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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, October 15th, 2007.

Present: Thomas Vonglis, Mayor  
William Zhe, Trustee  
Mark McKeown, Trustee  
Philip Swanson, Trustee

Absent: Thomas Freeman, Trustee

Staff: Christine Quinlan  
Reid Whiting  
John Barrett  
Ryan Colvin

Visitors: Mark Gillespie  
Patrick Rountree  
Roger Wolfanger  
Warren Wolfanger  
Amy Hinds  
Mary Beth Brinkerhoff  
Frank Csapo  
Michael Hinds  
David Cushing  
David LeFeber  
Kelly Cole  
Donald Cook  
Thomas Mairs  
James Blye

Mayor Vonglis opened the meeting at 5:30 p.m. with the Pledge of Allegiance.

## **VILLAGE BOARD MEETING MINUTES:**

Upon a motion made by Trustee McKeown the minutes from September 17, 2007 are hereby approved as submitted. Trustee Zhe seconded the motion and it was carried by the following vote:

William Zhe, Trustee	Voting	Yes
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Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes

Upon a motion made by Trustee Zhe the minutes from October 8th, 2007 are hereby approved as submitted. Trustee McKeown seconded the motion and it was carried by the following vote:

Thomas Vonglis, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Abstained	

## **CLOSED PROJECTS:**

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

H49-Membership Incentive	\$ 108.38	HR21
H52-Spring Street Repave	\$ 854.43	A201
H54-Slurry Seal Reed	\$ 4.38	HR24
H56-Linden St. Sidewalk	\$3675.51	HR24
H70-Sidewalk Repairs	\$9575.45	HR24
H79-Tree Plan	-0-	

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

William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes

## **TELECOMMUNICATION EXPENSE:**

Treasurer Quinlan provided the Board with correspondence from Chamber Advisory Group which shows potential changes to the Village phone billings, both landlines and cell phones. The following recommendations were made by Chamber Advisory Group:

- Local service – have taxes removed and credited where possible
- Long distance service – no change
- Cell phones – re-organize the minutes on each plan

Upon the motion of Trustee Swanson, the Board hereby directs Treasurer Quinlan to proceed with Chamber Advisory Group to implement the desired changes as stated above. Trustee Zhe seconded the motion and it was carried by the following vote:

William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes

**DEPARTMENT OF PUBLIC WORKS:**

Quotes for: Village of Avon Sidewalk Tractor Bids

<u>Dealer</u>	<u>Brand</u>	<u>Model#</u>	<u>Price</u>
Lakeland Eq.	John Deere	5325N	\$26,300
Monroe Tractor	Case IH	JX1075N	\$30,703
Empire Tractor	New Holland	TN7SFA	\$37,072
Saxby Implement	Kubota	L4240	\$20,900

*I recommend that we accept the bid of Lakeland Eq. for the John Deere Tractor. The Kubota tractor is the low bid it is however a much smaller tractor. They quoted the smaller tractor in order to achieve the width specification that we set at under 60" to fit on our sidewalks. The smaller horsepower of the engine and the hydrostatic transmission in this tractor make it inferior to the other tractors for our purposes.*

*John Barrett*

Upon the motion of Trustee Swanson, the quote of Lakeland Equipment in the amount of \$26,300 is hereby accepted. Trustee Zhe seconded the motion and it was carried by the following vote:

William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes

Quotes for Snow Plow:

Quotes for a new 10 foot Snow plow for the Ford F750 Dump Truck

Vendor	Make	Model	Price
STS Truck Eq.	Fisher	MC Series	\$5,826.01
Thruway Spring	Fisher	MC Series	\$4,999.00

*I recommend that we accept the quote of Thruway Spring*

Upon the motion of Trustee Swanson, the quote of Thruway Spring in the amount of \$4,999.00 is hereby accepted. Trustee Zhe seconded the motion and it was carried by the following vote:

William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes

- Quote for Body of Dump Truck

Rather than purchasing a body for the dump truck, Superintendent Barrett suggested that the Village purchase the steel and have Bryan Scott build the box over the winter. Superintendent Barrett estimated the cost of the steel would be in the neighborhood of \$1400 with a total cost with labor of around \$2500. The State bid for a pre-made box is \$8540. The Board agreed with Superintendent Barrett's proposal to build the box.

