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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, July 27, 2015.

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

Absent: Timmy Batzel, Trustee

Staff: Heather Randall
Chief Gary Benedict, Jr.
Robert Barrett
Tony Cappello
Brian Glise
Chief Dan Snyder

Bill Davis, MRB

Visitors: Kay Conlon
Tim Younger
Jan Rogers, Livingston Insurance Agency, Inc.

EXECUTIVE SESSION:

Upon a motion by Trustee McKeown, the Board entered executive session at 5:10 p.m. to discuss contractual and personnel matters. The motion was seconded by Trustee Zhe to exit executive session at 6:00 p.m.

TIM YOUNGER:

Mr. Younger questioned the Village about performing work for the school, how does it work?

Mayor Freeman – The school and Village have an intermunicipal agreement, some of the work we have done we have billed the school for. The school allowed us to put a Village detention pond on their property.

Tim Younger - As a taxpayer, and contractor I am concerned. Have there been any designs done for the parking lot at the high school and the curbing? Plows will take those curbs out.

Mayor Freeman – The school requested that it be done that way. We have miles of that curbing throughout the Village. It is encouraged by the State to use each other for projects. There is nothing that precludes taxpayers funding to make these deals.

Tim Younger – I think it is a waste of taxpayer dollars. I see a conflict when the taxpayers don't have a say in it.

KAY CONLON:

Kay Conlon – Is there any timetable for the resurfacing of Reed Street & High Street?

Mayor Freeman – Right now it's on the list to fix potholes and next year full milling and asphalt.

Kay Conlon – Is it possible to get a street sign where Reed Street starts and High Street stops?

Mayor Freeman – We can do that.

CINDY KELLAN:

On behalf of Cindy Kellan's mother who resides at 2091 Lake Ville Road and Gary Johnson of 2893 Lakeville Road Ms. Kellan requested that the two residences be given permission to connect to the Village's water line.

Mayor Freeman explained that they would be paying an out of district rate which is higher than the Village's rate. The reason being is that if you fail to pay your bills, we don't have control; we can't put a lien on your property. There would be a tapping fee of \$500. The Mayor informed Cindy that they would take care of it.

JAN ROGERS:

Bill Davis informed the Board that recently a bid was done for the influent screen and the lowest bid was approved by MRB and the Village Board. But, at this time there are some insurance issues that need to be worked out. MRB has worked with Attorney Whiting and Jan Rogers from Livingston Insurance Agency, Inc. and a letter of clarification was sent out.

They have not provided us with the Additional Insured requirement which provides protection on suppliers/manufactures insurance. They also tell us that they cannot do the Hold Harmless and Indemnification.

Mayor Freeman – Where does MRB professional liability come in? Why wouldn't MRB's insurance be protective of the Village?

Jan Rogers - MRB's insurance does get dragged into things.

Attorney Whiting – If there is a defective product everybody in the chain of sale gets brought in, unless it has appeared on several other products they can't be held responsible.

Bill Davis – Jan has gotten confirmation that this is as far as they can go. This was not the manufacturer we had specified our specs around. It came into play because it was such a cost savings to the Village.

Jan Rogers – Why should the Village's insurance pay, you've got your general liability. The Village's insurance would kick in but I want to protect the Village as much as I can. These are standard requirement in NYS. The contractor has more exposure.

Mayor Freeman – Should we not engage our Builder's Risk for this project?

Jan Rogers – Builder's Risk wouldn't cover this, this is a liability exposure.

Mayor Freeman – Was the bar set too high?

Jan Rogers – I don't think so. I'm looking out for the Village's interest

Mayor Freeman – It is a significant amount of savings for the Village.

Bill Davis – From our standpoint, I can't say there is no risk but there is a cost savings. They are ready to go, everything is on track.

Mayor Freeman – Do we give them one more week to see if things will change?

Jan Rogers – I don't think it will change based on conversation and emails.

Bill Zhe – I think we should move forward.

A motion was made to proceed by Trustee Zhe and seconded by Trustee Hayes to move forward with the insurance submitted. The motion 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	Absent	

Bill Davis – When I first came to MRB there was a much simpler process and things have gotten very complicated and it is very much appreciated that we have someone like Jan to review the requirements.

FIRE CHIEF DAN SNYDER:

Fire Chief Snyder brought the Board up to date on three structure fires within recent months at Avon on the Green. Fire Chief Snyder was going to recommend to the Board that a certified letter be sent to the owners of this building and their insurance providers recommending that they review their smoking policy and make this building a non smoking facility

Meanwhile, Chief Snyder received a phone call from Landsman and they have made the facility a non-smoking building effective July 20, 2015. Smoking will be banned anywhere on the premises including common areas, porches, community rooms and restrooms, parking lots, and in individual apartments. Current resident smokers will have to smoke off the premises.

