

Avon Village Board Meeting
Monday, August 18, 2008

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, August 18, 2008.

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

Staff: John Barrett
James Carney
Reid Whiting
Tony Cappello

Visitors: Brian Baty
Tim Batzel
Jane Tam
Joseph K. Geer
Michael Williams

Mayor Freeman opened the meeting at 6:30 p.m. with the Pledge of Allegiance.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee McKeown the minutes from August 4th, 2008 are hereby approved as submitted. Trustee Zhe 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
Philip Swanson, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

VOUCHERS AND MANUAL CHECKS:

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

Avon Village Board Meeting
Monday, August 18, 2008

Fund #1 General Fund	\$21,847.36
Fund #4 Schedule C	\$ 2,587.99
Fund #5 Water	\$ 1,988.61
Fund #6 Sewer	\$ 2,507.51
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$
Fund #44	\$ 230.68
Fund #45	\$
Fund #46	\$
Fund #47	\$
Fund #48	\$
Fund #50	\$
Fund #52	\$ 2,469.97
Fund #53	\$
Fund #54	
Fund #55	\$
Fund #56	\$
Fund #57	
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$ 1,146.00
Fund #63	\$
Fund #64	\$ 3,823.61
Fund #65	\$
Fund #66	\$
Fund #67	\$ 1,980.00
Fund #68	\$
Fund #69	\$

Avon Village Board Meeting
Monday, August 18, 2008

Fund #70	\$
Fund #71	\$
Fund #72	\$
Fund #73	\$
Fund #74	\$
Fund #75	\$
Fund #76	\$
Fund #77	\$ 27,081.95
Fund #78	\$
Fund #79	\$
Fund #80	
Fund #81	\$
Fund #82	\$
Fund #83	\$ 4,997.19
Fund #84	\$ 4,720.00
Fund #85	\$
Fund #86	
Fund #87	
Fund #88	\$
Fund #89	\$ 1,996.00
Fund #90	\$
Fund #91	\$ 1,964.73
Fund #92	\$
Fund #93	\$
Fund #94	\$
Fund #95	\$
Fund #96	
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$79,341.60

Manual Checks:	Check #18040 Fratelli's Restaurant	\$ 55.00
	Check #3052 Law Enforcement Officers Union	\$ 347.34
	Check #3053 SEIU 200 United	\$ 295.19
	Check #3054 Nationwide Retirement	\$1,644.90
	Check #3055 NYS Income Tax Proces. Unit	\$1,527.01
	Check #3056 NYS Child Support	<u>\$ 483.50</u>
		\$4,352.94

Trustee McKeown seconded the motion and it was carried by the following vote:

Thomas Freeman Mayor	Voting	Yes
Philip Swanson, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

CLOSED PROJECTS:

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

<u>Project Name</u>	<u>Balance Remaining</u>	<u>Original Source</u>
H-67-Inspect 2MG Tank	\$67.54	HR-31-Water Lines Reserve
H-77-Carbon Replacement	\$ 0.05	HR-33-Water Filt. Reserve

Trustee Hayes seconded the motion and it was carried by the following vote:

Thomas Freeman, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

BRIAN BATY: (2008 INSURANCE RENEWAL)

The Board and Brian had a brief discussion regarding the Preferred Care Health Savings Account proposal to help employees save for qualified medical and retiree health expenses tax-free.

Brian Baty submitted a breakdown and updated the Board on the status of the insurance renewals for 2008 which reflects an increase of approximately \$1,500. Brian recommended going forward with this. He feels Selective Insurance has done a good job for the Village.

Mayor Freeman asked if the renewal time could be longer than one year.

Brian explained that years ago the renewal period was three years, but now it goes from year to year.

Upon a motion made by Trustee Swanson, the following renewals are hereby approved:

	Expiring	Expiring @ Updated Exposures	Selective Ins. <i>Landon Agency</i>
Property	\$12,853.43	\$13,354	\$13,659
	13,887,638 TIV \$5,000 Ded.	14,428,760 TIV \$5000 Ded	14,428,760 TIV \$5,000 Ded
General Liability	\$7,469	\$7,469	\$8,518
	IMM per Occur. 3MM Aggregate	IMM per Occur. 3MM Aggregate	IMM per Occur. 3MM Aggregate
Automobile	\$10,370	\$10,370	\$8881
	IMM Limit \$100 comp. Ded. \$500 coll. Ded. 19 Units	IMM Limit \$100 comp. Ded. \$500 coll. Ded. 19 Units	IMM Limit \$100 Comp. Ded. \$500 coll. Ded. 19 Units
Boiler & Machinery	Incl. in Property	Incl. in Property	Incl. in Property
Inland Marine	\$3,441	\$3,441	\$3,565
	\$1,419,364 TIV \$500 Ded.	\$1,419,364 TIV \$500 Ded.	\$1,419,364 TIV \$500 Ded.
Crime	\$850	\$850	\$889

Avon Village Board Meeting
Monday, August 18, 2008

Police Professional	\$5,362	\$5,362	\$6,166
	IMM per Occur. IMM Aggregate \$5,000 Ded.	IMM per Occur. IMM Aggregate \$5,000 Ded.	IMM per Occur. IMM Aggregate \$5,000 Ded.
Public Officials	\$4,441	\$4,441	\$4,440
	IMM per Occur. IMM Aggregate \$5,000 Ded.	IMM per Occur. IMM Aggregate \$5,000 Ded.	IMM per Occur. IMM Aggregate \$5,000 Ded.
OCP	\$280	\$275	\$275
Umbrella	\$6,321	\$6,321	\$6,446
	\$5MM per Occur. \$5MM Aggregate	\$5MM per Occur. \$5 MM Aggregate	\$5MM per Occur. \$5MM Aggregate
TOTAL	\$51,387.43	\$51888.43	\$52,839

Said motion was seconded by Trustee Zhe and carried by the following vote:

Thomas Freeman, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

Tom Freeman – How many claims have we had?

Brian Baty - From 9/1/03 to now we've had 40 claims and they've paid out almost \$100,000.

FIRE DEPARTMENT:

After a brief discussion the Board along with Tim Batzel and Jane Tam agreed to have the Avon Fire Department monies kept in their current bank account and apply for separate tax ID #. The Van Zandt Hose Company has their own employer identification number and Tim Batzel is working on applying for the Pumper's tax ID#. Tax returns do not need to be filed unless social organizations have gross receipts greater than \$25,000.00

DEPARTMENT OF PUBLIC WORKS:

Superintendent Barrett updated the Board on the status of his department as follows:

- Drainage in on South Avenue and next week should be done
- Sidewalk repairs being done on the South side of Clinton
- Justin Matusak will stay through brush pickup
- Duane Staples will stay through the end of mowing season
- Randy Peterson's sidewalk will begin once Fisk Place is completed
- The crew is getting ready for a horse show this week-end at the Driving Park
- Calibration of master meter is complete
- Pump station – 2/3 of the way through, just need to put doors and windows in.
All pumps running
- Spreadsheets were submitted for electricity, gas and oil increases

REID WHITING:

The Board along with Attorney Whiting discussed several properties in the Village that are not being maintained properly and it is the recommendation of the Village Attorney that the code be amended to contain more objective provisions such as setting a maximum height for grass. Mr. Whiting suggested giving the property owner a warning and then have the Village go in and cut the grass and clean up the area and bill it back to them. He suggested that the code be expanded to provide a notice of potential municipal action and chargeback to the property owner. If the owner doesn't pay, the Village would have to bring an action in Village or County court for collection. The resulting judgment will be a lien on the property.

Mayor Freeman – What about bidding out the job once a year for a maintenance contract and have someone on retainer so when needed, we can send them to clean up the area and bill the Village and then the Village could put the charge on the property tax?

