit will be those issued by a bank or trust company (other than the bank or trust company with which the investment is placed) with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest that either:

- 10.1 has commercial paper or other unsecured short-term obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company has commercial paper and other unsecured short-term debt obligations)

- rated in one of the three highest rating categories by at least one nationally recognized rating organization; or
- 10.2 is in compliance with applicable minimum federal risk based capital requirements.

#### 11. ELIGIBLE SECURITIES FOR COLLATERAL PURPOSES:

The current market value of collateral utilized must equal or exceed the value of the collateralized deposits. The currently permitted collateral may be subsequently supplemented by new instruments when approved by the Office of the State Comptroller. Permissible collateral includes (General Municipal Law §11, 31CFR, 203.15):

- 11.1 Obligations issued by the United States, an agency thereof or a government sponsored corporation fully insured or guaranteed as to the payment of principal and interest, an agency thereof or a United States sponsored corporation;
- 11.2 Obligations issued or fully insured by this state, obligations issued by a municipal corporation, school district or district corporation of this state or obligation of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys;
- 11.3 Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank; and
- 11.4 Obligations partially insured or guaranteed by any agency of the United States, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.

All investment obligations shall be payable or redeemable at the option of the Village within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided; and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village within two years of the date of purchase.

#### 12. TRANSFER OF FUNDS:

The Board of Trustees specifically authorizes the designated officials the authority to use electronic transfer of funds, among the approved banking institutions, to assist in obtaining “federal funds” enhanced interest rates. Each such transfer shall be specifically identified in the original journal entry as a “wire transfer” and subsequently supported by the bank statement or confirmation notice to provide an audit trail.

13. SAFEKEEPING:

The Board of Trustees specifically authorizes the designated officials the authority to turn over the physical custody of Certificates of Deposit and other evidences of investments for “safekeeping” possession to the bank, as provided in General Municipal Law §11(3), to facilitate access to funds at maturity and to eliminate having bearer certificates in the Village offices.

14. CO-MINGLING OF FUNDS:

The co-mingling of various funds into a single common investment is specifically authorized provided that the separate identity of each fund is maintained and the proportionate share of interest is allocated to each upon maturity of the investment (General Municipal Law §10 and §11).

15. WRITTEN REPORTS:

All investments shall be documented in written reports to the Mayor, for subsequent presentation to the Board of Trustees, outlining the details of each investment including: the amount, dated and maturity dates, interest rate and the unsuccessful quotes received thereon. When investments are placed, these reports should be presented no less than monthly (General Municipal Law §10).

## BORROWING POLICY

### 1. BORROWING PURPOSES AND DEBT INSTRUMENTS

1.1 The Local Finance Law authorized Operating Borrowings to cover cash-flow shortfalls including: Revenue Anticipation Notes, Tax Anticipation Notes, or Budget Notes. The Board of Trustees through the adoption of a formal Borrowing Resolution must authorize these types of borrowings.

1.2 Capital Borrowings many including Ban Anticipation Notes, Statutory Installment Bonds, and Serial Bonds. These borrowings are only authorized for items for which the New York Legislature through Section 11.00 of the Local Finance Law has established a Period of Probable Usefulness. These borrowings, generally, may only be undertaken after a positive public majority vote at the Annual or special election.

The Board of Trustees must formalize the authority for the indebtedness by adopting a legally complete formal Bond Resolution prior to any borrowing. A recognized bond counsel should prepare the text of the Bond Resolution, vote and legal notices. The Board of Trustees hereby delegates its authority to set the terms and conditions of any borrowing to the Treasurer, as Chief Fiscal Officer, of the Village.

2. BORROWING PROCEDURES:

The Treasurer shall make recommendations to the Board of Trustees on the timing, bidding, terms and conditions of, placement and reporting on any borrowings. Operating borrowing recommendations shall be supported by a monthly cash flow estimate covering the time thereof and establishing the amount of such borrowing. The Treasurer is authorized to solicit and use the services of a Financial Consultant and Bond Counsel in planning and completing any borrowing to optimize the number of potential quotes and obtain lower market interest rates.

