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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, May 19, 2014.

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

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

Reid Whiting, Village Attorney

Visitors: Russ Garland
Mr. & Mrs. Joe Santacrose
Pete Leone
Rich Cunningham, THOMA
Kay Conlon
Lois Shumanski
Klaas DeWaard
Peter Burke
Bill Montague
Russ Brown
Bill Davis, MRB Group

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

CLEAN WATER STATE REVOLVING FUND GRANT PROGRAM:

A motion was made by Trustee Zhe authorizing Mayor Freeman to sign the grant agreement to provide financial assistance to eligible recipients for the planning of eligible projects, as provided in the New York State Environmental Facilities Corporation Act and to establish a Clean Water

State Revolving Fund Engineering Planning Grant Program in order to provide financial assistance to pay for the initial planning of eligible Revolving Fund water quality projects. The motion was seconded by Trustee McKeown 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

POLICE UPDATE:

ESTABLISH CAPITAL PROJECTS:

Upon a motion made by Trustee Zhe the following project is hereby opened:

- APD vehicle for \$30K from HR22-General Equipment Reserve

Trustee Hayes seconded the motion and 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

Chief Benedict updated the Board on the following items:

- New guns came in and everyone is being trained. Then we'll close out that project.
- Tomorrow Kenny Ippolito taking radar to be recertified in Albany.
- Mark Bishop going to Taser School at the end of the month. He is the only one not certified.
- Mike Bihrlle will be resigning, He will forward a letter. He's moving to Ithaca.
- A Criminal Mischief report was done in regard to the slide at Case Park. It appears to be a misunderstanding and the legs to a slide were cut off. The

individual who was charged stated he would either fix the slide or pay for damages.

- All set for Memorial Day details.
- Matt broke his hand playing softball. He will be out 2-4 weeks. It's his left hand. Would anyone be opposed to send him to a training day? He wouldn't be driving, he would ride with someone.

Mayor Freeman - I think it's a good benefit and it would save on his sick time.

Trustee Batzel- Who's filling in at school?

Chief Benedict- Joe Geer and Mark Bishop.

Mayor Freeman reported that Chief Benedict, Bruce Amey, Dave LeFeber along with himself had a meeting with Ian Coyle, County Administrator. The Resource Officer was discussed and the County will continue to honor their contract.

Mayor Freeman asked Chief Benedict if we could start to get some data out of the radar trailer.

Chief Benedict - I will look into that.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from May 5, 2014 meeting are hereby approved as submitted. Trustee Hayes seconded the motion and it was carried by the following vote:

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

CODE ENFORCEMENT OFFICER:

Mayor Freeman questioned if the resident at 127 Prospect Street obtained a dumpster as requested?

Code Officer Cappello announced they had not so he will send a letter of violation to the home owner.

Code Officer Cappello announced that we have a new Fire Marshall, Brian Glise from Temple Street. He will start as soon as possible.

Trustee McKeown updated the Board on the interview process for the Code Officer. It involved Trustee Zhe, Councilman Dick Steen, and Councilman Tom Mairs along with Tony Cappello. Six individuals were interviewed. Brian Glise is certified as a Fire Marshall but not Code Officer.

A motion was made by Trustee McKeown for temporary Fire Marshall and soon to be Code Officer Brian Glise at a rate of \$14.00. Trustee Hayes seconded the motion and 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

EXECUTIVE SESSION:

Upon a motion made by Trustee McKeown, the Board went into executive session at 6:35 p.m. to discuss contractual matters. Trustee Zhe seconded the motion and the Board exited executive session at 6:55 p.m. The motion was carried by a unanimous vote.

RUSS GARLAND:

Attorney Whiting informed Mr. Garland that after reviewing the paperwork with the Village Board it was determined that he would need to get an executor on behalf of the estate to sign off on the property. There are currently some encroachments that need to be straightened out. The Village doesn't want encroachments in their property. Kevin O'Donohue can correct that.