## **SENIOR CITIZEN AND DISABILITIES INCOME EXEMPTIONS:**

Joseph Pukos, Director of the Livingston County Real Property taxes department forwarded the following memo to the Village Board:

*SUBJECT: Exemption Income Limits*

*Livingston County has raised the income limits for the Senior Citizens Exemption (Section 467 RPTL), and for Persons with Disabilities and Limited Incomes (Section 459-c RPTL). The 50% level will rise from \$17,500 to \$18,500. With the sliding scale added, the upper limit was effectively raised from \$25,899 to \$26,899.99. The 2008 parameters are on the enclosed sheet.*

*For Towns, Schools, and Villages that want to have levels consistent with the County, changes must be made on or before March 1, 2008. However, it is preferred to have any changes by December 2007 to provide sufficient time for the assessors to inform the public.*

*Any taxing jurisdictions that maintain income levels at amounts that are different from the County are not being asked to change their levels. However, if you are going to change your limits, please do so by December 2007. Jurisdictions that choose to make exemption income limit changes must make the local assessors as well as this department aware of the change.*

*Please contact my office with any questions.*

The Board reviewed the proposed changes to only the senior citizen income exemptions for 2008. Disability exemptions will not be changed.

Upon a motion made by Trustee Zhe a public hearing is hereby scheduled for Monday, November 19th at 6:00 p.m. to discuss the potential increase as follows:

<u>INCOME</u>	<u>RESIDENTIAL INCOME</u>
0-\$18,500	50%
\$18,500.01 – 19,499.99	45%
\$19,500.00 – 20,499.99	40%
\$20,500.00 – 20,499.99	35%
\$21,500.00 - 21,499.99	30%
\$22,400.00 – 23,299.99	25%
\$23,300.00 – 24,199.99	20%
\$24,200.00 – 25,099.99	15%
\$25,100.00 – 25,999.99	10%
\$26,000.00 – 26,899.99	5%

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

Philip Swanson, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes

## **DEDICATION OF HORSESHOE BLVD – LIVINGSTON INDUSTRIAL:**

Patrick Rountree addressed the Board concerning the dedication of Horseshoe Blvd and its surrounding infrastructure.

County Attorney David Morris advised Mr. Rountree that the County could not dispose of assets for which it has obligation full faith and credit (GO ) bonds until such time as the bonds have expired. Therefore a lease between the County and the Village has to be prepared and reviewed by both the County Attorney and

Attorney Whiting for the Village. The dedication process is hereby tabled until the Attorneys can draft and approve a lease agreement between the two parties.

## **ANNEXATION PUBLIC HEARING:**

Mayor Vonglis opened the public hearing by reading the duly published notice for proposed Local Law #2-2007 entitled "A local law entitled Annexation regarding tax parcel number 24-2-2 and establishing zoning for that parcel.

Said proposed law would annex parcel 24-2-2 into and made a part of the Village of Avon and governed by the zoning laws of the Village of Avon Zoning chapter 30.37-1 Special Light Industrial District, I-2.

Mayor Vonglis opened the hearing to the floor. The Board discussed the specific specifications set forth in Special Light Industrial District, I-2.

With no further comments from the floor, Mayor Vonglis closed the public hearing.

Upon a motion made by Trustee McKeown, local law #2-2007 is hereby adopted as proposed. Trustee Swanson seconded the motion and it was carried by the following vote:

William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes

## **ANDERSON MEADOWS:**

The following neighbors appeared before the Board to discuss the proposed drainage easement requested by Roger Wolfanger:

Roger Wolfanger  
Warren Wolfanger  
Amy Hinds  
Mary Beth Brinkerhoff  
Frank Csapo  
Michael Hinds  
David Cushing

The various neighbors discussed the current drainage situation in their neighborhood. Although they agree that Mr. Wolfanger has a congregation of water in his yard at times, the residents along Chamber Drive currently do not

have any drainage issues in their back yards and, therefore, are hesitant to execute any easements to allow for digging or any general disturbance to their lawns.

Mr. Csapo provided the Board with copies of the original filed easements and maps. With these in hand, Superintendent Barrett can legally go on the resident's property to investigate the situation. Mr. Csapo indicated that several years ago he had installed a French drain in the area in question. Engineer Ryan Colvin suggested that Superintendent Barrett investigate the French drain to ascertain if it is functioning properly.

