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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, December 3, 2007.

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

Staff: John Barrett  
Patty Baker

Planning Board: Rusty Korth  
Hal Cole  
Tony Cappello  
Thomas Corrigan  
Kevin O'Donoghue  
Bonnie Taylor-Davis

Visitors: Dan Farrelly  
Dana Neumire  
Jon Harman  
Cari Durbin  
John Marks  
Barry Quinn

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 Swanson the minutes from November 19th, 2007 are hereby approved as submitted. 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
Thomas Freeman, Trustee	Voting	Yes

## **SHARED MUNICIPAL GRANT:**

Treasurer Quinlan provided the resolution needed to apply for the New York State Department of State Shared Municipal Services Incentive Program grant. The grant project will be a feasibility study that will be performed by an independent consultant who will review the benefits of co-locating the Village and Town municipal offices.

Trustee Freeman commented that NYCOM supported his position that consolidation of Towns/Village is not necessarily a good thing. That larger government is not always a positive thing. Trustee Freeman stated that he does not support the application for a feasibility study for the purpose of co-locating the Town and Village Offices.

Both Trustee McKeown and Mayor Vonglis expressed their concerns about spending money to solicit a study to spend money, but both agreed that there was some merit to finding out if there is any money to be saved by co-locating the Town and Village offices.

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

### **A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE NEW YORK STATE DEPARTMENT OF STATE SEEKING FUNDS FROM THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM**

BE IT ENACTED, by the Village of Avon, as follows:

WHEREAS, the Village of Avon and Town of Avon currently are located at two separate locations; and

WHEREAS, the Village of Avon and Town of Avon are interested in assessing the feasibility of co-locating their respective municipal offices; and

WHEREAS, prior to the implementation of co-location of the Village and Town municipal offices, extensive examination would be required involving fiscal implications, cost benefits, efficiencies, programmatic and operational impacts, and a thorough legal analysis; and

WHEREAS, it is in the best interests of the taxpayers of Avon for the Village of Avon and the Town of Avon to examine the feasibility of co-locating their respective offices; and

WHEREAS, the Village Treasurer has advised that there is funding available associated with the facilitation of municipal shared services under a competitive grant process administered by the New York State Department of State; and

WHEREAS, the Village Treasurer further advises that the eligible funds would come from the Shared Municipal Services Incentive grant program, and

WHEREAS, the Village Treasurer further advises that the grant application would seek funding for the study of the feasibility of the co-location of the Village and Town municipal offices; and

WHEREAS, the Village Treasurer further advises that the Village of Avon is requesting authorization to submit an application to the New York State Department of State seeking approximately \$40,000.00 in State funds; and

WHEREAS, the Village Treasurer further advises that the Village of Avon would be liable for \$4,000.00 in necessary matching funds to receive such grant, and that the Village Treasurer would be the designated liaison/contact person for the grant project; and

WHEREAS, the Village Treasurer recommends that the Village of Avon, as lead applicant, submit an application to the New York State Department of State seeking monies from the Shared Municipal Services Incentive Grant Program; now, therefore be it

RESOLVED, that the Village of Avon, as lead applicant, is authorized to participate with the Town of Avon in the submission of an application to the New York State Department of State seeking approximately \$40,000.00 in funding from the Shared Municipal Services Incentive Grant Program for purposes of studying the feasibility of co-locating the Village of Avon and Town of Avon municipal offices, and, be it further

RESOLVED, that the Mayor of the Village of Avon be, and he hereby is, authorized to execute, certify and file all necessary documents and forms for this grant application as detailed herein, after approval by the Village Attorney as to form and content; and, be it further

RESOLVED, that the Village of Avon shall provide the necessary staff resources to participate in and assist with the duties and responsibilities outlined in this grant application.

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

Thomas Freeman, Trustee	Voting	No
Philip Swanson, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

Mark McKeown, Trustee

Voting        Yes

## **DEPARTMENT OF PUBLIC WORKS:**

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

- Working on leaf pickup
- Sidewalk tractor should be in by next week
- A new pre-packaged pump station will be presented to the Water Works Committee for their review and recommendations
- Roof project is done at DPW
- Waiting for a response on the new window purchase orders
- Depending on the weather, should have the remainder of the Christmas decorations up by end of week
- Trustee McKeown relayed a requested from the Fire Department that a Stop sign be placed in between the Fire Department and Pizza Land
- Trustee Swanson asked that the sign by Park Place and Genesee Street be replaced

## **PARK COMMISSION:**

Trustee Zhe updated the Board on the status of the Park Commission as follows:

- The Park Commission have numerous questions surrounding the proposed landscaping plans and crosswalk placement for the 5&20 project

## **FIRE DEPARTMENT APPLICATION:**

Upon a motion made by Trustee McKeown, the application of Jane E. Tam for membership in the Avon Fire Department is hereby accepted. Trustee Zhe seconded the motion and it was carried by the following vote:

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

## **AVON COMMONS LETTER OF CREDIT:**

Mascot Enterprises has requested the release of the final letter of credit for Avon Commons, Phase III. The Village currently holds a letter of credit in the amount of \$171,161.66 for the completion of sanitary sewer, storm sewer, sedimentation and erosion control, stormwater management facility, pavement, watermains and earthwork with regard to Phase III and Almalfi Drive. Both the code enforcement officer and Superintendent of Public Works have inspected the infrastructure and found it to be satisfactory and have duly signed the completion form. The Code Enforcement Officer did ask for additional trenching to be done and Mascot has complied with this request.

Mascot Enterprises has also provided the Board with a warranty deed for Almalfi Drive and a two year maintenance bond for the infrastructure and pavement. Both the Village engineer and Village Attorney have reviewed the maintenance bond and found it to be acceptable with the exception of a small variation in amount. The maintenance bond currently stands in the amount of \$28,000. The correct amount should be \$28,549.80.

Upon a motion made by Trustee McKeown, the Village Board hereby approves the two year maintenance bond in the amount of \$28,000.00 and thereby accepts dedication of Almalfi Drive and further agrees to release the final amount of Letter of Credit held by the Village of Avon in the name of Mascot Enterprises. Attorney Whiting is hereby directed to file the warranty deed for Almalfi Drive.

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

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

## **KIDS CLUB LETTER OF CREDIT:**

Superintendent Barrett and Code Enforcement Officer Cappello inspected the Kid's Club Childcare Facility and found that all requirements covered by the Bank of Castile Letter of Credit #367 in the amount of \$9,360 have been satisfactorily completed.

Upon a motion made by Trustee Swanson , based upon the inspections made by Superintendent Barrett and CEO Cappello, the Village hereby releases the Bank of Castile Letter of Credit #367 in the amount of \$9360 carried by the Kid's Club Childcare Facility for the benefit of the Village of Avon.

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

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

## **JOINT PLANNING BOARD MEETING:**

Mayor Vonglis opened the meeting by reading the duly published notice.

The purpose of the joint meeting is to make the final approvals for the Livingston Industrial Detention Pond dedication.

## ***SEQR NEGATIVE DECLARATION:***

The Avon Village Board reviewed the SEQR documents and negative declaration statement prepared by BME Associates and MRB Group. The Village Board noted that the proposal consists of subdividing land for dedication of existing approved stormwater detention pond to the Village of Avon. The detention pond was part of overall Village approved development and project.

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

### RESOLUTION

RESOLVED, that in accordance with the New York State Environmental Quality Review procedures (SEQR), the Village Board of the Village of Avon expressed its intent to serve as lead agency to comply with SEQR for the actual subdivision of lands for possible dedication of subdivided lands and detention pond to the Village of Avon.

RESOLVED, that in accordance with the Village Board serving as lead agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project.

RESOLVED, that per the review and evaluation of the SEQR form and documentation by the Village Board of the Trustees of Avon showing that the

project involves taking ownership of the pond property. It is in the best interest of the Village to subdivide the property and take ownership as agreed upon by the Village. The action will not create any adverse environmental impacts. It is simply the subdivision of a parcel of property from the larger Industrial Complex parcel which will result in the Village of Avon owning and maintaining the stormwater detention pond. It is therefore determined that the project should not result in any significant adverse environmental impacts and the Village hereby issues a Negative Declaration.

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

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

### ***SUBDIVISION APPROVAL:***

Chairman Korth indicated that the Planning Board had reviewed and discussed the application for subdivision of the stormwater detention pond.

And with no further questions from the floor, upon a motion made by Planning Board member O'Donoghue the application of Hansen/Ash to subdivision the remaining portion of the Livingston Industrial detention pond is hereby approved. Planning Board member Cole seconded the motion and it was carried by the following vote:

William Korth, Chairman	Voting	Yes
Hal Cole	Voting	Yes
Anthony Cappello	Voting	Yes
Thomas Corrigan	Voting	Yes
Kevin O'Donoghue	Voting	Yes
Bonnie Taylor-Davis	Voting	Yes

### ***MAINTENANCE BOND:***

Livingston Industrial provided the Board with a two year maintenance bond in the amount of \$13,000. The maintenance bond has been reviewed and approved by both Attorney Whiting and MRB Group. Upon a motion made by Trustee McKeown, the Village Board hereby accepts the maintenance bond in the amount of \$13,000 #RNS124659M reference the detention pond at Farmer's Road. Trustee Freeman seconded the motion and it is carried by the following vote:

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

**DEDICATION:**

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

RESOLUTION

WHEREAS, the following property being submitted to the Board of Trustees of the Village of Avon for acceptance of dedication contained therein; and

WHEREAS, the property described as 6.18 acres of land included in an approved pond constructed with Phase 1 of the Livingston Industrial Complex, LLC.

WHEREAS, the offer of dedication is made with the intention that the land be a detention pond. The Village of Avon has inspected the pond via a survey or the inverts; and

WHEREAS, an unlisted SEQR action has been taken and a negative declaration has been issued; and

WHEREAS, the Village Planning Board has approved the proposed subdivision; and

WHEREAS, the Village of Avon has been presented with a two year maintenance bond in the amount of \$13,000, and

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Avon that the Village hereby accepts dedication of the existing stormwater detention pond constructed for the Livingston Industrial Complex and Mayor Vonglis is duly authorized to execute a warranty deed on the Village's behalf.

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

Thomas Freeman, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes
William Zee, Trustee	Voting	Yes

### **RECORDATION OF DETENTION POND:**

Upon a motion made by Trustee McKeown, Attorney Whiting is hereby directed to record the deed executed by Mayor Vonglis along with the necessary recording documents and maps.

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

Thomas Freeman, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Philip Swanson, Trustee	Voting	Yes
William Zee, Trustee	Voting	Yes

### **EXECUTIVE SESSION:**

Upon a motion made by Trustee Swanson, the Board went into executive session at 6:15 pm to discuss personnel issues. Trustee Zhe seconded the motion and the Board exited executive session at 6:30 pm. The motion was carried by a unanimous vote.

### **5&20 PROJECT:**

The Village Board met with representatives of the Department of Transportation to further discuss the proposed 5&20 project.

The following topics were discussed:

- Proposed Signage - placement, municipal signs vs. DOT signs, no signs on East Main Street, yes to signs on West Main Street, signs to be reinforced by local ordinance. Take the Park closed sign out of the Circle Park (it can be replaced by DPW if needed). RTS sign by Circle Park needs to be moved. DOT to contact RTS. The local two hour parking signs need to remain as is.
- Proposed Crosswalks - No crosswalks on plans, the advanced detail plan will have the crosswalks marked on it. Normally the signs for crosswalks are where drivers would not expect a crosswalk to be, whereas, a common crosswalk area will not be signed.
- Street lighting/conduit – DOT cannot replace lighting within the Circle Park due to extended/time consuming SHIPO concerns. DOT

will run all new conduit in the square where new lights are being installed as part of the project and the Village will subsequently take ownership. DOT needs a letter from the Village indicating that it wants to use the same Lumec lighting to match the downtown streetscape. A new pull box will be installed by the Zion Church. No changes in the street lighting will be made on East or West Main Street. Lighting outside the Circle is not part of the project.

- Sidewalk easements – Three options to complete the sidewalk easements. (1) obtain the signed easement; (2) get the easement while in construction; (3) the DPW puts in the sidewalk after project is completed. Three easements are currently outstanding. DOT needs to have the signed, filed easements by December 12, 2007 so that they can be added to the plans.
- Landscaping – 10” high ground covering will be used in the east and west islands. The outside edge (20”) of the islands will be exposed aggregate which provide a safety area for maintenance. The West Main Street bump out will tie into the existing pavers and will match the existing streetscape. Pavers will also be used at St. Agnes to match the existing streetscape with trees. Ornamental trees will be planted in the island.
- Record Plans – Does the Village want 3d information on water/sewer? Yes, DOT will require the contractor to provide 2D, GPS information to the Village as part of the as-builts. Does the Village want to be involved in the construction of the water/sewer installation? Probably for problems and/or changes only.
- Newsletter – web site and/or possible insert in the Pennysaver with regard to status of project and prospective timelines.

Dan Farrelly indicated that the Village Board would receive an advanced detail plan of the entire project for review and comments. The plan should be reviewed by the Village Board and all consolidated comments should be returned to DOT within a two week period. DOT will respond to each comment.

Barry Quinn, Regional Utility Engineer informed the Board that they would need three resolutions executed by the Village Board (water, sanitary sewer, lighting) and, most importantly, a signed agreement of authorization of payment.