3. WRITTEN REPORTS:

All borrowings shall be documented in written reports outlining the details of each borrowing and the interest rate quotes received thereon. The written report shall be first presented to the Mayor, who shall report thereon at the next regularly scheduled Board Meeting.

4. LEGAL OPINION:

The use of a recognized "Red Book" Bond Counsel is hereby approved to draft the legal notices, resolutions, borrowing instruments, and render his approving Legal Opinion on the legality and tax status of the debt instrument.

**CHECK SIGNING AUTHORITY:**

The following check signing authority is hereby adopted for the Mayor, Deputy Mayor and/or Treasurer:

- Checks in the amount of \$0 - \$10,000 – one signature required
- Checks in the amount of \$10,000 or more – two signatures required
- Withdrawal slips, wire transfers – one signature required.

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 | Voting | Yes |

**M/WBE-EEO MINORITY BUSINESS OFFICER:**

Trustee McKeown offered the following resolution to amend the previously adopted resolution and to adjust the M/WBE goals as follows:

**MINORITY AND WOMEN’S BUSINESS-EQUAL EMPLOYMENT  
OPPORTUNITY PROGRAM WORK PLAN  
NEW YORK CLEAN WATER STATE REVOLVING FUND  
MUNICIPAL OTHER THAN LAND ACQUISITION**

**Policy Statement:**

The Village of Avon (Name of Applicant)

Commits to carrying out the intent of the New York State Executive Law, Article 15-A which assures the meaningful participation of minority and women’s business enterprises in contracting and services, and the meaningful participation of minorities and women in the workforce on activities financed by the CWSRF program.

**Minority Business Officer:**

Patricia E. Baker (Name of Designated Officer)

is designated as the local Government Official or Minority Business Officer responsible for administering Minority and Women’s Business-Equal Employment Opportunity (M/WBE-EEO) program for

The Village of Avon  
(City, Town, Village, County, etc).

MBEO Officer Phone Number: (585) 226-8118

**M/WBE Projected Goals:**

6 % Minority Business Enterprise Participation

6 % Women’s Business Enterprise Participation

**EEO Projected Goals:**

10 % Minority Labor Force Participation

10 % Female Labor Force Participation

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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 | Voting | Yes |

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**ALAN COYNE:**

A complaint was made against a Village Police Officer and a Village resident addressed the Board by reading a statement regarding the officer.

Mr. Coyne feels there are some serious problems within the Village involving the Avon Police Department. Other visitors were present to share similar concerns.

Mr. Coyne expressed extreme displeasure with the way Officer “A” conducts himself in an overzealous, abusive, and belligerent manner night after night during the course of his duties as a patrol officer.

Mr. Coyne stated that he believes Officer “A”’s ultimate goal is to draw you into a confrontation so he can label you as uncooperative and assert some more of his power of authority over you.

Individuals have been questioned for doing nothing more than walking down our sidewalks at night. He then asks a series of questions: “What are you doing? Where are you going? Where have you been?”

Mr. Coyne’s son was pulled over by Officer “A” on March 21<sup>st</sup>. He thought something had been thrown out the window. Officer “A” said he smelled marijuana and that he is going to conduct a search of the vehicle. Mr. Coyne’s son informed the officer that he had not been smoking any marijuana and that he does not have the right to search his car. This angered the officer so he called in the services of the Livingston County Sherriff’s Department, K-9 officers and a drug sniffing dog. The sheriff than asked the driver to step out of the car, which he did, and then Officer “A” started grabbing him all over. The suspect backed away and asked what the officer was doing, and he replied that he was searching for guns. A breathalyzer test was performed which came out negative. The Sheriff’s dog couldn’t find any drugs and left the scene. That should have been the end of it, but no, not for Officer “A”, he stood there on the side of the road trying to draw Jason into confrontation by berating him and still insisting that he had drugs on him and inside his car. Finally, Jason was released with no tickets issued and no charges of any kind. This is harassment.

