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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, May 20, 2013.

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

Staff: Christine Quinlan
John Barrett
Chief James Noble
Tony Cappello

Reid Whiting, Village Attorney

Visitors: Anne Barrett
Tim McGee
Molly McGee
Carol Sutherland
Karen Henderson
Richard Martin
Brian Shannon
Siren
Dalton Tompkins
Mr. Tompkins
Leah Shea, Genesee Sun

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 Zhe the minutes from April 29, and May 6, 2013 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
Robert Hayes, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

ANNE BARRETT (HOMETOWN HEROES):

Tim McGee was the spokesman for the group and began by thanking the Board for giving them the opportunity to familiarize them with Avon's **Hometown Hero Banner Initiative**.

He explained that private citizens from the Avon community have gathered and would like to implement the **Hometown Hero Banner Program** recognizing our "active duty military." This banner program has been taking root in many towns and villages across the county as well as neighboring communities, such as Honeoye Falls.

The 24" x 36" banners feature a color photograph of the serviceman or woman, their name and branch of service. They would like to have them hung in place of the community the week prior to and the week following patriotic holidays and then be taken down until the next patriotic holiday. For example, Memorial Day, Independence Day and Veterans Day.

Permission was asked from the municipality to display the banners around the Village of Avon and their cooperation in hanging them and removing them.

The group has met with the V.F.W. and the American Legion and have gotten their full support.

Mr. McGee explained that they do not want to ask any families of the service men or women to fund the cost of these banners. The group has ideas for raising funds with the help of the community through donations, and traditional fundraising such as a spaghetti dinner, pancake breakfast, etc. All donations will be used strictly in purchasing the banners.

The cost of banners will be approximately \$80 per banner. They will be done through the Genesee Valley Penny Saver. The banners will be given to the serviceman/woman (or family) after completing their military service.

The program will be open to any person meeting the following criteria:

- 1) Currently serving on active duty in any branch of the United States Military Services or having completed serving on active duty in a branch of the United States Military Services since September 11, 2011. It is not necessary to be deployed or to have been deployed.
- 2) Resident of the Town or Village of Avon or an immediate family member of a resident of the Town or Village of Avon (spouse, son, daughter, brother, sister, grandchild, parent) or a graduate or former student of Avon Central High School.

Trustee Hayes – How many people are there?

Anne Barrett – There are 14 on the wall at the Town Office. We’re at about 20.

Tim McGee - We have an e-mail set up also and maybe we could post it to the website. Perhaps we could have the Village’s phone number listed for questions.

Tim McGee – We will have a follow-up meeting and meet with the Town.

Mayor Freeman sensed the Board is ok with the process?

A motion was made by Trustee Hayes to allow the Village light poles to be used as proposed and the motion was seconded by Trustee Zhe and 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

Mayor Freeman suggested that they print out the schedule of duration and we will put it on the website as Trustee Hayes is currently looking at ways to add more things on the website. Please follow up and report back to the Village Board as you progress.

RICHARD MARTIN (REZONING):

Richard Martin explained to the Board that his purpose for attending the meeting was to clarify what was to be done next. It was discovered by Mr. Martin and Kevin O’Donohue that there are four pieces of property that are not within the correct district, they are zoned R-1 and should be B-2. Mr. Martin felt that as long as he was rezoning his parcel it would be the right time to make the other three parcels correct. Should I go my separate way and do my own rezoning, or keep moving forward and take care of your issues too?

Attorney Whiting – Would the other property owners be willing to have their property rezoned since Mr. Martin doesn’t have the authority to speak for the other property owners.

Mayor Freeman suggested having Code Officer Cappello and Clerk Baker contact Aaron’s Auto Body, Sandy Irish and the owner of the Town Plaza to see if they are willing to rezone their property to B-2. We would have just one hearing on the rezoning changes.

Richard Martin - What about SEQR?

Attorney Whiting – It would be helpful if the other three entities would join in on the process. The Planning Board would be lead agency and Mr. Martin would take the lead and then the other owners would also sign.