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

### **RESOLUTION FOR THE MAINTENANCE OF**

**LANDSCAPING AND DECORATIVE BRICK PAVERS**

**WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Routes 5 & 20, State Highway 5302, located in the Village of Avon, Livingston County, under P.I.N. 4005.04, and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project, landscaping (along the roadway and in islands) and the installation of decorative brick pavers, pursuant to Section 10 and Section 46 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

**WHEREAS**, the State will provide for the construction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

**NOW, THEREFORE,**

**BE IT RESOLVED:** That the Village of Avon approves of the installation of landscaping and decorative brick pavers and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Avon will maintain or cause to be maintained the trees, landscaped areas, and brick pavers performed as above stated and as shown on the contract plans.

**BE IT FURTHER RESOLVED:** That the Clerk of the Village of Avon is hereby directed to transmit two (2) certified copies of the foregoing resolution to the New York State Department of Transportation.

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

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

Trustee Zhe offered the following resolutions and moved for its adoption:

**RESOLUTION FOR THE MAINTENANCE OF  
HIGHWAY DRAINAGE**

**WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Routes 5 & 20, State Highway 5302, located in the Village of Avon, Livingston County, under P.I.N. 4005.04, and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project, new drainage structures, frames, grates, curbs and limited replacement pipes to tie into the existing Village-owned drainage system, pursuant to Section 10 and Section 46 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

**WHEREAS**, the State will provide for the construction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

**NOW, THEREFORE,**

**BE IT RESOLVED:** That the Village of Avon approves of the drainage structures, frames, grates and pipes and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Avon will continue to maintain or cause to be maintained the drainage structures, frames, grates, curbs and pipes performed as above stated and as shown on the contract plans.

**BE IT FURTHER RESOLVED:** That the Clerk of the Village of Avon is hereby directed to transmit two (2) certified copies of the foregoing resolution to the New York State Department of Transportation.

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

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

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

**RESOLUTION FOR THE MAINTENANCE OF  
PAVEMENT AND STRIPING IN THE VILLAGE SQUARE  
INCLUDING SNOW AND ICE REMOVAL**

**WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Routes 5 & 20, State Highway 5302, located in the Village of Avon, Livingston County, under P.I.N. 4005.04, and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project, a rehabilitated asphalt pavement surface in the Village Square outside the Routes 5 & 20 shoulder, whose primary purpose is for parking and local traffic movements, pursuant to Section 10 and Section 46 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

**WHEREAS**, the State will provide for the construction of the above mentioned work, as shown on the contract plans relating to the above mentioned project, including new and/or larger raised islands to separate Routes 5 & 20 from this area.

**NOW, THEREFORE,**

**BE IT RESOLVED:** That the Village of Avon approves of the rehabilitation of the pavement area and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Avon will maintain or cause to be maintained the roadway surface and striping performed as above stated and as shown on the contract plans, including snow and ice removal.

**BE IT FURTHER RESOLVED:** That the Clerk of the Village of Avon is hereby directed to transmit two (2) certified copies of the foregoing resolution to the New York State Department of Transportation.

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

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

**VOUCHERS AND MANUAL CHECKS:**

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

Avon Village Board Meeting  
Monday, December 3, 2007

Fund #1 General Fund	\$3,255.13
Fund #4 Schedule C	\$ 149.15
Fund #5 Water	\$1,561.26
Fund #6 Sewer	\$5,949.53
Fund #9	\$
Fund #10	\$
Fund #11	\$
Fund #17	\$5,114.41
Fund #44	\$
Fund #45	\$
Fund #46	\$
Fund #47	\$
Fund #48	\$ 1,900.00
Fund #50	\$
Fund #53	\$
Fund #54	
Fund #55	\$ 19.73
Fund #56	\$
Fund #57	
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$
Fund #63	\$
Fund #64	\$
Fund #65	\$
Fund #66	\$
Fund #67	\$
Fund #68	\$
Fund #69	\$

Avon Village Board Meeting  
Monday, December 3, 2007

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	\$ 890.63
Fund #83	\$
Fund #84	\$
Fund #85	\$
Fund #86	
Fund #87	\$
Fund #88	\$
Fund #89	\$
Fund #90	
Fund #91	\$
Fund #92	\$
Fund #93	\$ 40.64
Fund #94	\$
Fund #95	\$
Fund #96	
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$18,880.48

Manual Checks: Check #

Purchase Orders: # none



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
Thomas Freeman, Trustee	Voting	Yes

Upon a unanimous motion, the meeting was closed at 8:15 pm.

Respectfully submitted,

Robyn Harris  
Village Clerk