The end result is that Superintendent Barrett will investigate the French drain to see if it is functioning properly and report back to the Board. If it is determined that the drain was not installed properly, has been altered in some fashion, or otherwise not performing as intended, then the Board will then decide what further action to take. If it is determined that the French drain is working as it was originally intended, than no further action will be taken. In any event, no digging or disturbance to the yards will take place without prior, written communication to the residents in question.

## **HINDS PERGOLA:**

Mr. Hinds address the Board with regard to complaints he received surrounding the installation of a pergola on his property without a permit. Mr. Hinds indicated that the Village Code Enforcement Officer contacted him regarding these complaints. After extensive research by the Deputy Code Enforcement Officer, it was determined that Mr. Hinds is prohibited from placing a pergola on his property due to deed restrictions and covenants consistent with his development (Anderson Meadows). Attorney Whiting advised Mr. Hinds and the Village Board that the Village Board has no authority to address restrictive covenants. It is strictly a matter to be resolved between the residents or Anderson Meadows and the Developer.

## **HORSE BARN RENTAL APPLICATION:**

Upon a motion made by Trustee Zhe, the following Horse Barn Rental Application is hereby approved.

RENTAL APPLICATION



**NAME:** \_\_\_\_\_  
STREET: \_\_\_\_\_  
VILLAGE/TOWN \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

HOW LONG AT ABOVE ADDRESS: \_\_\_\_\_ DRIVERS LICENSE # \_\_\_\_\_

MARITAL STATUS \_\_\_\_\_ IF MARRIED, SPOUSES NAME \_\_\_\_\_  
MALE OR FEMALE \_\_\_\_\_ AGE \_\_\_\_\_ BIRTH DATE \_\_\_\_\_

**EMPLOYMENT:**

PRESENT EMPLOYER \_\_\_\_\_ PHONE # \_\_\_\_\_

ADDRESS: \_\_\_\_\_

WORKING HOURS: \_\_\_\_\_

LENGTH OF EMPLOYMENT: \_\_\_\_\_

**GENERAL:**

HAVE YOU EVER BEEN CONVICTED OF A CRIME OR ARE PRESENTLY CHARGED WITH ANY VIOLATION OF ANY LAW:  
\_\_\_\_\_

DESCRIBE ANY TRAFFIC CONVICTIONS YOU RECEIVED IN THE PAST THREE YEARS OR ANY VIOLATION INCLUDING ALCOHOL OR DRUG RELATED DRIVING OFFENSES IN THE PAST 10 YEARS.  
\_\_\_\_\_

***I HEREBY AUTHORIZE THE AVON POLICE DEPARTMENT TO INVESTIGATE MY BACKGROUND AND REPORT THE RESULTS THEREOF TO THE BOARD OF TRUSTEES OF THE VILLAGE OF AVON.***

SIGNATURE OF APPLICANT: \_\_\_\_\_

***I HEREBY CERTIFY THAT THE ABOVE INFORMTION IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT I MAY BE REJECTED IF I INTENTIONALLY MAKE A FALSE STATEMENT TO ANY QUESTION ON THIS APPLICATION.***

SIGNATURE OF APPLICANT: \_\_\_\_\_

***I HAVE READ THIS APPLICATION (OR HAD THIS APPLICATION READ TO ME). THE FACTS CONTAINED HEREIN ARE TRUE AND CORRECT. I HAVE ALSO BEEN TOLD, AND I UNDERSTAND, THAT A PERSON IS GUILTY OF FALSE PERSONATION WHEN AFTER BEING INFORMED OF THE CONSEQUENCES OF SUCH ACT, HE OR SHE KNOWINGLY MISREPRESENTS HIS OR HER ACTUAL NAME, DATE OF BIRTH OR ADDRESS TO A POLICE OFFICER OR PEACE OFFICER WITH INTENT TO PREVENT SUCH POLICE OFFICER OR PEACE OFFICER FROM ASCERTAINING SUCH INFORMATION. FALSE PERSONATION IS A CLASS B MISDEMEANOR PURSUANT TO SECTION 190.23 OF THE PENAL LAW OF THE STATE OF NEW YORK.***