Other similar incidents were reported and it was suggested that if Officer “A” couldn’t be fired, he should be permanently assigned to a desk duty and he should have his service revolver confiscated.

Mr. Coyne has instructed his family that if they are pulled over by Officer “A” they are to contact the State Police since they are all afraid of Officer “A” and what he may do.

Mayor Freeman informed Mr. Coyne that his actions are the first the Village has received in the form of a written complaint. We will follow-up and our Attorney, Reid Whiting will act as our liaison. If you turn in a petition, it will be turned over to Attorney Whiting and be kept confidential.

Alan Coyne – What about confidentiality of formal complaints?

Mayor Freeman – There hasn’t been any.

Alan Coyne – People are afraid of retaliation.

Mayor Freeman– We did have a system flaw, we want people to feel comfortable to come and report anything they don’t feel is right.

Alan Coyne – How many people were asked “do you want to file a formal complaint”?

Chief Noble – I can’t speak for how Jim Carney handled the situations before.

Mayor Freeman – I realize we have nothing on file, but that was in the past. We have a new process and a new Chief in charge.

Attorney Whiting – Chief Noble will give you a fair, through and unbiased investigation. Anything that comes to my office will stay at my office.

Chief Noble– There is a formal process that is being developed, no indication of any formal complaints filed in the past. There are standards within the state; there is a time frame of going to past complaints. You can't go back beyond 18 months. We're governed by Article 75.

Alan Coyne –That's not what Joe Geer told us.

Chief Noble – If people come in we will look into it. We have a process and we did lack a process in the past. There are no records of the past. I can't account prior to April 22, 2012, I was not chief at that time.

Matt Murphy – This officer has serious issues.

Attorney Whiting – We are not going to talk about the past, we have to use a reasonable cutoff and we can't evaluate what did or didn't happen. We have a new administration, a new Chief and we need to handle what is in front of us fairly, and thoroughly.

Alan Coyne – My son wants to leave Avon.

Mayor Freeman – I'm sorry you feel that way.

Chief Noble - Under CPL an officer has a right to stop people, we're governed under federal law for the safety of the officer, the officer has a right to do a pat and frisk. We're there to enforce the law. There is also discretion.

Karalynne Costello Temperato – When does it become harassment?

Chief Noble –We're allowed that right to detain and search and seizures. That's why we have this process in place. Jason was brought back to clarify facts after a couple days. We have to police ourselves. Maybe it wasn't done in the past, but is being done now.

Chief Noble – We take these issues seriously, it is a learning process.

Jason Coyne - Can citizens stop when "Officer A" has pulled someone over and videotape him?

Attorney Whiting –As long as you're not interfering with the situation. Chief Noble has spent his whole career investigating. You can't presuppose there will be action taken.

Matt Murphy – This man is out of line.

Attorney Whiting – I'm not from Avon, but the Board spends much time in executive session over police matters. They listen to their constituents and they take issues seriously and look into things.

Scott Thompson – I work at Coyne Farms and are around a lot of kids, you should stop by school and talk to kids regarding Officer "A" and that will help. He's so overzealous. One day some kid will run and they are going to be killed. He is very unprofessional and rude.

Karalynne Costello Temperato – This Board has no power to suspend him while doing the investigation?

Mayor Freeman – Not with the information you brought tonight. We won't talk publicly regarding this again.

## **DICK MARTIN & KEVIN O'DONOHUE:**

Mayor Freeman acknowledged a letter received from the Village Planning Board regarding Richard Martin's rezoning proposal.

When Kevin O'Donoghue started surveying the area they noticed some of the existing zoning lines were incorrect. The property extends from the rear of Hal Bar Road properties east to Pole Bridge Road and formed an irregular "u" around the Avon Town Plaza.

They hope to clean-up the zoning district lines; square up the B-2 General Business district with the back of the plaza, change the Agricultural District land from the back of the plaza to Clinton Street to R-2 Multiple Family; and, change the first three lots on the west side of Pole Bridge Road from R-1 One Family Residential and Agricultural to B-2.

The subdivision would be a minor subdivision creating three 100' x 200' lots, each fronting Pole Bridge Road.

Richard Martin questioned what needed to be done?

Attorney Whiting– It needs to be sent to the County Planning Board and when their referral comes back it comes to the local Planning Board and they would send their recommendation to the Village Board and they would set a public hearing for the rezoning. I believe you will have to do a SEQR because of the zoning change but I will check into that further.

Richard Martin asked the Board what they thought.

Trustee McKeown – Would there be any impact to property owners that are already there?

Richard Martin – It would be a good impact. I would like to build one small multi-family 8-10 units over by the Nursing Home and I think it will improve things.

Mayor Freeman– Any issues with the detention facility? Your responsibility is to downstream. It has been a farm field. We need to know the what ifs and the impacts down the road.

Richard Martin – That pond was never built to specs.

Mayor Freeman – That pond has worked successfully for a number of years.

## MINUTES:

Upon a motion made by Trustee Batzel, the minutes from the March 14, 2013, March 18, 2013 and March 21, 2013 Village Board meeting are hereby approved as submitted. Trustee Zhe seconded the motion and it is 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 | Voting | Yes |

## DPW UPDATE:

Superintendent Barrett handed out two quotes for a access control system infrastructure for the Village Hall and Fire Department. The quotes were from:

West Fire systems, Inc.  
Securitronics Intelligent Security Solutions

Superintendent Barrett submitted a quote of \$27,400 from M.W. Controls Service for an auto transfer switch at the Waste Water Treatment Plant. What they have now is obsolete and unusable. It needs to be done soon.

Trustee McKeown – It's a lot of money is there anybody else out there that can do the job so we could get another quote?

John Barrett – I can get other quotes, I need to have someone I trust and know what's going on and M.W. Controls have always done the work. I'll get a quote from O'Connell. The turnaround time is 4-6 weeks.

Superintendent Barrett reported that the tree trimming was done this week. Now brush is being picked up.

**FIRE DEPARTMENT UPDATE:**

Fire Chief Scott submitted a proposal for six (6) Kenwood TK-2312 VHF portable hand-held radios.

The purpose for the radios is to allow contact with incoming mutual aid from other counties (Rush, Scottsville, Mumford) and to allow contact with departments we are providing mutual aid for (Rush, Scottsville, Mumford).

They would be used to contact responding mutual aid equipment as they approach the Village of Avon and contacting departments that we are responding to get directions/instructions.

Cost of the radios is \$318.09 each for a total of \$1,908.54 for six radios. One for each Chief and one for each truck. The pricing is from the State Bid list. The retail cost is \$439.00 each.

This was in the budget from last year under pagers Chief Scott explained.

A motion was made from Trustee Zhe that the Chief pursue the purchase of the six radios. Trustee McKeown seconded the motion and it was carried by the following vote:

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

Chief Scott reported that as the budget year ends he is finding there is a need for 14 helmets at a cost of \$280 each. They should not be used past ten years. After an inspection was done it was found 14 helmets needed to be replaced. We'll see where we are at. Maybe we will have to buy some in this year's budget and some in next year's budget.

Someone will be coming on April 17<sup>th</sup> and 20<sup>th</sup> for physicals for all active members. That will be 25-30 physicals. On April 17<sup>th</sup> we will be looking at a demonstration for a thermal imaging camera.

Mayor Freeman suggested Trustee McKeown and Chief Scott make a list of requirements for clerical duties before the next meeting.

**CODE OFFICER UPDATE:**

Dennis Catuzza called. HUD met w/Mr. Catuzza telling him what's possible to do. If he qualifies, HUD would give money to a contractor. They were in the house in full mask. Everything has mold on it.

Attorney Whiting reported that he had called Mr. Catuzza's attorney and hasn't heard back.

The Code Officer stated that Mr. Catuzza said he's working on it. I think we have to protect the houses next to it. Mr. Catuzza didn't tell HUD there was a demolition order on the property.

Mayor Freeman suggested that we continue with the for sale process and suggested we find out who the person was from HUD and let him know the situation.

Trustee Zhe said we need to move forward.

Mayor Freeman – Do we put the for sale sign up?

Attorney Whiting – Who will field any offer?

Mayor Freeman – Could we hire Peter Burke to take that responsibility on?

Attorney Whiting – He might insist that we get the owner to sign an agreement.

Trustee McKeown – Without Mr. Catuzza and his Attorney we have nothing.

Chief Noble – What about the Department of Health?

Attorney Whiting– I don't know if the opening price is acceptable and if the phases are acceptable. I will proceed how you tell me to.

Mayor Freeman – Do we give them a couple extra days since it was an Easter Holiday?

Attorney Whiting will continue to try to contact Mr. Catuzza's attorney, the Mayor will contact Peter Burke and Mr. Cappello will contact the Health Department. Trustee McKeown will try to get the name of the individual from HUD.

## **POLICE UPDATE:**

Officer McFadden completed the National Child Passenger Safety Certification Training Course. Mark Bishop has been working at the school filling in for Officer McFadden.

**VOUCHERS AND MANUAL CHECKS:**

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

|              |             |
|--------------|-------------|
| General Fund | \$12,068.29 |
| Water Fund   | \$ 2,493.32 |
| Sewer Fund   | \$ 7,218.90 |
| Fund #4      | \$ 1,277.37 |
| Fund #11     | \$          |
| Fund #17     | \$ 3,428.04 |
| Fund #50     | \$          |
| 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 #81 | \$          |
| Fund #82 | \$          |
| Fund #83 | \$          |
| Fund #84 | \$          |
| Fund #85 | \$          |
| Fund #86 | \$          |
| Fund #87 | \$          |
| Fund #88 | \$          |
| Fund #91 | \$          |
| Fund #92 | \$          |
| Fund #93 | \$ 332.08   |
| Fund #95 | \$          |
| Fund #97 | \$          |
| Fund #98 | \$          |
| Fund #99 | \$          |
| TOTAL    | \$26,818.00 |

Trustee McKeown seconded the motion and it was passed 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 | Voting | Yes |

**OPEN PROJECTS:**

Upon a motion made by Trustee Zhe the following project is hereby established as follows:

- BUNY Buckle UP NY in the amount of \$800 fully funded by a NYS GTSC grant
- STEP (Speed & Alcohol) in the amount of \$1800 fully funded by a NYS GTSC grant

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

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

Attorney Whiting reported that Avon Development documents are ready along with the surveyor’s description for a hammerhead turnaround and that he would forward the paperwork to Attorney Ferris.

**JIM SCHILLINGER:**

Jim Schillinger entered the meeting with a concern over what he is being charged for his water bill. He questioned why the filtration charge has not gone down.

Mayor Freeman reviewed the budget with Mr. Schillinger explaining to him what charges go against the water budget. Schedule C sets the wholesale rate.

In 2018 the bond payment will be exhausted and at that time it is the Village’s hope that the rate will be lower. The Town is an equal partner, we get no profit, and they are paying part of the bond payment. The Village writes all the checks, we have to make the payment.

**TRUSTEE’S UPDATE:**

A letter regarding the Livingston County Sewer rate was acknowledged and the Board agreed to make it effective when we first talked about increasing the rate. Attorney Whiting will check into it.

Sites for solar energy were discussed. A suggestion was made to have the site on Reservoir Road. The Board had no downside to the proposal and was comfortable with Larsen Engineering.

The Budget Public Hearing will be held on April 15<sup>th</sup> at 6:15 p.m. and the adoption of the budget will be held on April 29<sup>th</sup>, 2013.

### **EXECUTIVE SESSION:**

Upon a motion made by Trustee Zhe and seconded by Trustee McKeown the Village Board went into executive session at 8:40 pm for the purpose of discussing personnel matters. They exited executive session at 10:00 p.m. The motion was passed by a unanimous vote.

Upon a motion, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,



Patricia E. Baker, Village Clerk