Brian Glise – It went well, they would like to put something up stating it's by order of the Fire Marshall.

Mayor – I think it sounds like it is going well. The cooperation between Brian and Dan was outstanding.

Attorney Whiting– In the future in the course of your inspections the insurer doesn't want to see smoking and possible claims.

Chief Snyder – I'm going to schedule a meeting with Peggy and Judy and talk to the residents.

Mayor Freeman read a letter aloud from Senator Gallivan awarding \$10,000 in funding for the Avon Fire Department. These funds will be provided by the New York State Division of Criminal Justice Services for the purchase of an Access Control System.

PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:

The Village of Avon anticipates submitting an application in 2015 to the New York State Office of Community Renewal for funding under the federal Small Cities Community Development Block Grant Program.

A public hearing is held as part of the process to solicit public input with respect to the application and to develop program activities. Community Development funds can be used for activities that are eligible under Section 570.482 of Subpart I of the federal Housing and Community Development Act of 1974.

The official notice was read aloud and the meeting was opened to the public.

A motion was made by Trustee McKeown and seconded by Trustee Zhe to approve the application. The motion 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	Absent	

DPW UPDATE:

On behalf of Superintendent Barrett, Robert Barrett updated the Board on the following items:

The excavation portion of the retention pond at the school has been completed. Waiting for the Greehaur Construction to finish the bulldozing of the topsoil so that the entire area can be hydro seeded. Quotes have been received from Kistner Concrete and Lakeland Concrete to supply the outfall structure.

Kistner	\$2,378.04
Lakelands	\$2,098.00

The pipe for the inlet and outlet of the pond has been purchased and are on site.

Meeting scheduled for July 30, 2015 to meet with Jim Welch to review the drainage on the former Tuchrello property and to look at the Dream Valley drainage and possible impact on it relative to diverting water from Pole Bridge Road in that direction.

Good month at the WWTP with an average BOD effluent of 18 MG/L and a 94% removal rate. We are continuing to work with MRB and several chemical companies to find the right coagulant and dosage for our removal of phosphorus. This month we had an average influent Phosphorus of 3.8 and an effluent average of 1.3. We need to be below 1.0 to satisfy our SPEDES permit requirements.

Avon high school parking lot driveway has been completed and billed.

We have completed the tapping of the existing 6” water main and installed the first fire hydrant on the new 8” water main. The pipe and supplies are on site and we will begin installation of the rest of the pipe on Tuesday, July 30th.

Replacement of the old 36” culvert at the North End of River Street with a new 42” smooth wall plastic culvert is scheduled for within the next few weeks. Letters are being sent to residents that

River Street will be closed on the North end at Route 5 & 20 but that full access will be available from the South end of River Street. Livingston County Sheriffs and the Avon Village Police will also be notified of the closure.

Slurry sealing of the Five Lot Development by Suit Kote is tentatively scheduled for August 24, 2015. The crack sealing portion of the job has already been done and we will be making any necessary pavement repairs before the slurry seal date.

Work on High Street is scheduled for late August, early September.

We will be striping crosswalks and parking areas beginning the first week in August.

Trustee McKeown – Will the culverts on Wadsworth Avenue be done this year?

Tony Cappello – No, they are postponed until next year.

Trustee McKeown – What about the bridge on Spring Street?

Mayor Freeman – Tom McTighe from the railroad will come to the first meeting in September to discuss.

Trustee Hayes questioned the bridge on Spring Street and the graffiti that is still there.

Mayor Freeman asked Mr. Barrett to add it to their job list to repaint the bridge.

The resolution has been received by National Grid for the Pole Bridge Road lights, and the paperwork has been started. The sequence of getting the lights installed is as follows:

- The planner has to design the job, order materials for each location, etc.
- An invoice will be issued upfront.
- The Village will pay the invoice.
- The work will get scheduled.

Mayor Freeman informed Bob Barrett that they appreciate his talent and the work that he did on the detention pond.

POLICE CHIEF UPDATE:

- Set for Corn Fest. A notice will be put in the Penny Saver for parking instructions for Corn Fest.
- The Chief recently attended an excellent conference which was held in Syracuse.

- Received solar speed sign information from the Mayor. Two would be good if we could afford it.

The Mayor suggested that Chief Benedict obtain a quote for the signs.

Chief Benedict reported that he had talked to Irondequoit regarding their policy on Deer Control. They have approximately 50 people apply to take the deer. They narrow it down to five. The Town issues a permit and they only do it during deer season. The State has changed they want nothing to do with it. There is no 500' rule, it is down to 150' and crossbow is 200'. You can shoot from your own property. We would have to change the Village law to allow firearms during hunting season.

Attorney Whiting – You will have no shortage of interest.

Chief Benedict – Do we want to take on that responsibility? A background check would be done.

Attorney Whiting – You would need a hold harmless agreement.

Trustee McKeown – What if you have someone who shoots an arrow and misses the deer and the arrow ends up in someone else's backyard?

Attorney Whiting – You might want to limit it to tree stands only

Bill Davis – Trumansburg has already gone through this, you might want to check with them.

Trustee Hayes – I think DEC is shirking their responsibility from this.

CODE ENFORCEMENT UPDATE:

Code Office Cappello announced that he would no longer be working for Town as of Friday, July 31st.

BILL DAVIS:

- INI – No resolution needed to be passed, it goes in digitally on line, and Bill will review for the last time.
- Village not eligible for the \$100,000 for the upgrade to the existing wastewater system. The total project cost could be up to \$37,500.

- Talked with John regarding scheduling a meeting with Kraft. The Industrial Users Permit will be modified. There will be a project review meeting mid August and at that time we will go thru plans and specs. I will send out some possible dates to meet.
- Still working with the WWTP and several chemical companies to find the right coagulant and dosage for removal of phosphorus. Before we transition to something else, I would like to give the alum a fair try.
- Mayor Freeman – Have you had conversations with DEC to keep them posted on the things you have been trying? That is your responsibility to do that.
- Have not spoken to Bernie Thoma yet regarding the Engineering Planning Grant.
- Kurt Rappazo is pursuing a grant for storm water with the Town along with Treasurer Quinlan.

Mayor Freeman asked for dates for the tour of Kraft and phosphorous updates for the next meeting.

MINUTES:

Upon a motion made by Trustee Hayes, the minutes from the July 6, 2015 Village Board meeting are hereby approved as submitted. Trustee McKeown seconded the motion and it is carried by the following vote:

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

VOUCHERS AND MANUAL CHECKS:

Upon a motion by Trustee McKeown the following vouchers are approved for payment:

#1	\$ 68,669.99
#4	\$ 4,089.79
#5	\$ 9,014.42
#6	\$ 33,464.67
#11	\$

#17	\$ 376.92
#49	\$ 844.08
#50	\$
#58	\$
#64	\$ 406.40
#76	\$
#77	\$ 8,325.00
#93	\$
TOTAL	\$125,750.63

Manual Checks:

NYS Child Support	Child Support-Ferrara	\$ 660.00
Nationwide Retirement	Deferred Comp.	\$1,130.00
BL Wholesale	CDBG Rehabilitation	<u>\$15,147.81</u>
TOTAL:		\$16,937.81

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	Absent	

TRUSTEE'S UPDATE:

CONFERENCE ATTENDANCE:

A request was submitted by Heather Randall to attend the NYCOM Fall Training School which will be held at Lake Placid on September 28 – October 1, 2015.

A motion was made by Trustee Zhe and seconded by Trustee Hayes to approve the request. 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	Absent	

INFLUENT SCREEN MATERIAL BID:

Contract books were submitted to the Board for execution by Mayor Freeman.

FIVE ARCH BRIDGE AUTHORIZING RESOLUTION:

The Village Board has applied for funding for the stabilization, preservation, and restoration of the Five-Arch Bridge Project.

A motion was made by Trustee Zhe authorizing Mayor Freeman of the Village of Avon to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provision of Title 9 of the Environmental Protection act of 1993, in an amount not to exceed \$300,400, and upon approval of said request to enter into and execute a project agreement with the State for financial assistance to the Village of Avon for restoration of the Five Arch Bridge and if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

The motion was seconded by Trustee Hayes and 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	Absent	

NYS HOMES AND COMMUNITY RENEWAL FUNDING RESOLUTION:

Trustee Zhe offered the following resolution with Trustee McKeown moving for adoption:

Resolution by the Avon Village Board approving and endorsing The Livingston County Development Corporation in its application to NYS Homes and Community Renewal for funding under the New York Main Street Technical Assistance Program.

WHEREAS, The Livingston County Development Corporation desires to apply for \$20,000 in financial assistance through the 2014 Consolidated Funding Application under the New York Main Street Technical Assistance Program; and

WHEREAS, the application proposes funding to assist property owners with planning and project development in preparation for a New York Main Street building renovation program for buildings in the designated downtown district in the Village of Avon; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED, that the Avon Village board approves and endorses the 2014 Consolidated Funding Application under the New York Main Street Technical Assistance Program prepared and to be submitted by The Livingston County Development Corporation.

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	Absent	

The Board briefly discussed playground money.

Trustee Zhe mentioned that the Parks Commission would like to do a recognition reception on September 9th for Dwight Brown who will be resigning from the Parks Committee.

Trustee Zhe spoke with Kevin Keenan, coordinator for Tobacco Free Parks. They will meet and discuss other measures to prevent tobacco use.

The first meeting in September is on Labor Day so the Board unanimously agreed to change the meeting to August 31st and the second Monday in September as originally scheduled.

Upon a motion, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk