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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, September 21, 2015.

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

Staff: Patricia Baker, Clerk  
Christine Quinlan, Treasurer  
Superintendent John Barrett  
Chief Gary Benedict  
Tony Cappello  
Brian Glise

Kurt Rappazzo, MRB

Visitors;	Michael Hayes	Rev. Kelly Ayer
	Mike Manning	Joyce Taylor
	Sandra Reandeu	Kyle Whitford
	Danielle Driscoll	James Rogers
	Bob Austen	Wade & Diana Rockwood
	Chris Taylor	Jim Taylor
	Lorie Jo Turner	Bill Nevin
	Durinda LaBarbera	Chris Martin
	Art Pearson	James Root
	Kathy Salvati	Leah Root
	Katie Martin	Robert Porcelli

Mayor Freeman called the meeting to order at 6:00 p.m. and began the meeting with the pledge of allegiance.

**POLICE UPDATE:**

Police Chief Benedict gave an update for his Department:

- Traffic grant should be done by the end of September
- The speed sign should arrive soon
- The 5k went off very well. It was well organized and everyone liked the route

Mike Manning questioned if there were any more concern about cars being left unlocked on Clinton Street?

Chief Benedict– It was just that one time, not a recurring incident, but suggested that cars be locked.

Lorie Jo Turner – Her and her husband counted 100 deer in their back yard and is concerned about the safety of the kids walking to school.

**MINUTES:**

Upon a motion made by Trustee Hayes, the minutes from the September 14, 2015 Village Board meeting are hereby approved as submitted. Trustee Zhe seconded the motion and it is 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

**CODE ENFORCEMENT UPDATE:**

- The Town of Avon has changed its zoning code for “Party Barns.” Possible barns in the Village that might be considered “Antique barns”, the former Guttman farm located at 240 West Main Street, but is believed the large barn has been demolished. The White Oak Bed & Breakfast barn at 277 Genesee Street, The Bruce Howlett barn at 1267 North Avenue and Rochester Street, and The Edward & James Kime barn at 315 River Street. The Planning Board will discuss further at their next meeting.
- Code Officer Cappello was approached by the Zoning Board regarding a garage on Park Place. Zoning Chairman Freeman felt the garage needed a variance. It is zoned B-1 and there are no setback requirements.

**DPW UPDATE:**

- Mayor Freeman reminded Superintendent Barrett that the curb cut on the east side of Hal Bar Road needs to be done to make it handicap accessible. The one on the west side has been done.
- Superintendent Barrett informed the Board that Julia Warwick will be staying on during the fall to help with leaves.

- The culvert on River Street is finished

Trustee McKeown reported that the foot bridge on the Csapo property had sunk into the creek bed.

Superintendent Barrett remarked that the Village did not put in the bridge and didn't think that it was something the Village wants to get involved with. No one has ever mentioned that it was a park and that it needed to be maintained. You need to be more definitive.

Mayor Freeman – We'll check with the Planning Board to see what promises were made and look for a map.

Mayor Freeman asked John to walk down and take a look at the bridge before the next meeting.

#### **KEYLESS ENTRY QUOTES:**

The Board discussed last year quotes to upgrade and expand the access control system for the Village Hall and thought it would be best to go with West Fire Systems, Inc. since they will be doing Fire Department's security system.

Superintendent Barrett will talk with Fire Chief Snyder and West Fire Systems representative on what they are getting so we are not having redundancy.

The Mayor instructed John to have new quotes in by the next meeting.

#### **KURT RAPPAZZO, MRB:**

Kurt Rappazzo – Nothing new to report from last week. We are looking at possible options to push pipes across the state route. We are working out details. We might go with two smaller pipes across 5&20.

John Barrett – Bruce Howlett thought that there might be additional water so he and Kurt walked the route looking for water leaks and there were none to be seen.

Mayor Freeman – How is the application for the grant for funding for Lake Road coming?

Chris Quinlan – The grant was submitted at the end of July and we should hear in November. I will call and find out.

Mayor Freeman– Next meeting in two weeks, are we all set for the permit process? We need a drawing to present to Bruce Howlett for drainage. Could we get estimated bidding dates?

Kurt Rappazzo – I will remind Bill.

## **BILL NEVIN:**

Mr. Nevin submitted a letter to the Board a few days earlier and read it aloud to the attendees:

Mayor Freeman has stated both publicly and privately that from their initial meeting, Pathstone Development was advised that a very high bar was going to be set to allow this project to proceed in the proposed area. Integral to that high bar was that a roadway be constructed from the end of Clinton Street to the signalized light on East Main Street. Also required was that detention ponds be constructed of sufficient size to control not only the runoff from this project but also to assist in storm water management in this critical area. Further it was made clear that these and other requirements were to be fulfilled solely at the expense of Pathstone Development.

At the Planning Board meeting on September 15, 2015 representatives of Pathstone Development made it abundantly clear that they would not be able to meet these requirements unless additional funding could be secured. The funding they are seeking requires that an approved site plan be obtained before application for funding can be made. They further stated that they were unwilling to bond the necessary funding required to complete the roadway and additional detention pond.

Bill Nevin – Why are we continuing to pursue this application? They don't have the money to do the roadway and the pond.

Mayor Freeman – 90% of your letter is correct, the drainage bar has been set very high. Drainage is a priority. The Planning Board just received the drawings. It's a little premature asking them not to proceed. Let them take it down the road a little bit they have not had a chance to review the drawings and scale back or scale them up. The Planning Board has not had a chance to talk about density or anything at this time. It's unfair not to allow them to do their job.

Rev. Kelly Ayer – I had no idea of this project until you brought it to my attention. We are not in partnership with them. I would be concerned, they are known for building slums. It would not be good for Avon.

Danielle Driscoll – What is the process? When is it a good time to shut this down?

Mayor Freeman – The application has been submitted, but the zoning has not been changed yet. The roadway and pond need to be designed. The Board has not looked at the drawings yet.

Rev. Kelly Ayer – Pathstone can get grants up until the end of October.

Danielle Driscoll – What is the time frame?

Mayor Freeman – We don't care about their time frame and grants.

Danielle Driscoll – What does this project offer the community?

Mayor Freeman – Drainage, and access to the traffic light.

Bob Austen – They said 160 cars a day will go down Hal Bar Road, Clinton Street and Lacy Street. The traffic is backed up now.

Bill Nevin – I believe with enough money and engineering a negative impact can be controlled. My concern is the traffic and the size of the project. It will add 5% to the population. That's big! What about a smaller sized project to the east with access going east. My point is there are other ways to do this project and Pathstone doesn't seem willing.

Mayor Freeman – That's what they proposed. It doesn't mean that will happen.

Bill Nevin – The answer is you want to give them time to get the money together.

Mayor Freeman – I think that's fair.

Jim Taylor – If you explained the benefits to us that might help us be in favor of the proposal.

Bob Austen – What are the benefits? What about taxes?

Mayor Freeman – I don't have those numbers. Why would I discourage someone from investing \$10,000,000?

Dick Davidson – Would you like it in your backyard?

Jim Taylor – Will there be an opportunity to have a forum like this to ask more questions?

Mayor Freeman – Public hearings.

Bob Austen – What are the other benefits?

Mayor Freeman – Growth to Avon.

Danielle Driscoll – We like it kept small.

Lorie Jo Turner – I think it should be seriously looked at. We are not going to get a lot of tax revenue from a project like this. It is not worth it just to help solve drainage issues.

Trustee McKeown – In the Comprehensive Plan that is what was decided would make sense in that area. There are people that work at Barilla, Kraft, and Gray Metal and need places to live and would benefit from housing. I know there are concerns of the proposal being in your backyard.

Bill Nevin – Don't characterize me as "Not in My Backyard". As long as you brought up the Comprehensive Plan., this is an area we might think about multi-family homes. The Comprehensive Plan also includes roadways and lights, not just the housing. Can we assume that they were thinking about three entry's/exits as a good idea?

Mike Manning – The traffic on Clinton Street is excessive it is a whole different problem. You're just going to add to it. The impact should go to Pole Bridge Road and Lake Road and go around Main Street. It's a very dense street. We don't need more. I understand multi-family housing and our Comprehensive Plan talks about it. Pathstone is a non for profit organization for low income housing. Multifamily and low income housing is not necessarily the same. With low income housing comes increase in crime. I'm not sure we are looking for low income housing. It brings a certain element along with it. I have worked in law enforcement for over 30 years, and it's not a good fit for our community. What about senior living? We build because it's a good fit for us, not for a retention pond. Multi family doesn't equal low income. We don't have a need for this. I am very skeptical with this company.

Mayor Freeman – I disagree. We have over 1000 employees that work in the Village and don't live here. They travel a long distance to come to work. We don't want to have low income, but we need to be cautious.

James Taylor – Have they built anywhere else in Livingston County that we can take a look at?

In Geneseo and Lakeville.

Dick Martin – Pathstone have an excellent reputation and a better word would be affordable housing not low income. There are a lot of subsidized housing in Avon. A senior could go into this project and not be subsidized. We need to be careful what we say.

Trustee Hayes – The Planning Board did a good job but there are a lot of questions and concerns that need to be answered.

Mike Manning mentioned to Dick Martin that it was his property and he had a vested interest.

Dick Martin – I am donating most of the road and drainage to this project. Hal Bar Road is treacherous for traffic.

Mayor Freeman – How does the traffic study work?

Kurt Rappazzo – As of today, they have not done a traffic study. It first determines the traffic pattern, next it determines what the overlay will be, and finally the level of service.

Mayor Freeman – I feel we need to let the Planning Board do its job. What would you like to see?

Danielle Driscoll – Why does it have to be developed?

Lorie Jo – A housing development like Five Lot or why not behind Tops?

Bob Austen – Why not fix the pond we have on Hal Bar? Why more ponds? What kind of future problems will there be?

Wade Rockwood – In the springtime when we had the flooding problems I came to the Village Office and asked that John Barrett clean out the pond and remove the cattails. He has never called me. Can we address these problems?

Mike Manning – Who is responsible to maintain ponds at Tops and behind the school?

Kurt Rappazzo – You want to make sure the cattails are not blocking drainage. The ones that hold water you have to dredge them. The one at Tops doesn't hold water. The pond at the school the Village will bush hog that twice a year. The Burke pond and Masi pond is mowed weekly.

The question was asked what is the difference between detention and retention. Retention holds water and detention is dry.

The one behind the primary school is the school's pond and that holds water. The one by the soccer field is the Villages and does not hold water unless it rains.

Mayor Freeman – Trustee Hayes is the liaison between the Village Board and the Planning Board. When the Planning Board starts to review the process there will be public awareness and Trustee Hayes will report back to the Village Board. If they do not uphold their stipulations, they will be put on notice.

Kurt discussed the time frame for the PRDD. At the next meeting there will be a discussion on extending it.

Mayor Freeman – There is complete transparency, and there would be a public hearing.

Lorie Jo Turner – How much impact does the community have on the Village Board's decision?

Bob Austen – The Board does have to listen to the community, otherwise, when there is an election, there would be a new Board.

**MIKE MANNING:**

The RG&E project on Clinton Street has been there a month and we have received no communication from RG&E. They acknowledged they were supposed to send letters letting residence know they are working in the area. The people working on the project were very informative but I am upset with RG&E. Sidewalks are all broken and have a concern for children’s safety. I reseeded my own lawn. I would like to thank John’s crew for doing a great job.

Trustee Hayes – RG&E should fix sidewalks, yards, driveways and curbs.

**ART PEARSON:**

How does the water that comes down through the cemetery get to the river? I had 4-5” of water in my cellar from the storm on May 15, 2015. I have a floor drain and water was coming up my downspouts. Are you going to do any maintenance on this? Are the pipes smaller going across Bronson Avenue? Can you scope it? It’s potentially flooding me out.

John Barrett – I can try to run the camera there to make sure it’s open. I’ve never dug it up.

Mayor Freeman – How about Chuck Kanty’s water line?

John Barrett – The line was clear, not plugged.

Trustee Batzel suggested sending a letter to Chuck Kanty stating the findings.

Trustee McKeown – There is a pipe that has come up out of the ground that needs to have something done with it.

**VOUCHERS AND MANUAL CHECKS:**

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

#1	\$ 64,945.10
#4	\$ 12,302.25
#5	\$ 10,158.49
#6	\$ 46,434.85
#11	\$ 2,818.60
#17	\$ 803.92
#49	\$ 428.84
#50	\$ 396.72
#58	\$

#62	\$ 110.00
#76	\$
#77	\$ 2,580.00
#93	\$ 17.97
<b>TOTAL</b>	<b>\$140,996.74</b>

Manual Checks:

NYS Child Support	Child Support-Ferrara	\$ 660.00
Nationwide Retirement	Deferred Comp.	\$1080.00
Rotork Controls, Inc.	Site Planned Maint.	<u>\$2500.00</u>
<b>TOTAL:</b>		<b>\$4240.00</b>

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

**TRUSTEE'S UPDATE:**

**COUNTY PLANNING BOARD REFERRAL EXEMPTION AGREEMENT UPDATE:**

The County Planning Board referral Exemption Agreement Update was briefly discussed. The Board decided to forward it on to the Village Planning Board and John Barrett for review.

There are two county roads in the Village

**TAX RELEVY RESOLUTION:**

Trustee McKeown offered the following resolution and moved for its adoption:

RESOLUTION

WHEREAS, the Village of Avon hereby requests that the County of Livingston collect certain delinquent Village taxes for the tax levy of June 2015, and

WHEREAS, the Village of Avon will take no action to recover said unpaid taxes pursuant to Section 1440 of the Real Property Tax Law of the State of New York and no sale on account of said unpaid taxes will be held pursuant to law,

NOW THEREFORE BE IT RESOLVED that the Village of Avon officially requests that the County of Livingston collect certain delinquent Village taxes for the tax levy of June 2015 pursuant to Section 1442 of the New York State Real Property Law.

AND IT IS FURTHER RESOLVED that a copy of this resolution, duly certified by the Village Clerk of the Village of Avon shall be transmitted forthwith to the Livingston County Treasurer and the Clerk of the Livingston County Board of Supervisors.

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

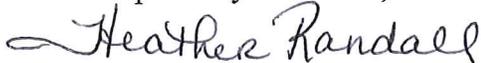
**CONFERENCE APPROVAL:**

Mayor Freeman has not had a chance to talk with Court Clerk Cole regarding attending the conference. The Board feels that since the Court Clerk is running for Judge, if she won she would need to attend other conferences and if she should lose she was going to retire.

The Mayor intends to talk to the court about Village Court being held three times a month during the day.

Upon a motion the meeting was adjourned at 8:30 p.m.

Respectfully submitted,



Heather Randall  
Deputy Village Clerk/Treasurer