Attorney Whiting – I don't believe you can hire the work done and then put the charge on the tax roll. I will confirm that with NYCOM.

Tony Cappello – According to the Code, if grass is 10" tall or higher, it has to be cut. Mr. Dennis Catuzza who resides at 184 East Main Street just went to court and according to Mr. Catuzza he told the Judge he wants his rear property to be a wooded area. He has an upcoming court date of September 8th. If the property is not cleaned up by then, the Judge will fine him every day that goes beyond the 8th of September.

Avon Village Board Meeting
Monday, August 18, 2008

Tony Cappello – The property at 127 Prospect Street is vacant and I have gotten numerous complaints on it. The grass has not been cut, there are raccoons on the property which are a hazard to the neighbors, and there is a pool in the back yard which is not enclosed by a fence. There are enough violations in the code where we could issue a summons. What can I do right now?

Attorney Whiting – File a summons to appear in court and if they don't respond or refuse to pay the fine, after conviction the Judge can order a jail sentence not to exceed 30 days. Each week of continuing violation is a separate offense. The threat of prosecuting may provide the most leverage. In combination with a civil suit for expense, the owner may comply. Make sure you take photos or videos before doing anything.

Mayor Freeman – Do we have a right to go on the property if it's a health hazard?

Attorney Whiting – Yes.

Tony Cappello reported that 75 West Main Street will be condemned. He is currently working with an individual from Social Services. He also stated that he is trying to get someone to mow the lawn at 184 Temple Street.

The Board was in unanimous agreement to start the process and follow the procedure and issue summons to the properties in violation.

Tony Cappello informed the Board that Dick Martin had purchased Iler Motors.

Mayor Freeman informed Mr. Cappello that the Board would like to see a monthly update on permits issued or denied in the Village. He also asked that Mr. Cappello be present at all Neighborhood Meetings.

Tony Cappello also reported that the vacant lot on High Street had been donated to Habitat. They are planning on building a single family home on it. Years ago a variance was issued because it didn't have a 100' frontage.

Trustee McKeown questioned the bill for \$331.44 made payable to the Town .

Mr. Cappello informed the Board that because of new pool regulations the Town ran a joint ad in the Genesee Valley Penny Saver. He will be sending out letters informing residents that are not in compliance that they will need to reapply for a permit and will now be required to have a dedicated electrical service, barrier fencing and a pool alarm, etc.

Mayor Freeman informed the Board that a consultant has been asked to attend the Planning Board meeting to make a presentation on the 14th of September to help with the Comprehensive Plan and other things that aren't an engineering issue.

Avon Village Board Meeting
Monday, August 18, 2008

Attorney Whiting submitted a correction deed for Amalfi Drive to the Mayor for his signature. Proper width was not put down the first time.

POLICE UPDATE:

- Kiddies Day went well
- Two P/T Officers have resigned

Mayor Freeman updated the Board on his meeting with the Town Board, Superintendent Amey, School Board President George, Chief Carney and Officer Ferrara on August 14th.

The Mayor recommended that the Village fund the SRO as stipulated in the existing contract.

Chief Carney indicated that it is his thought that the total SRO program cost less the County's contribution divided by three will be the respective amount billed to each entity for three consecutive years. The School will then take the entire program cost into their budget after three years.

Trustee Swanson - The grant would not be funded unless 75% of Officer Ferrara's time is in the school.

Mayor Freeman - The school needs a contract in order to secure the County contract.

The Board suggested a cover letter or addendum to the current contract forwarding it to the school to eliminate the 60 days clause in the contract between the School, Town, and Village.

Chief Carney made a request for Sergeant Henry and himself to use an Official Police Vehicle for a fund raiser. Sergeant Henry is President of the Blue Knights. They are doing a benefit ride for 911 from Charlotte Beach to Brockport on August 24th. The dollars raised will go to "Concerns of Police Survivors". The vehicle from our agency will provide a parade escort, and the only cost for the Village would be the fuel.

The Board was in unanimous agreement toward the request.

EXECUTIVE SESSION:

Upon a motion made by Trustee Swanson, the Board entered into executive session at 8:30 p.m. to discuss personnel matters. Trustee Zhe seconded the motion and the Board exited executive session at 8:45 p.m. the motion was carried by a unanimous vote.

FULL-TIME POLICE OFFICER:

Upon a motion made by Trustee Swanson, the Village Board appointed Joseph K. Geer to the position of full-time Police Officer at Step 1 pay grade. Trustee Zhe seconded the motion and it was carried by the following vote:

Thomas Freeman, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

TRUSTEES' UPDATE:

Upon a motion made by Trustee Hayes the following mileage rate is hereby approved as submitted by the IRS and will be modified according to the Internal Revenue Service.

MILEAGE ALLOWANCE:

IRS 2008

Privately owned vehicle – 58.5 cents per mile

Trustee Zhe seconded the motion and it was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Philip Swanson, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

Avon Village Board Meeting
Monday, August 18, 2008

The Board reviewed and discussed the e-mail from Cari Durbin dated August 15, 2008 regarding answers for the Board for sidewalks, signs and concrete.

Trustee Hayes – Reviewed the quote from Love Consulting, LLC for computer and control work at the Water Treatment Plant and the Wastewater Treatment Plant. Trustee Hayes suggested that the proposed quote be accepted.

Upon a motion made by Trustee Zhe the following quotes for computer upgrades are approved:

<u>Item</u>	<u>WTP</u>	<u>WWTP</u>
Document & backup all IFIX programs	\$1280.00	\$1280.00
UPS	\$ 580.00	\$ 580.00
Wireless router	\$ 214.00	\$ 214.00
Flash drives for backup	\$ 175.00	\$ 175.00
External hard drive	\$ 0.00	\$ 746.00
Computer	<u>\$1500.00</u>	<u>\$ 0.00</u>
TOTAL	\$3749.00	\$2995.00

The motion was seconded by Trustee Swanson and carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Philip Swanson, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

The WWTP work would be paid for out of an existing project, and the WTP work would be paid for out of Schedule C fund balance.

Trustee Hayes – There does not seem to be a specific height stipulation in our current code. I suggest we tighten up the language and resolve the issue at a future meeting.

Mayor Freeman reported that DOT closed Railroad Street with no notification to Village. Someone from the Village needs to attend the Field Meetings each Friday.

Mayor Freeman also informed the Board that at the last Parks Commission meeting he informed the Board that the Village is still considering a Park Ranger. So far this summer the Parks Committee has been very pleased with the work Duane Staples has done. The intent is to take the day to day tasks from Superintendent Barrett so the Park's Commission feel like they have a little control, although John Barrett would still be in charge.

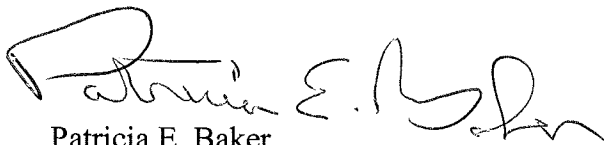
Avon Village Board Meeting
Monday, August 18, 2008

VILLAGE OF AVON ZONING MAP:

The draft of the zoning map of the Village of Avon submitted by the County showing current zoning changes that are not on our current zoning map was briefly discussed and once again tabled until their next meeting. It is the understanding of the Planning Board that a portion of Clinton Street is a private drive rather than a dedicated street and shouldn't be identified as Clinton Street on the map.

Upon a motion made by Trustee Hayes and seconded by Trustee Zhe, the meeting was adjourned at 9:04 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patricia E. Baker". The signature is fluid and cursive, with a large initial "P" and "B".

Patricia E. Baker
Village Clerk