Russ Garland replied that he has gotten everything the Board has asked for and requested that the Village look into finding the representative for the estate.

Mayor Freeman asked Attorney Whiting to look at the abstract.

Reid Whiting stated that it could take dozen of hours and there is a filing fee.

Russ Garland – We’ve come this far, how about Village maintaining it. I’ve been maintaining it for 15 years. We just want it plowed and pot holes filled.

Reid Whiting – It creates a problem with NYS constitution. It would be unconstitutional to maintain private property.

Pete Leone - It is obvious when the main was put in signatures weren’t obtained. The Village did take the initiative to put the main in which allowed the homes to be put in. This situation is unique. It’s been well over 100 years. So rightfully it should give the Village the right to claim ownership or take over maintenance.

Reid Whiting – There is a living executor for the estate, if there wasn’t one, one would be appointed. Let’s see if there is someone readily available to sign a deed.

Pete Leone – Why wasn’t this a concern when the sewer was put in? When the sewer main went in the advice wasn’t going to the lengths that you’re suggesting, but at what point does a municipality have the right to assume responsibility?

Reid – The Village can’t confiscate someone’s property without court approval. Sewer is only on northeast quadrant.

Mayor Freeman – We talked about that and there is a risk because we don’t have an easement.

Trustee Zhe– I would like to have Attorney Whiting talk to Corrin Strong first.

Russ Garland – What is the time frame?

Reid Whiting – I’ll call Corrin Strong and he’ll give me the straight scoop. Then I’ll call Attorney Sessler.

Mayor Freeman – You did everything we asked you to do. We want this to work. Can you come back in two weeks?

THOMA DEVELOPMENT CONSULTANTS:

Rich Cunningham of THOMA presented to the Village Board the income property rehabilitation program.

The Village of Avon was awarded a \$400,000.00 New York State Community Development Block Grant by New York State. If you own an income property structure within the Village, it is determined to be substandard in accordance with the Village’s definition, and at least 51% of

the units are occupied by persons/families low-to-moderate in income, financial assistance may be available for the rehabilitation of property in accordance with the Village's definition of rehabilitation.

A direct loan for up to 50% of the approved project cost, combined with a deferred loan for up to 50% of the approved project cost, are available from the Village. It is the Village's policy to limit the level of assistance to the following:

2 Units	\$35,000
3 Units	\$40,000
4 Units	\$45,000
5 Units	\$50,000
6 Units	\$55,000
7 Units	\$60,000

Under this program, code violations and weatherization deficiencies take priority and the municipality may waive its limit, if necessary, to remedy problems in these two areas. The amount will be determined by the Village to assure the property is no longer substandard upon completion of rehabilitation.

Thoma is interested in providing Program Delivery and Administrative services for this grant. The Village will need to complete an Environmental Review as one of the conditions of the grant agreement. The Village will only have two years to complete all the work.

The Village of Avon, is seeking proposals from qualified consultants or consulting firms to provide program delivery and administrative services in conjunction with the Village's CDBG Grant #69HR66-13. With \$400,000 in NYS CDBG funds, the Village will provide assistance to 10 multi-family income property structures with 25 units for the rehabilitation of their homes. The Village will offer a deferred payment loan for 50% of the rehabilitation cost and a direct, 0% interest loan for the remaining 50% of the cost. Priority will be given to household components that pose a health and safety threat to the occupants.

Trustee Batzel – What's the average fee?

Rich Cunningham – After the administrative fees, report and notices there will be about \$328,000 to spend.

Trustee Hayes – Part of the administration is to educate the property owner?

Rich Cunningham – Yes, we would walk them through the process. You will approve all the applicants and all the bill paying. So you have to write the checks. It's pay as you go. We are the administrator. THOMA will oversee all of that, and inspect the work.

Trustee McKeown – The Code Officer and someone from your office have the day to day decision making and then it would come back to the Village Board?

A motion was made by Trustee Batzel to advertise for Request for Proposals from qualified firms or individuals to provide Program Delivery and Administrative Services in conjunction with the Village’s recently awarded grant to fund a housing rehabilitation program. M/WBE firms are strongly encouraged to respond by Trustee Batzel and seconded by Trustee Zhe and 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

CASE PARK:

Kay Conlin of Reed Street read a statement from Chris Coyne.

Mr. Coyne stated in his letter that Case Park is beautiful in its own way. It has a wonderful natural kind of look to it. The almost new gazebo that was contributed by the Avon Lion’s Club and Avon Lioness Club is another absolutely beautiful piece. It is totally in tune with the natural aesthetics of the Park.

He believes that anything installed in the Park should be in good taste and compatible with present installations.

Peter Burke - The Park looks nice, nicer than it ever has. The pink slide wouldn’t have fit with the aesthetics of the park. I think the idea of the slide is a good idea.

Kay Conlin suggested that if there is any extra money with the donations toward the new playground, perhaps something simple could be bought for Case Park.

Lois Shumanski – Couldn’t we get something that possibly blends in with the park.

Trustee Zhe – We will be looking at it.

Kay Conlin - I priced the slide, for a small one it would be \$100.

Mayor Freeman – The Park Commission will get a copy of Chris Coyne’s letter.

Trustee Hayes– The beauty of playground equipment is seeing kids play and enjoy the park. I had a dozen families contact me and it’s imperative that we put more equipment in Case Park.

Lois Shumanski – We don’t have a sidewalk all the way up High Street.

Mayor Freeman informed the visitors that High Street sidewalks are on our project list for this year. It's a safety issue. River Street and High Street are two big projects for this year.

BILL DAVIS, MRB:

Bill Davis informed the Board that he and Mayor Freeman rode throughout the Village on Friday, and Avon was pretty high on the list of flooding. The nature of what the Village had, in a lot of the cases was that the flooding in a matter of a few hours was gone. An answer is a retention pond. We would need to do a little preliminary investigation and would need to obtain easements.

Mayor Freeman presented pictures for the Board of flooded areas. The Nursing Home area holds a lot of water. Glenn Apartments need to address drainage issues. Pipe was ordered for Jim Gilmore on Pole Bridge Road who has taken on a lot of water. Running another pipe to relieve manholes would help.

Superintendent Barrett reported that we have two options; repipe the entire thing or figure out how we can retain water and slow it down.

Bill Davis – What I would recommend is to deal with it on a case by case basis.

Mayor Freeman – How hard is it to get an easement for a detention pond?

Attorney Whiting – It shouldn't be hard to do.

Mayor Freeman suggested asking Philip Schultz for an easement that would help with the Sackett Road flooding.

Russ Brown – There's no place for the water to go except through our yards. I have water standing in my backyard after every rain.

Mayor Freeman – We take a lot of water from the Town. We need to start looking at some of these problem areas and be more attentive. The ends of the pipes need to be cleaned off. We had 3 ½' of water in an eight hour period.

Trustee McKeown – We need to find places to put detention ponds on.

VOUCHERS AND MANUAL CHECKS:

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

General Fund	\$ 34,252.44
Schedule C Fund	\$ 5,543.24
Water Fund	\$ 2,209.21
Sewer Fund	\$ 7,141.98
Fund #10	\$
Fund #11	\$
Fund #17	\$ 90.00
Fund #44	\$ 23,393.00
Fund #45	\$ 1,940.00
Fund #47	\$
Fund #48	\$
Fund #49	\$ 1,867.00
Fund #50	\$ 476.00
Fund #51	\$
Fund #52	\$
Fund #53	\$
Fund #54	\$
Fund #55	\$
Fund #56	\$
Fund #57	\$
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$
Fund #63	\$
Fund #64	\$
Fund #65	\$

Fund #66	\$
Fund #67	\$
Fund #68	\$ 11,368.00
Fund #69	\$
Fund #70	\$
Fund #71	\$
Fund #72	\$
Fund #73	\$
Fund #74	\$
Fund #75	\$
Fund #76	\$
Fund #77	\$
Fund #78	\$
Fund #79	\$
Fund #80	\$
Fund #81	\$
Fund #82	\$
Fund #83	\$
Fund #84	\$
Fund #85	\$
Fund #86	\$
Fund #87	\$
Fund #88	\$
Fund #91	\$
Fund #92	\$
Fund #93	\$
Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$

Fund #99	\$
TOTAL	\$ 88,280.87

Manual Checks:	Mac Gray	Washer/Extractor	\$6,793.00
	Village of Avon	HSA (T. McFadden)	\$1,637.50
	NYS Child Support	Child Support	\$ 1,023.00
	Nationwide Retirement	Deferred Comp.	\$1,108.44
	Law Enforcement	Police Union Dues	\$ 402.92
	SEIU United	DPW Union Dues	\$ 226.74
	Workplace Health	Annual Membership	\$ 10.00
	Postage by Phone	Office Machine Postage	<u>\$ 700.00</u>
		TOTAL:	\$11,743.16

Trustee Zhe 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

CLOSED PROJECTS:

Upon a motion made by Trustee Batzel , the following projects are hereby closed and remaining monies returned to their original source:

<u>Project Name</u>	<u>Balance Remaining</u>	<u>Original Source</u>
H45-APD guns	\$1882.53	HR22-Gen. Eqt. Reserve
H48-Hurst Cutter	\$1372.24	HR21-Fire Equipment
H67-Replace Ck. Valve	\$4514.27	HR31-Water Lines
H97-Bulletproof Vests	\$ 65.01	A201-Gen. Fund

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	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

DPW UPDATE:

Superintendent Barrett updated the Board on the following items:

- Complaint received on pot holes on the west side of Hal Bar Road. The Village will fill the holes
- Letters will be done for all of River Street notifying them of the installation of sidewalks
- Tom Crye and John Barrett met with Bruce Amey about doing work at the middle school parking lot. Probably about 4 days of work start to finish.
- Interviews for the WWTP will begin on June 2nd, at 4:30 p.m. Four candidates will be interviewed.
- More Industrial Surveys have been returned.
- Still waiting on a proposal of costs for Clear Cove System.

The Board agreed to start the regular June 2nd Village Board meeting at 7:00 p.m. because of the interviews.

TRUSTEE'S UPDATE:

AVON FOOD PANTRY:

A letter was received from Christine Ryan on behalf of the Avon Food Pantry to request the Board's assistance in making the food pantry's new space accessible for the volunteers. The pantry's move has been made necessary by St. Agnes Church's decision to put their rectory to another use. The new space is in the basement of the old St. Agnes convent building but not easy access to move groceries in and out.

There is no parking space near the new pantry or a sidewalk to the parking lot. The current use of shopping carts to move supplies will not be possible in the new space. They asked if the Village DPW would be able to assist by creating a parking space adjacent to the new pantry entrance.

John Barrett -- We can use grindings on it so it will cost time and fabrics.

Trustee McKeown -- Can you push a shopping cart on grindings?

The Board agreed to have John go ahead with black top not to exceed at a cost not to exceed \$1,000.

Superintendent Barrett informed the Board that he plans on filling the holes on Clinton Street prior to the parade on Monday.

AVON VILLAGE COURT:

The computers that the court is currently using are provided by the court by New York State. The computers are over 8 years old and currently have Windows XP. They are very slow and lock up frequently.

The NYS Office of Court Support will be upgrading the Windows portion, but there is no plan to replace the old computers.

The court is requesting that the Board consider providing the court with two new computers. Monitors are not needed so the cost should be less than \$1000 each including upgrading all software.

The Board questioned whether the two requested computers would be for Village use only?

Mayor Freeman asked Trustee Zhe and John Marks to write a letter for the Corn Festival Program for this year.

Upon a unanimous motion, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk