

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, February 3, 2014.

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

Staff: Tony Cappello
Chief Gary Benedict
Sergeant Joe Geer
John Barrett
Christine Quinlan

Visitors: Judy D'Angelo
Jean Schoenthal
Mark Rankin
Maureen Kingston
Bill LaBine
John Marks
Dwight Brown

Mayor Freeman called the meeting to order at 6:00 p.m.

POLICE UPDATE:

UPDATE ON DEPARTMENT HANDGUNS:

- a. Current department handguns are 10-12 years old
- b. Experiencing some mechanical problems & malfunctions
- c. Best offers are the Glock Gen4 or Sig Sauer P227 both .45 cal.
- d. Trade in of old weapons
- e. Sell a spare department 38.Spc for approx. \$100.00

Sig Sauer P227	\$2,625.00
Mag. Holders	\$ 220.00
Total	\$2845.00

Glock Gen4	\$1,612.60
Transition Training	\$1,200.00
Total	\$2,812.60

There was \$3,000 budgeted for an Evidence Management System. I would like to use that money that was budgeted toward the handguns. The holsters will be the same and the ammunition is the same as we use now.

A motion was made by Trustee Batzel and seconded by Trustee Zhe to approve Chief Benedict's proposal for handguns not to exceed \$3,000. 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

Chief Benedict also submitted a quote for items to update the 2011 Crown Victoria, Car 202. He would like to buy a new partition that will hold the rifle/shotgun. He would also like to purchase a new computer mount and a new mount for the radio, printer and control panel. Money that is left from physiological and polygraph testing will cover the costs involved.

A motion was made to approve the purchase of the items for the 2011 Ford Crown Victoria by Trustee Zhe and 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
Timmy Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

Chief Benedict reported that he had received the final paperwork for Travis McFadden and that he had complied with the criteria for Civil Service.

Mayor Freeman-- We should look at the list from Civil Service and prepare for next year's budget. Mayor Freeman asked Chief Benedict to get the list from Civil Service and that will begin the process.

Chief Benedict reported that the week-end had been busy with five arrests, two stolen cars, and two assaults.

Chief Benedict informed the Board that both Officer Bingham and Officer Ferrara had left the Village this week-end to help with arrests at the request to assist.

DPW UPDATE:

- Pulled grinder out of channel for repair
- Pump station blew a coupler and Tom and Kirk repaired it this week-end
- Trees all done
- Grinding all done and going to do stumps now
- St. Agnes coming through shop tomorrow.
- Chad has fixed the Merry Go Round.
- Bob Barrett installed a new gas tank and thermostat on the dump truck
- Still picking up Xmas trees
- Going to school on the 14th for a meeting on drainage issues

Mayor Freeman – Do you have ability to salt sidewalks?

Superintendent Barrett – Just with a grass seed spreader. We only do downtown; we don't have the ability to salt every sidewalk.

A letter was received from Kurt Rappazzo an Engineer from MRB Group regarding North Avenue Heights Subdivision. He believes there is a serious potential water problem when the last homes are built.

There are concerns regarding the construction of the two lots (Lots 1 & 21). The concerns stem from the fact that both houses are nearing completion and the associated contractors are requesting Certificates of Occupancies be issued, despite a number of site and drainage related work items remain to be completed. This has become an issue because these items cannot be properly completed until spring, when the ground thaws and site work becomes possible.

The Village Code requires that surface and subsurface water shall be appropriately drained to protect buildings and structures, and the Development Regulations similarly state that lots shall be graded to provide positive drainage away from buildings.

Side lot swales need to be installed to direct sheet flow towards D'Angelo Parkway and a berm is to be installed along the western property line of Lot 1.

When installing the side lot swales, the contractor shall respect the gutter and not install the swale invert below the lip of the gutter. If a significant slope or grade difference remains between the swale invert and the gutter, then the contractor shall provide rip rap or some other

suitable stabilization measure to protect the slope from erosion. Kurt indicated if this was a new subdivision today, it would be a whole different criteria built in, like curtain drains.

Mayor Freeman commented by saying that it's up to the Village to protect the people along North Avenue from flooding. When the development was initially proposed Missy Rowe talked about putting in berms. Mayor Freeman briefly mentioned the possibility of asking for an easement and putting in a curtain drain.

The Code Officer stated that Gerber didn't look at the site plan for Lot 1, but Visca Builders did see the drawing for Lot 21. So, at the present time Mann's who have built a home on Lot 1 are responsible for putting in a \$4,000 berm. .