SIGNATURE OF APPLICANT: \_\_\_\_\_  
VILLAGE BOARD DECISION \_\_\_\_\_ DATE: \_\_\_\_\_

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

William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes

## **5&20 PROJECT – NO PARKING:**

LOCAL LAW #4-2007 – Prohibiting parking on certain portions of NYS Routes 5&20, amending Chapter 60 of the Code of the Village of Avon, Section 60.43(25) and (26) as follows:

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

### RESOLUTION

Be it resolved that proposed Local Law #4-2007 entitled Prohibiting Parking. Said code shall provide for a change in the zoning code as follows:

The parking of vehicles is hereby prohibited in the following locations:

- (a) on the south side of West Main Street (Route 5&20); except between the driveways for 111 West Main Street to 113-117 West Main Street where on-street parking shall be permitted; from 150 feet east on Wadsworth Avenue to 60 feet east of Rochester Street.
- (b) on the north side of West Main Street (Route 5&20) from 245 feet west of Bronson Road to Rochester Street.

Section 60.43 (26) shall provide:

- (a) On East Main Street (Route 5&20); except for the south side of East Main Street from 100 feet west of Temple Street to 290 feet east of Temple Street, where on-street parking shall be permitted;
- (b) from the Village Circle to Polebridge Road.

Further resolves that copies of the aforesaid proposed Local Law #4 be laid upon the desks of each of the Trustees of the Board of Trustees and be it

Further resolved that the Board of Trustees shall review said proposed Local Law

#4 and shall be prepared for a public hearing at the Village Board meeting on Monday, November 19, 2007 at 6:45 p.m.

Trustee Swanson seconded the motion and it was passed by the following vote:

William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes

## VOUCHERS AND MANUAL CHECKS:

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

Fund #1 General Fund	\$4,700.00
Fund #4 Schedule C	\$ 761.87
Fund #5 Water	\$ 1,632.80
Fund #6 Sewer	\$ 6,375.34
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$ 995.87
Fund #44	\$
Fund #45	\$
Fund #46	\$
Fund #47	\$
Fund #48	\$
Fund #50	\$
Fund #53	\$
Fund #54	\$
Fund #55	\$
Fund #56	\$
Fund #57	\$
Fund #58	\$

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Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$
Fund #63	\$
Fund #64	\$
Fund #65	\$
Fund #66	\$
Fund #67	\$
Fund #68	\$
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 #89	\$
Fund #90	

Avon Village Board Meeting  
Monday, October 15, 2007

Fund #91	\$
Fund #92	\$
Fund #93	\$ 896.48
Fund #94	\$
Fund #95	\$
Fund #96	
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$15,362.85 10/01/07

Manual Checks: Check # 2902-2904 payroll deductions \$4,205.90  
                   Check #17200 National Trust Forum \$ 115.00  
                   Check #3467 Loomis Electric \$8,215.00

Purchase Orders: # none



Fund #1 General Fund	\$26,592.33
Fund #4 Schedule C	\$ 7,751.21
Fund #5 Water	\$ 2,805.98
Fund #6 Sewer	\$ 5,048.64
Fund #9	\$
Fund #10	\$
Fund #11	\$16,386.09
Fund #17	\$
Fund #44	\$
Fund #45	\$
Fund #46	\$
Fund #47	\$

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Fund #48	\$ 2,304.75
Fund #49	\$ 4,967.24
Fund #50	\$ 138.03
Fund #53	\$
Fund #54	
Fund #55	\$ 57.14
Fund #56	\$
Fund #57	
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$ 30.03
Fund #63	\$
Fund #64	\$ 30.03
Fund #65	\$
Fund #66	\$
Fund #67	\$
Fund #68	\$
Fund #69	\$ 30.03
Fund #70	\$
Fund #71	\$
Fund #72	\$
Fund #73	\$
Fund #74	\$
Fund #75	\$ 30.03
Fund #76	\$
Fund #77	\$
Fund #78	\$
Fund #79	\$
Fund #80	

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Fund #81	\$
Fund #82	\$ 114.90
Fund #83	\$ 337.33
Fund #84	\$
Fund #85	\$
Fund #86	
Fund #87	\$
Fund #88	\$ 273.00
Fund #89	\$ 12,934.75
Fund #90	
Fund #91	\$ 7,123.50
Fund #92	\$ 1,790.55
Fund #93	\$
Fund #94	\$
Fund #95	\$
Fund #96	
Fund #97	\$ 30.03
Fund #98	\$ 30.03
Fund #99	\$
TOTAL	\$88,805.62 10/15/07

Manual Checks: Check #2909-2913 payroll deductions \$4,837.13

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

Philip Swanson, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes

**TOWN BOARD:**

The Town Board appeared before the Village Board to discuss the following topics:

- Grants – Court; GIS; SARA; SMSI

- Shared office space during renovation of the Opera Block
- Joint Youth

Councilman Cole gave an update on the status of the Opera Block renovations. The referendum past on August 16, 2007, the estoppel time expired September 13<sup>th</sup> and subsequently the Committee has met with the architect, legal counsel, and bond counsel. If the Committee can agree and a signed document can be provided by November 1<sup>st</sup>, Councilman Cole estimates a 4 to 5 month period to put the bids together and to award the project - around the end of April.

Councilman Cole indicated that following this plan, the Town Offices will need to be vacated in April or May and relocated for approximately 6 to 9 months. Mayor Vonglis offered the Village hall to co-locate the offices for this period. The Board briefly discussed possible layout options. The Village Board agreed to the temporary co-location.

Supervisor LeFeber reviewed some of the proposed grants. Currently the Village and the Town have a combined Court Consolidation grant that will require an Intermunicipal agreement to set forth the fine details between the municipalities with regard to the court clerk's salaries and consumables, etc. Trustee Swanson suggested that the Town go to Albany to find a pro-to-type agreement and have it tweaked by both the Town and Village attorneys for our particular use.

Councilman Cook reviewed the current Recreation Program indicating that the proposed budget for 2008 is \$62,000. The proposed program will continue at the school facilities, however, there are still some concerns about the availability of fields for additional programs. In addition, storage is a continuing problem and Supervisor LeFeber suggested speaking to Bruce Amey regarding a possible storage facility for the recreation equipment.

Councilman Cook added that some issues arose during the course of the summer program, however, the Town Board have taken some proactive actions and scheduled specific training sessions for the Counselors and employees. The Town is also putting together rules and regulations (a guideline) for the program. Councilman Cook asked if Trustee Zhe and Trustee McKeown still wanted to be involved with the program and work on the guideline with them. Both Trustees agreed to assist in this endeavor. Various suggestions were discussed with regard to possible term limits for the chairpersons and/or directors; a calendar showing dates for registrations and a timeline in conjunction with the registration period. Otherwise, the program has transitioned smoothly and working well.

Supervisor LeFeber asked if the Village intended to continue its commitment to the Fire Department's Kiddie's Day with an annual contribution of \$2,000. The Board agreed that the Village would continue to give \$2,000 and the Town Board agreed to contribute \$2,000. At a later date, the Kiddie's Day contribution, as

well as other expenses, will be reviewed to see if the expense should be taken solely from the Town Budget "A" and eliminated from the Village budget.

Supervisor LeFeber spoke about several joint grant opportunities pending. Six towns have applied for shared highway equipment. The Town and Village were successful last year with the GIS grant. Supervisor LeFeber mentioned an upcoming records management grant which is due by the end of February. Treasurer Quinlan added that there was a co-location shared municipal grant opportunity available; however the deadline for the grant application would be the beginning of November. Both Boards reviewed the pros and cons surrounding both grant applications and determined that the shared record storage grant should be applied for, whereas, the co-location grant should be reviewed at a later date.

Councilman Blye informed the Board that the web site was up and running with 428 hits as of the time of the meeting. The Boards agreed to purchase a quarter page ad in the Pennysaver advertising the site.

Councilman Cole, speaking on behalf of the Chamber of Commerce, suggested that the Avon PD improve the ticketing process for those parking violators on Genesee Street.

## **EXECUTIVE SESSION:**

Upon a motion made by Trustee Swanson, the Board went into executive session at 8:20 pm to discuss union negotiations. Trustee Zhe seconded the motion and the Board exited executive session at 8:45 pm. The motion was carried by a unanimous vote.

Upon a motion the meeting was adjourned at 8:45 p.m.

Respectfully submitted by

Robyn Harris, Village Clerk