

**MINUTES OF A MEETING OF THE
AVON VILLAGE BOARD OF TRUSTEES
MONDAY, APRIL 21, 2014
6:00 PM; VILLAGE HALL, WHITNEY ROOM**

I. ATTENDANCE

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

John Barrett, DPW Superintendent
Gary Benedict, Jr., Interim Chief of Police
Anthony J. Cappello, Code Enforcement Officer
William Davis, MRB Group
Joseph K. Geer, Sergeant, Police Department
Daniel Snyder, Fire Chief
Reid A. Whiting, Village Attorney

II. POLICE UPDATE

Gary Benedict, Jr., Interim Chief of Police
Joseph K. Geer, Sergeant

**A. Deer-Related Incidents
Calendar 2013**

Trustee Hayes had previously asked about deer-related incidents.

Sgt. Geer reported the department had responded to 12 motor vehicle accidents and five other deer-related incidents in calendar 2013.

The department had recorded 538 man hours over the 2-week period March 29 through April 11, Mayor Freeman noted, adding that worked-out to 37 hours per day and seemed excessive.

The department had been contending with the March 28 Tops Friendly Market robbery, Geer answered.

**B. New Vehicle
2014-2015 Budget**

The Board would be adopting the 2014-15 budget that night, the Mayor said, then the Village would begin collecting taxes in June. There was a project in the proposed budget for a new vehicle for the Police Department.

The three vehicles under consideration were the Chevy Tahoe, which was not available on state contract, the Ford Expedition and the Dodge Charger. In addition to the purchase price, any vehicle acquired would have to be outfitted.

Patrol Officer Michael G. Bihrlie hadn't been on duty and was expected to resign in the next week or two, Chief Benedict reported. The department would begin advertising for another part-timer when that happened, he added.

C. Little League
Opening Day Parade

Mayor Freeman asked if the department was all set for the Little League Parade.

Opening Day was Saturday, April 26. Players had been asked to assemble in the Milex Commons parking lot off Genesee Street at 10:00 AM then teams would march to the Downs (Avon Driving Park) for Opening Day ceremonies then kick-off the 2014 season with games.

Patrol Officers Dan Gleason and Mark Bishop had been assigned to the parade detail, Chief Benedict reported.

III. **DPW UPDATE**

John Barrett, Superintendent
William Davis, MRB Group

A. Leaf & Brush Collection
Monday Pick-ups Underway

The crew had begun working on LEAF AND BRUSH COLLECTION, Supt. Barrett told Trustees. It had taken them from 7:00 AM until 2:30 PM and 20-loads just to get off North Avenue, he added. DPW was working as fast as they could and were almost through with the first round.

Mayor Freeman asked Supt. Barrett if he could map out their route.

He had mapped out a route, Supt. Barrett said, but added he didn't like to announce it because residents might expect the crew one morning and, because of the volume, they might not get there until the next afternoon.

Leaf and brush pick-ups were being done on Mondays, Supt. Barrett continued. James Fusco and Duane Staples were working in the parks, picking up sticks and making sure the water in the bathrooms as well as to the fields worked.

B. Lead Wastewater Treatment Plant Operator
Applications Closed April 15

Concerning the LEAD WASTEWATER TREATMENT PLANT OPERATOR position the Village had advertised, Supt. Barrett said they were looking for candidates with a Grade 3 Operator's certificate from the State Department of Environmental Conservation (DEC).

The number of responses has been good, Davis told Trustees.

You need to have a salary in mind, Supt. Barrett said, noting nothing had been mentioned in the advertisement.

We understand we're buying a license (certificate), Mayor Freeman remarked.

Most candidates have listed what they're making, Supt. Barrett said, adding they could look at that.

Do we need to interview all these candidates? Trustee Zhe asked.

Are you going to have a ROUND 1 then whittle it down? Davis followed-up.

Supt. Barrett didn't see any reason to interview candidates without a license.

That had been a requirement, Mayor Freeman agreed, adding they would want to have an evaluation or rating process, two Trustees would be involved.

Some of the candidates had Grade 2A certificates, Supt. Barrett remarked. The "A" was for AERATION and Avon didn't have aeration. He and Davis could come back to the Board with a list and go from there.

The Mayor went along with that.

C. Drainage Planning
With Avon Central School

Updating Trustees on other matters, Davis said MRB should have the Engineering Planning Study Report they were doing for the Village to Treasurer Christine Quinlan in a few days.

They'd had a meeting over drainage at Avon Central School and the school had told them their plans, Davis said, adding the consensus had been for the Village to do something in connection with the school.

... but, the school could only fund things on their land, Supt. Barrett added.

Were they were satisfied with the school's drainage study? The Mayor asked.

They hadn't gone over the school's calculations, Davis said, but noted the school seemed to be on a fast track.

The Village should get the school's engineering report and let MRB take a look at it, Supt. Barrett remarked.

Davis said he would request the school's drainage calculations and, if there was an issue, the Village should put them on notice.

IV. CODE ENFORCEMENT OFFICER UPDATE

Anthony J. Cappello, Code Enforcement Officer

- A. Charlene Babcock
127 Prospect Street
Clean-up Letter

Cappello said he had sent Charlene Babcock of 127 Prospect Street a CLEAN-UP letter. The deadline was April 24, but Cappello doubted the property would be cleaned-up by then. He asked Trustees what the follow-up course of action should be.

Bring in a DPW crew, do the work then put the cost on her tax bill, Atty. Whiting suggested.

Cappello said he had given Babcock 2½-weeks to clean-up and she had done nothing to show improvements. She had started two fires and Cappello had told her burning wasn't allowed in the Village. He thought the follow-up course of action should be to get her into court and let them deal with her.

Justice Joseph Temperato was reasonable, Mayor Freeman said.

Cappello said he'd asked Babcock to put a dumpster out there, but she hadn't.

- B. North Avenue Heights Subdivision
Sidewalk Installation
Mary Julia (Judy) D'Angelo, Developer

Cappello had talked to D'Angelo and showed her a copy of the sidewalk plan that had been approved in 2003. The North Avenue Heights Subdivision had been developed by her late husband, Samuel D'Angelo.

Cappello told Trustees he had told D'Angelo she would have to get bids for installing a sidewalk in the subdivision, 2,400 to 2,500 lineal feet of sidewalk would likely cost her \$50,000. Cappello said he had also talked to her about an easement for the berm, intended to prevent ground water from migrating down the hill and flooding the basements in North Avenue homes.

Atty. James McCann of 9 Genesee Street was D'Angelo's attorney and was supposed to have contacted him, Mayor Freeman said.

The sidewalk was supposed to be installed when 22 of 25 lots in the subdivision had sold. D'Angelo had questioned the number of lots sold and the number developed, but the bottom line was she needed to get quotes from bidders, Cappello said.

Gray Metal Products, Inc., of 495 Rochester Street had finished the roof on their 89,700-square-foot addition, Cappello told Trustees. He had taken pictures of the project from start to finish.

The Village hadn't been able to locate Dennis R. Cattuzza, formerly of 183 East Main Street, yet, Cappello said. Catuzza's house had deteriorated to the point of being unsafe, at which point the Village had ordered demolition.

Whiting said he had asked the phone company, the Department of Motor Vehicles (DMV) and the State Retirement System to disclose Catuzza's address. He had gotten a phone number, but Catuzza never answered.

V. FIRE UPDATE

Daniel Snyder, Chief

**A. Commercial Washer/Extractor Purchase
\$6,793.00 Best Quote**

The Fire Department would have money left-over in their A3410.2 account from equipment they wouldn't be buying this year, Snyder began. The department would like to use the money to buy a commercial washer/extractor to wash the fire fighters turn-out gear.

The department was hoping washing the gear would save them purchasing new. Snyder added he didn't want to risk fire fighters coming down with cancer from breathing contaminants from gear that hadn't been properly cleaned.

Snyder had four quotes: 10,495.00 from Dival Safety & Supplies, Buffalo
 9,738.00 from Statewide Machinery of Rochester
 9,682.00 from Empire Laundry Machinery of Rochester
 7,043.00 from Mac-Gray Corp. of Buffalo

Furthermore, Snyder said the department could get a \$250.00 rebate from Mac-Gray, bringing the purchase price from them down to 6,793.00, if they took delivery of the unit by a certain date.

The washer/extractor would go right next to the wash room at the fire station. The department planned on purchasing an ambient air dryer in next year's budget, Snyder told Trustees.

MOTION: Trustee Hayes moved for approval of the purchase of a commercial washer/extractor from Account A3410.2, seconded by Trustee McKeown.

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

CARRIED, 5 Ayes, 0 Nays

VI. ADOPTION OF THE ANNUAL BUDGET

The proposed 2014-15 general fund budget amounted to \$1,505,280 with a tax levy of \$1,009,981 and a tax rate of \$6.13 per \$1,000 of assessed valuation, up 1.11 percent from the 2013-14 rate of \$6.06 per \$1,000.

MOTION: Trustee Zhe moved for adoption of the proposed 2014-15 general fund budget, seconded by Trustee McKeown.

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

CARRIED, 5 Ayes, 0 Nays

VII. REID A. WHITING – FOLLOW-UP ITEMS

Reid A. Whiting, Village Attorney

**A. Alexander Crossing Subdivision
Pole Bridge Road**

Livingston County Attorney David J. Morris was on vacation, the administrator was off and no further information was available on the Alexander Crossing Subdivision, Atty. Whiting told Trustees. The roughly 40-acre subdivision had sold October 24, 2013 at the Livingston County Real Property Tax Foreclosure Tax Auction in Mt. Morris.

**B. Avon Commons/Mascot, Inc.
Sold to Morgan Avon Court LLC & Morgan Avon Commons LLC
1080 Pittsford-Victor Road, Suite 100; Pittsford, NY 14534**

Any buyer would be bound by the same zoning regulations as the seller, Mascot, Inc., Atty. Whiting assured Trustees. The buyer could not run roughshod over the Village's Planned Residential Development District (PRDD) regulations, he added.

**C. Local Law No. 1 of the Year 2014
Designating the Commercial/Mixed Use District
Ready for filing with the State Department of State**

Atty. Whiting had prepared the filing form for Local Law 1 of 2014 and turned it over to Deputy Clerk Gary Margiotta for signature, dating and filing with the New York State Department of State in Albany. The Village Board had adopted the law March 31 and Atty. Whiting said it could be sent in.

D. Avon Community Playground Volunteer
Indemnification Arrangements

Ground would be broken on the new \$80,000 Avon Community Playground at the Avon Driving Park, 350 Spring Street, on Wednesday, April 30.

The person working on the playground was volunteering his time, but Atty. Whiting said concern had been expressed about indemnifying the worker against any claim that might arise in connection with his work.

Mayor Freeman asked if it would be better if the Village put the volunteer on the payroll for the six weeks the playground was under construction.

The volunteer would be covered completely, if he were a Village employee, Atty. Whiting responded.

Mayor Freeman confirmed Board members agreement with putting the volunteer on the payroll at minimum wage.

Groundbreaking ceremonies were scheduled for 5:00 PM Wednesday, April 30, Trustee Zhe said, then ribbon-cutting on the completed playground would follow at 11:00 AM Saturday, June 21.

E. Signage Recommendation
Local Law Being Drafted

Trustee Hayes inquired as to the status of the Planning Board's October 7 recommendation for legislation requiring the posting of signage on property where any action requiring a public hearing had been proposed, actions such as: site plans, subdivisions, rezoning requests and variance applications.

The Planning Board had also recommended the legislation include a permit fee surcharge of \$5.00, \$10.00 or \$15.00 to cover the cost of the sign and that the legislation identify who would be responsible for posting the sign and returning it.

Atty. Whiting took the recommendation to draft a local law.

F. Exceptional Community Service
Giving Vacation Time as a Reward

Mayor Freeman asked the Village Attorney about giving vacation time as a reward for employee devoting time to "exceptional community service."

No problem - as long as there was no violation of the collective bargaining agreement, Atty. Whiting responded.

G. Groundwater Concerns
Behind Hal Bar Road Properties

Robert Austen of 5 Hal Bar Road had raised concerns over ground water and run-off in the open field behind Hal Bar Road homes, Mayor Freeman reported. Austen had brought the matter up at the Planning Board’s April 15 meeting.

The Village had a retention pond in that field, but Austen claimed it wasn’t working effectively. Austen had drafted a letter and was circulating it to area residents for their signatures before he submitted it to the Village.

VIII. STANDARD ITEMS

A. Approval of the minutes of April 7, 2014

MOTION: Trustee Hayes moved for approval of the minutes of April 7, 2014, seconded by Trustee Zhe.

Mayor Freeman	Voting	Yes
Trustee Batzel	Voting	Abstaining
Trustee Hayes	Voting	Yes
Trustee McKeown	Voting	Yes
Trustee Zhe	Voting	Yes

CARRIED, 4 Ayes, 0 Nays, 1 Abstention

IX. TREASURER UPDATE

Christine Quinlan, Treasurer

A. Year-end Transfers

MOTION: Trustee Zhe moved for approval of year-end transfers, seconded by Trustee Hayes.

Mayor Freeman	Voting	Yes
Trustee Batzel	Voting	Yes
Trustee Hayes	Voting	Yes
Trustee McKeown	Voting	Yes
Trustee Zhe	Voting	Yes

CARRIED, 5 Ayes, 0 Nays

B. Vouchers & Manual Checks

Vouchers amounted to:	25,388.46	General Fund
	7,631.25	Schedule C Fund
	503.30	Water Fund
	31,959.41	Sewer Fund
	189,615.59	Manual Checks (Bond Principal & Interest)
	8,871.35	Capital Fund
	263,969.36	Grand Total

MOTION: Trustee McKeown moved for approval of the vouchers and manual checks, seconded by Trustee Zhe.

Mayor Freeman	Voting	Yes
Trustee Batzel	Voting	Yes
Trustee Hayes	Voting	Yes
Trustee McKeown	Voting	Yes
Trustee Zhe	Voting	Yes

CARRIED, 5 Ayes, 0 Nays

X. ADJOURNMENT

MOTION: Trustee Hayes moved for adjournment at 8:22 PM, seconded by Trustee McKeown.

Mayor Freeman	Voting	Yes
Trustee Batzel	Voting	Yes
Trustee Hayes	Voting	Yes
Trustee McKeown	Voting	Yes
Trustee Zhe	Voting	Yes

CARRIED, 5 Ayes, 0 Nays

Respectfully submitted,



Gary Margiotta
Deputy Clerk