Tony said he told the contractor for Gerber Homes that there was a berm to go in when they were digging the basement.

Mayor Freeman – The drawings show swales, some homeowners have filled the swales in. We need to enforce the drawings.

Trustee Hayes – How do we close the loop? The builders need to look at the drawings.

Mayor Freeman – The Code Enforcement Officer needs to show the builders when they come in to fill out the permit the maps. I'll wait for MRB's review because those houses need to be protected.

EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe the Board went into executive session at 6:30 p.m. to discuss contractual matters. Trustee Batzel seconded the motion and the Board exited executive session at 6:45 p.m. The motion was carried by a unanimous vote.

Mayor Freeman reported to the Board that he and John Barrett had met with Matt Rankin of Larsen's Engineering regarding the solar panels. Reservoir Road is not capable of handling it and the Town is going separately. We took Matt down to the only viable place down by the Waste Water Plant. The cell tower would cast enough of a shadow so he is going to sketch out a plan. They need totally unrestricted sun.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Hayes the minutes from January 27, 2014 meeting 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
Timmy Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

VOUCHERS AND MANUAL CHECKS:

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

General Fund	\$ 9,447.95
Schedule C Fund	\$ 7,253.83
Water Fund	\$ 1,751.05
Sewer Fund	\$ 81.86
Fund #10	\$
Fund #11	\$
Fund #17	\$ 2,939.44
Fund #47	\$
Fund #48	\$
Fund #50	\$
Fund #51	\$
Fund #52	\$
Fund #53	\$
Fund #54	\$
Fund #55	\$
Fund #56	\$

Fund #57	\$
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Fund #86	\$
Fund #87	\$

Fund #88	\$
Fund #91	\$
Fund #92	\$
Fund #93	\$
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$ 21,474.13

Manual Checks:	Jean Schoenthal	NYMS Grant Pmt.#1	\$10,000.00
	Robert Welch	NYMS Grant Pmt. #1	\$26,000.00
	Postmaster	W/S Bills	\$ 390.32
		TOTAL:	\$36,390.32

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

SEWER UNITS:

COMMERCIAL SEWER UNITS:

The Board reviewed the proposed commercial sewer unit changes. These accounts include multi-structures, i.e. a business with apartments above, as well as strictly commercial businesses is as follows:

<u>Acct.</u>	<u>Name</u>	<u>Present</u>	<u>Proposed</u>
1001300	Matthew Murphy	3	4
2006700	Edward Coyne	W-28,SE-24	W-27,SE-23
2006800	Community Bank	2	1
4001000	ACS Elementary School	10	8
300100	Pizza Land	3	5
300700	St. Agnes School	3	2
4001100	ACS High School	26	24
500200	Richard Martin	1	4
500600	PEMM, LLC	22	26
5001125	Avon Towne Plaza	1	2
5001500	Tom Wahl's	16	18
5002050	McDonalds	9	7
5002100	Peppermints	6	7
5002250	Tops Markets	9	8
5002251	Cole Real Estate Investment	6	11
6006800	Community Integrated Svcs.	2	1
7005300	Michael Oros	1	2
11002500	B&B Precision	3	4
12004300	Star Headlight	18	11
12004600	Gray Metal Products	8	9
12004800	Aldon	8	6
12005500	A.B. Eqt. Co.	2	3
	TOTAL W	187	188
	TOTAL SE	183	184

The Board directed that the property owners be notified of the proposed changes. A motion was made by Trustee Batzel and seconded by Trustee Hayes that a public hearing is scheduled for the second meeting in March on Monday, March 31st at 6:00 p.m. 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	Voting	Yes
Trustee Timmy Batzel	Voting	Yes

NEIGHBORHOOD MEETING (PARKS/PLAYGROUND):

Mayor Freeman welcomed the visitors and turned the meeting over to John Marks who is Chairman of the Parks Commission. We have over 90 acres of parks in the Village and each one was listed and described. They each have their own characteristics. He informed the visitors who was on the Parks Commission and who was on the Playground Committee.

The playground is our biggest project John explained. It started three years ago. We did an on line survey. Got people outside the park commission to put together some ideas and talked with some vendors. We decided we're not going to fix the current playground; we're going to replace it. In the process of designing someone suggested Bears who are local, seven miles away and their product of natural wood fits into our park.

Drawings of proposed playground were shown and discussed.

Bill LaBine -- Natural wood, that's great. But at school we replaced it with plastic because it kept rotting.

John Marks -- It is white cedar and will be stained every 3 years. What was at school was pressure treated and that's not the same.

Maureen Kingston -- What is the timeline?

John Marks -- 2014, our thermometer is going up, we're at 86-87% of our goal to our budgeted \$80,000. We gave Bear some money this week. It will be done in a couple of phases and John Barrett will do site work which will save us money. We are going to use mulch. It has to be at least 9" deep with fabric underneath.

Trustee Hayes -- Will Bears manage the installation?

John Marks -- Yes, his people will install his equipment. There will be an area for ages 2-5, and an area for 5-12 year olds.

John also mentioned the trails that are down at the Driving Park. It started out a Scout project, and Jim Fusco has expanded it and keeps it cleaned out. It follows the outlet. He keeps it mowed down.

We did a grant request which we didn't get. Part of the package was the letters of support. One letter was from the elementary school principal Rob Lupisella. He cited not the obvious, kids running around, but physical activity. The kids that are active in play pay better attention and are more cooperative with friends and more cognitive. They take direction from each other.

Mary Rankin – Is the mound incorporated in the natural park?

John Marks – It's an \$7,000 option if we decide to do this. It would be a mini mountain. The only reason it's an option is the price. We're working hard to get it.

John Marks mentioned the idea of pickle ball. We've been looking at it. It is a cross between badminton and tennis and is for people of all ages. We have room for two courts.

The Five Arch Bridge is a long term project. The stone needs to be repointed. Shrubs need to be replaced in the Circle Park around the monument.

Mayor Freeman – Jim Fusco as I like to call him “Park Ranger” and Duane Staples are the type of employees anyone would love to have. It's these kind of guys that are willing to come in and work and their work ethic is fantastic, they need no supervision. We're going to put out a call for more laborers like Jim and Duane. They look beyond what they are asked to do and look for things that need to be done.

Money for the playground is coming from every sector of the community. Every business person got a letter. Youth football, softball, middle school girls did a run a thon, churches, etc..

Dwight Brown questioned the ownership of a piece of property that is to the south end of the bridge.

Mayor Freeman – It's not impossible to get a landlocked easement to obtain access to the property for maintenance.

TRUSTEE'S UPDATE:

VILLAGE OF AVON WASTEWATER ENGINEERING STUDY:

In order to remain on schedule and enter into a Grant Agreement with EFC, there are several steps that must be completed by the Village. The grant requires that the Village seeks 20 percent participation by New York State certified Minority and/or Women Owned Business Enterprises for contracted work that exceeds \$25,000. Additionally, this award requires that we provide a 20 percent minimum local match of the total project cost.

The following resolution was offered by Trustee Batzel who moved its adoption, seconded by Trustee Hayes.

RESOLVED that Mayor Thomas Freeman is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Avon’s obligations under the Engineering Planning Grant Agreement.

The motion having been duly offered and seconded and 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

Resolved THAT THE Village of Avon authorized and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Village of Avon Wastewater Engineering Study Project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Village Board shall not exceed \$12,500 (based upon 20% of total project costs) based upon a total estimated maximum project cost of \$42,500. The Mayor may increase this local match through the use of in kind services without further approval from the Village.

SEQR Type II Determination Resolution

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision © of that section are not subject to environmental review under the Environmental Conservation Law;

The following resolution was offered by Trustee Hayes, who moved its adoption, seconded by Trustee Zhe.

NOW, THEREFORE, BE IT:

RESOLVED that the Village of Avon hereby determines that the proposed Village of Avon Wastewater Engineering Study is a Type II action in accordance with 6 NYCRR section 617.5©.

RESOLVED that Mayor Thomas Freeman is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the Village of Avon's responsibility as lead agency for this action.

The motion having been duly offered and seconded and 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

FIRE DEPARTMENT PETITIONS:

The Village Board hereby acknowledges the petitions of the following for the 2014 Fire Department election scheduled for Thursday, April 3, 2014.

Daniel Snyder	Fire Chief
Brian Strozewski	1 st Assistant Chief
David Piampiano	2 nd Assistant Chief

A motion was made by Trustee McKeown and seconded by Trustee Hayes to accept the letters. It was carried by the following vote:

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

Trustee Zhe asked if we have an agenda for the upcoming meeting with the Town.

Mayor Freeman informed the Board that he and Dave LeFeber are going to meet with Vanda Pozzanghera who owns 55 Genesee Street to discuss the property behind the building.

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

Respectfully submitted,



Patricia E. Baker
Village Clerk