Richard Martin – I'll move ahead with the SEQR Short Environmental Assessment Form and the Agricultural Data Statement because I still need those forms done for myself.

Trustee McKeown – I would like to see drawings of what you are proposing because it's going to create a runoff toward the plaza and CVS before we get too far along.

Richard Martin – I have no plans.

Attorney Whiting – MRB could be consulted on the impact.

Richard Martin – I came before the Board a year ago and discussed it. I won't do anything without the zoning in place.

Attorney Whiting commented by stating that Kevin O'Donohue approached him about the possibility of doing part of the project and then move to the other project. I told Mr. O'Donohue that you can't do that. The attorney's job is to advise the Planning Board and Village Board through the process.

Richard Martin – No one on the Planning Board knew this had to go to County Planning Board.

Mayor Freeman asked Trustee McKeown to attend the next Planning Board meeting and express his concern regarding the drainage issue.

According to Mr. Martin the detention pond along Hal Bar Road does not work adequately, it's too shallow. Mayor Freeman agreed to check with MRB on the detention pond.

BRIAN SHANNON LETTER:

A letter was received from Brian Shannon who resides in the Village and is a career firefighter in Greece and volunteer firefighter in Avon. Livingston County Fire Department has purchased a Dalmatian for teaching fire safety education. Mr. Shannon will be volunteering his time to implement this program throughout Livingston County and select places in Monroe County (both fire safety and pet therapy).

A letter was received from Brian Shannon who is a volunteer firefighter in Avon. Livingston County Fire Department has purchased a Dalmatian named Siren for teaching fire safety education. Siren is also in the process of completing his training to become a certified pet therapy dog. Siren is currently five months old. Mr. Shannon put a program together and will be volunteering time to implement this program throughout Livingston County and select places in

Monroe County (both fire safety and pet therapy). He started his training on how to stop, drop and roll. He's appeared on Channel 13 News and WBEE.

The program target areas include:

- Teach fire safety programs in the schools of Livingston County.
- Teach programs in senior living and nursing home facilities and group homes.
- Attend parades and festivals in Livingston County.
- Attend fundraiser and specific fire department functions upon request.
- Visit hospitals, nursing homes, group homes and other areas as needed for pet therapy.

In order to help achieve his goals, Mr. Shannon is asking for donations from the community to obtain funds to buy a 10' trailer. He asked the Village Board and Fire Department if they would be willing to donate the 2003 Ford Expedition.

Mayor Freeman stated that there has been problems with that car and wouldn't want to pass it on the way it is now.

Brian Shannon stated that he had talked with Bryan Scott and he said he would help him out with the problem with the floor. The vehicle recently passed state inspection. The vehicle would be used in parades and to get Siren (therapy dog) back and forth to events.

Mayor Freeman – If we can get the car to a point where it is safe it would be a possibility to donate it. How do you donate it?

Attorney Whiting - Declare it surplus and dispose of it after that.

Trustee McKeown – Are there any issues surplusing to an individual?

Attorney Whiting – If the value is x and cost of repairing of it exceeds x than transfer it as if your giving something with negative equity. It's an aged vehicle. You would need a letter from a reputable mechanic.

Trustee Batzel – The vehicle has value even if it is scraped I wonder who else could come along and ask for a vehicle. I believe we would be setting a precedent.

Mr. Shannon informed the Board that the Fire Chief's Association gave the program \$1500. Other organizations have also made donations and Mr. Shannon's time is donated.

Mayor Freeman – There is liability for you to go around the county doing the program.

Brian Shannon– We have looked into this with the county. The Emergency Management Services is looking into the liability.

Trustee Batzel – How about if we donate the vehicle to the Fire Chief's Association?

Trustee Batzel agreed to talk with the Fire Chief's Association on that.

Mayor Freeman instructed Clerk Baker to call Teitsworth and find out the value of the old Fire Expedition.

TREASURER'S UPDATE:

VOUCHERS AND MANUAL CHECKS:

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

General Fund	\$ 50,882.51
Water Fund	\$ 400.67
Schedule C	\$ 1,238.71
Sewer Fund	\$ 17,529.03
Fund #10	\$
Fund #11	\$
Fund #17	\$ 110.62
Fund #47	\$
Fund #48	\$
Fund #49	\$
Fund #50	\$ 11,251.34
Fund #51	\$
Fund #52	\$
Fund #53	\$
Fund #54	\$
Fund #55	\$
Fund #56	\$ 11,547.57
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	\$ 39,369.30
Fund #87	\$
Fund #88	\$
Fund #91	\$
Fund #92	\$
Fund #93	\$
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$270,607.41

Manual Checks:

Starr Uniforms	Ck.# 4531	\$2,969.00
NYS Child Support Proc. Center	Ck.# 3981	\$ 256.00
NYS Child Support Proc. Center	Ck.# 3982	\$ 767.00
Nationwide Retirement Solution	Ck.# 3983	\$1,081.00
R.T. Masters Stone Co., Inc.	Ck.# 22317	\$ 100.00

TOTAL: \$5,173.00

Trustee Hayes 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
Trustee Timmy Batzel	Voting	Yes

DEPARTMENT OF PUBLIC WORKS UPDATE:

- County meter has been broken for a long time and Village is still estimating their bills
- Superintendent Barrett will schedule a tour of the Waste Water Treatment Plant with Bill Davis of MRB and the Trustees
- Pouring sidewalks & resetting base of light pole

Board discussed the solar panels and agreed the site on Reservoir Road would work.

CODE ENFORCEMENT UPDATE:

184 East Main Street – Mr. Armitage called today. No estimates given to Homestead by Mr. Catuzza. Dennis needs to take the initiative and get estimates. He has done nothing to advance the construction project.

Mayor Freeman – Who would write specifications for demolition? We need to start heading in that direction. We need to advertise for bids.

Attorney Whiting – Demolition isn’t covered by code but lawn care is. You could sue him and get a judgment against him. Attorney Whiting will check our code.

Clerk Baker was instructed to call LeRoy and Lima to get specifications for demolition.

Tony Cappello reported that he had talked to Mark Alexander on cutting the turn around. He was told he can’t do it because he doesn’t own the property.

Mayor Freeman – Has he asked for Certificate of Occupancy inspection?

Code Office Cappello– It won’t be until the middle of June.

Attorney Whiting – The Development Regulations require access to public right-a-way. Attorney Whiting will check into that also.

15 Bridge Circle – Met with guy who made complaint, told them they should get a lawyer because the Property lines have been crossed.

The Code Officer informed the Board that he would like to send letters to homeowners to let them know they are in violation of the code if their roofs need to be replaced. 45-60 days to remedy the situation will be given. Our compliance book tells us what we need to do.

TRUSTEE’S UPDATE:

A spreadsheet from the New York Main Street Review Committee was submitted and read aloud. The following is a list of applicants who applied for a grant and the amounts that were issued:

- Wayne & Curt Schultz \$53,000
- Robert Welch \$26,000
- Darryl & Vandana Pozzanghera \$20,600
- Ruth Ann Lewis \$10,000
- Jean Schoenthal \$10,000
- Clark Rittersbach \$ -0-
- Lee Larkin \$ -0-
- Richard Martin \$ -0-
- Richard Martin \$ -0-
- Avon Free Library \$ -0-
- Michael Oros \$40,000
- Daniel Driscoll \$ -0-
- A & B Apts. \$ -0-
- A & B Apts. \$ -0-
- Daniel Driscoll \$ -0-
- Thomas Salviski \$ 7,500
- Connie Ryan \$40,000
- Timothy Cole \$ 9,150

A motion made by Trustee McKeown and seconded by Trustee Hayes authorizing Mayor Freeman to sign the letters for approval of the grant money. The motion was carried by the following vote:

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

DPW UNION CONTRACT APPROVAL:

The Village Board reviewed the final contract between the Village and Service Employees International Union for the DPW for the period of January 1, 2013 to December 31, 2016.

A motion was made by Trustee Zhe and seconded by Trustee McKeown to approve the contract as presented. The motion was carried by the following vote:

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

TOBACCO FREE PARK & PLAYGROUND:

Trustee Zhe reported that a request was made by "TOBACCO ACTION PARTNERSHIP OF LIVINGSTON COUNTY" a program of the Livingston County Department of Health to adopt a Tobacco-Free policy. They are working together to reduce the use of tobacco and exposure to secondhand smoke in Livingston County. One of the goals is to assist in the development of tobacco-free playgrounds, parks, and recreation areas within our county.

The Village and Town of Geneseo have created tobacco-free outdoors areas for their communities.

What areas should be tobacco free? Trustee Zhe stated that he didn't need an answer that night, but it's something to think about. The County has initiated this.

Chief Noble – Who will do the enforcement and what is it? That might be something you should consider.

Trustee Hayes – I would like to see it enforced at government buildings, Driving Park, Case Park, Circle Park, etc.

PLANNING BOARD VACANCY:

Next meeting there will be a couple recommendations

LIVINGSTON COUNTY SEWER:

A letter was sent to Catherine VanHorne, of Livingston County Water & Sewer on March 28, 2013 advising her that the Village was proposing a rate adjustment for the Interceptor Sewer.

In return, Catherine VanHorne requested to do the increase in phases. It was suggested by the County that for the remaining 2013 increase the rate by \$.029 and then up to the full rate beginning on January 2014. The total increase \$1.62 up from \$1.00. County wants to phase it in.

After a brief discussion, Board thinks they should go forward and pay the full increase starting immediately because this has been going on for some time.

FIRE DEPARTMENT APPLICATIONS:

Three Fire Department Applications have been submitted to the Village Board for approval:

- Shane Sweazy
- Richard Rees
- Jordan Cooney

A motion was made by Trustee Zhe and seconded by Trustee Hayes to approve the three applications into the Fire Department as submitted. The motion was carried by the following vote:

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

RESOLUTION FOR SOLAR PANELS:

BE IT RESOLVED that the Village of Avon is interested in pursuing NYSERDA Solar PV grant funding via a NYSERDA approved installer for controlling and reducing their future energy costs. Energy costs are a concern to the community and this grant program allows Municipalities to control the cost via local production and provides significant long term economic benefit.

A motion was made by Trustee Hayes authorizing Larsen Engineers to conduct the necessary engineering work for preparing a Request for Proposal (RFP) from prospective Solar PV Developer/Installers. Larsen will undertake this work at no upfront cost to the

Village and their compensation would be part of the cost paid by the Developer/Installer. The motion was seconded by Trustee Batzel and 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

Erie Attica – Due to existing easements and land rights the relocation work has been deemed a project eligible cost by NYSDOT. The inclusion of this work into the project, as an eligible expense, is in accordance with the New York State Procedures for Locally Administered Federal Aid Projects.

The project eligible costs associated with the increased coordination are \$92,500 and include:

- \$70,000 estimated construction cost for relocation of gas main
- \$22,500 for utility company legal and on- site inspection services associated with project oversight

The extent of utility coordination, impact and costs were not included in the originally scoping and funding of the Erie Attica Bridge and Trail Project.

A motion was made by Trustee Zhe authorizing Mayor Freeman to sign the Federal Aid – Local Projects Utility Work Agreement for the Erie Attica Bridge & rail Project. The motion was seconded by Trustee Hayes and 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

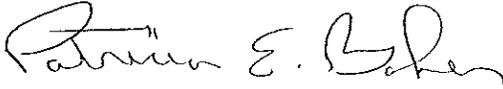
POLICE UPDATE:

EXECUTIVE SESSION:

Upon a motion by Trustee Zhe, the Board entered executive session at 8:30 p.m. to discuss personnel matters. The motion was seconded by Trustee Batzel to exit executive session at 9:30 p.m.

Upon a motion the meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk