

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, November 3, 2014.

- Present: Thomas Freeman, Mayor  
Mark McKeown, Trustee  
Robert Hayes, Trustee  
William Zhe, Trustee  
Timmy Batzel, Trustee
  
- Staff: Chief Gary Benedict  
Sergeant Joseph Geer  
Supt. of Public Works John Barrett  
Fire Marshall Brian Glise  
Planning Board Chairman Paul Drozdiel  
Kurt Rappazo, MRB
  
- Visitors: Heather Ferrero, Liv. Co. Planning Dept.  
Patricia Brede  
Richard Martin  
Andrea Bailey  
Kevin Van Allen

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

**DPW UPDATE:**

Superintendent Barrett advised the Board that the Public Works Department has leaf pickup in full swing and will have been through the Village once in its entirety by tomorrow. Fifteen loads to date have been picked up. The crew has installed a catch basin at the end of Dooer Ave., and are working on readying equipment in the shop for winter. Livingston Mechanical repaired a shaft in a pump for the heat exchanger at the WWTP. The new sewer machine is working well. The dump grinding has been completed. Andy Pleninger from Urban Forestry has walked the Village assessing municipal trees and will be providing a report in the next few weeks. Trustee McKeown asked Superintendent Barrett to fill potholes on Linden St. near the cemetery. Superintendent Barrett reported that the Driving Park restrooms have been closed and locked for the season. There will be no ice skating offered this year but the sledding hill will be available. Trustee Zhe questioned the three streetlights on Hosmer St. that haven't been installed. Superintendent Barrett will check on the streetlights with the assistance of Code Enforcement Officer Cappello.

## **DRAINAGE:**

Mayor Freeman asked Kurt Rappazo on the progress of overlaying the Village's existing easements on the drainage maps. Kurt will check on this and report back to the Board. Mayor Freeman suggested that MRB highlight easements that would be beneficial for the Village to obtain so that getting owners to cooperate would be easier.

Mayor Freeman asked Superintendent Barrett if the culverts have been being cleaned out by Village forces, and that hotspots be checked monthly.

Mayor Freeman asked Superintendent Barrett and Kurt Rappazo to investigate a potential new hotspot near High St. The drainage pond in Masi's development works great but the field behind the development slopes towards High St. properties, with a 6" clay tile in the area of High St. which isn't large enough to handle rain storms. Solutions to this include digging down to High St. or coming out of the pond to the south and dumping into the creek behind High St. Superintendent Barrett would like to shoot elevations from the creek to the pond to make sure that this solution is feasible. Then necessary easements would need to be obtained by the Village Board. Basically this solution would abandon the existing 6" line. The work would be performed by Village forces. Mayor Freeman stressed the need to identify stormwater management projects in the Village's upcoming budget.

## **WWTP:**

Treasurer Quinlan reported that the Village received a Water Quality Improvement Program grant in the amount of \$180,000. This grant was applied for in 2009 and is being funded by the New York State Department of Environmental Conservation.

## **ZONING:**

Kurt Rappazo explained that the Village needs to transition from the current zoning system to parcel based zoning which will eliminate inconsistencies. Heather Ferraro shared our current zoning districts ad parcels as compared to a proposed parcel based zoning map. The Village Code doesn't match the zoning map which is a problem for code enforcement. This will not constitute an entertainment of new zoning rather it will rezone the existing map to clean things up. The County will provide the Village with which parcels will be affected (approximately 400), maps and information for public hearing process. SEQRA will needed. The Village Planning Board was directed to review the proposed map, and make recommendations back to the Village Board. Heather Ferrero will provide a sample to the Planning Board how other communities handle simple lot line adjustments. The County will provide the Village with an exclusionary agreement which will need Village Board approval in the beginning of 2015. Internet mapping for the public to use will be provided by the County in 2015.

## **ST. PATRICK'S DAY PARADE:**

Andrea Bailey and Kevin Van Allen representing Lifting Up Livingston discussed a proposal to have a St. Patrick's Day Parade in Avon on Sat., March 14, 2015 in the afternoon. Lifting Up Livingston, Inc. is a not-for-profit corporation dedicated to helping families of Livingston County, New York, affected by cancer, by offering supplemental financial assistance and other resources to young cancer patients and their families in Livingston County. Their organization would like to offer a fun-filled family event in Livingston County increasing cross-county relations, exposure to businesses, local clubs, vendors, etc. The proposed parade route would start at the Avon High School parking lot, travel down Clinton St. to Genesee St., ending at the municipal parking lot or Avon Fire Hall. Participants would include local fire departments, high school bands, dance schools, clubs, local businesses and families. A committee will be formed and made up of individuals across the county with the hopes of each community being represented. The Board discussed the idea and the need to coordinate with Police and Fire to ensure safety. Mayor Freeman suggested Andrea and Kevin contact a Rotary or Lions Club member for input and ideas as well as possible participation in the event. The Board supports the event and offered use of the Village Hall for meeting space.

## **RICHARD MARTIN:**

Dick Martin discussed his property located at 237 East Main St. that he feels is in the R1 and B2 districts. The Board agreed that according to the zoning map, the said property is in the B2 district. Dick Martin will be in contact with the Planning Board regarding plans for this property.

## **POLEBRIDGE RD. SIDEWALKS:**

Mayor Freeman related his discussion with the Town Board regarding participation in sidewalks on Polebridge Rd. The Town will provide a questionnaire to residents regarding sidewalks on said road. Dick Martin stated that streetlights are also needed on Polebridge Rd. for safety purposes. Mayor Freeman explained that the Town has lighting districts whereas the Village is one lighting district. Dick Martin mentioned that NYSERDA has lighting grants that should be researched. Treasurer Quinlan stated that she and Superintendent Barrett are investigating NYSERDA grant opportunities for the Village. Mayor Freeman stated that the Village and Town have been successful by a cooperative purchase of the parking lot property behind Genesee St.

## **POLICE UPDATE:**

Chief Benedict and the Board reviewed the probationary report for Travis McFadden. Upon a motion made by Trustee Hayes, the Mayor executed the satisfactory probation report ending

Travis' probationary period on December 1, 2014. 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

Chief Benedict presented a Cooperative Agreement for the Livingston County Drug Task Force. Mayor Freeman suggested sending this to the Village Attorney for review and comment before Board adoption.

Chief Benedict recently attended a criminal intelligence summit update in Cooperstown, NY.

Mayor Freeman asked if the parking situation on Temple St. has been rectified. Sergeant Geer suggested a No Outlet sign around the Oak St. area of Temple St.

The Board discussed a possible Memorandum of Understanding for speed enforcement on Lake Road and Polebridge Road between the Village and Town.

**PAT BREDE:**

Pat Brede provided a computer CD for Superintendent Barrett to put storm pictures on for her. Pat Brede questioned the Board's decision regarding the elimination of one sewer unit at her property located at 70 Temple St. Mayor Freeman stated that the Board is awaiting Reid Whiting's opinion on this matter.

**VOUCHERS AND MANUAL CHECKS:**

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

Fund #1 General Fund	\$11,287.27
Fund #4 Schedule C Fund	\$ 6,013.93
Fund #5 Water Fund	\$ 2,036.77
Fund #6 Sewer Fund	\$ 7,981.87
Fund #17 Trust & Agency Fund	\$ 1,223.98
Fund #93 Capital Fund	\$ 1,046.20
Total	\$29,590.02

Manual Checks:

Postmaster	Water/sewer bills	\$ 349.18
Liv. Co. Magistrates	Temperato meeting	\$ 16.00
NYS Child Support	Ferrara child support	\$ 767.00
Nationwide Retirement	Deferred Comp.	\$1000.00
Batavia Newspapers	CDBG ad	\$ 16.38
	Total	\$2148.56

Trustee Batzel 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

**MINUTES:**

Upon a motion made by Trustee Zhe the Village Board meeting minutes from October 20, 2014, are hereby approved as submitted. Trustee Batzel 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

**FIRE MARSHALL UPDATE:**

Fire Marshall Glise entertained a question from a future Avon resident if the Village has a code regarding the number of dogs that a resident can have. Glise will provide a copy from another municipality that has such a code.

Glise asked if the Board is looking to provide a searchable code database similar to what the Town has online. Mayor Freeman favors residents meeting with Code officials to obtain information.

Glise will be at Code Enforcement classes from November 12-14.

**SIGNAGE:**

Mayor Freeman updated the Board that Barilla and Kraft have been cited for advertising in the State right-of-way. The Mayor would like the signs taken down as soon as possible to comply with NYSDOT.

**CELL TOWER:**

A proposal dated October 21, 2014, for revised lease terms for the current Crown Castle cellular tower was reviewed and discussed by the Board. The revised lease terms include the following:

1. The Lease currently provides in Section 2.1 that there are four (4) five (5) year renewal terms. That section will be amended to provide for an additional four (4) five (5) year renewal terms. The new final Lease expiration date will be August 4, 2042.
2. If Lessor receives an acceptable offer from any person or entity that owns towers or other wireless telecommunications facilities (or is in the business of acquiring Lessor’s interest in the Lease) to purchase fee title, an easement, a lease, a license, or any other interest in the lease area, or Lessor’s interest in the Lease, or an option for any of the foregoing, Lessor shall provide written notice to Lessees of said offer, and Lessee shall have a right of first refusal to acquire such interest on the same terms and conditions.
3. ON August 5, 2022, the monthly rent shall increase one-time by an amount equal to 10% of the monthly rent in effect for the immediately preceding month (One-Time Rent Increase”) in addition to the regular percentage rent increase that is scheduled to occur pursuant to the Lease on the same date (“Regular Rent Escalation”). The Regular Rent Escalation shall be applied first, and then the One-Time Rent Increase shall be applied after the rent is increased pursuant to the Regular-Rent Escalation.
4. The Lease Amendment shall include a provision stating that the Lessee will pay the Lessor a one-time amount of fifteen thousand dollars (\$15,000.00) for the full execution of the Lease Amendment within 60 days of the full execution of the Lease Amendment.
5. All other Lease terms will remain the same.

Upon a motion made by Trustee Zhe, the revised lease terms were approved by the Village Board. Trustee Batzel 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

## PARKING LOT:

The Board reviewed and discussed the purchase offer for the parking lot area at 57 Genesee St., tax map parcel no. 34.10-1-18, owned by Darryl and Vanda Pozzanghera.

Upon a motion made by Trustee Zhe, the purchase offer in the amount of \$30,000 was approved by the Village Board. 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

After the purchase offer is accepted by the owner, Treasurer Quinlan will bill the Town for half of the purchase price or \$15,000.

## DRIVING PARK PAVILION:

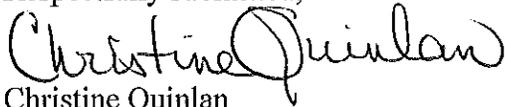
Trustee Zhe related that the Avon Lions Club approached the Park Commission regarding doubling the size of one of the pavilions at the Driving Park. The Lions Club would purchase the materials and is requesting that Village forces construct the pavilion addition. The Board agreed that this project would need to be scheduled at a later date due to the existing project schedule.

## EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe, the Board went into executive session at 9:00 p.m. to discuss contractual matters. Trustee Hayes seconded the motion and the Board exited executive session at 9:30 p.m. The motion was carried by a unanimous vote.

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

Respectfully submitted,



Christine Quinlan  
Treasurer