

Avon Village Board Meeting
Monday, August 17, 2009

EXECUTIVE SESSION:	2
VILLAGE BOARD MEETING MINUTES:.....	3
VOUCHERS AND MANUAL CHECKS:	3
TRUSTEE'S UPDATE:.....	6
DEPARTMENT OF PUBLIC WORKS:.....	7
WAYNE SCHULTZ – PUBLIC HEARING (SPECIAL USE PERMIT):	8
CODE ENFORCEMENT OFFICERS UPDATE:.....	9
CHIEF BATZEL:.....	9
CHIEF OF POLICE UPDATE:	10
EXECUTIVE:	11

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Monday, August 17, 2009

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 17, 2009.

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

Staff: John Barrett
Tony Cappello
Reid Whiting, Attorney
Jim Carney
Jay Batzel

Visitors: Wayne Schultz
Curt Schultz

EXECUTIVE SESSION:

Upon a motion made by Trustee Hayes, the Board went into executive session at 6:10 p.m. to discuss contractual matters. Trustee Zhe seconded the motion and the Board exited executive session at 6:15 p.m. The motion was carried by a unanimous vote.

A motion was made by Trustee Hayes to make a counter purchase offer of \$20,000 to the Estate of Brian Zamiara for the property known as 79 Genesee Street. The motion was seconded by Trustee McKeown and carried by the following vote:

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

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee McKeown the minutes from August 3rd and August 10th, 2009 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
Timmy Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

VOUCHERS AND MANUAL CHECKS:

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

Fund #1 General Fund	\$36,741.32
Fund #4 Schedule C	\$ 7,140.87
Fund #5 Water	\$ 2,478.02
Fund #6 Sewer	\$ 12,498.48
Fund #9	\$
Fund #10	\$
Fund #11	\$ 526.96
Fund #17	\$
Fund #44	\$
Fund #45	\$60,000.00
Fund #46	\$ 2,974.97
Fund #47	\$
Fund #48	\$
Fund #49	\$ 2,968.00
Fund #50	\$
Fund #52	\$
Fund #53	\$

Avon Village Board Meeting
Monday, August 17, 2009

Fund #54	
Fund #55	\$
Fund #56	\$ 9,953.03
Fund #57	
Fund #58	\$
Fund #59	\$
Fund #60	\$
Fund #61	\$
Fund #62	\$ 5,633.91
Fund #63	\$
Fund #64	\$
Fund #65	\$
Fund #66	\$
Fund #67	\$ 282.50
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	\$ 1,266.87
Fund #84	\$ 2,385.00

Avon Village Board Meeting
Monday, August 17, 2009

Fund #85	\$
Fund #86	
Fund #87	
Fund #88	\$
Fund #89	\$13,329.59
Fund #90	\$
Fund #91	\$ 3,910.70
Fund #92	\$
Fund #93	\$
Fund #94	\$
Fund #95	\$
Fund #96	
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$162,090.22

Manual Checks:	Check #3017 Postmaster- Aug. W/S Postage	\$ 127.26
	Check #3495 Postmaster – Aug. W/S Postage	\$ 127.26
	Check #18851 Tim’s Tire & Alignment Ctr.	\$ 499.49
	Check #3244 NYS Child Support Proc. Ctr.	\$ 230.00
	Check #3242 law Enforcement Off. Union	\$ 266.46
	Check #3241 NYS Income Tax proc. Unit	\$2,904.05
	Check #3243 SEIU 200 United	\$ 307.53
	Check #3245 Nationwide Retirement Sol.	\$1,525.59
	Check #18852 Kiddie’s Day Contribution	<u>\$2,000.00</u>

TOTAL **\$9,987.64**

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

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

TRUSTEE'S UPDATE:

Mayor Freeman reminded the Board of the Joint Meeting with the Town Board on the 27th of August. The Board briefly discussed the issue of skateboarding as requested by the Town.

A request was made by Livingston County Habitat for Humanity to waive the penalty of \$8.17 on the 2009 tax bill. Ms. Pragle from Livingston County Habitat for Humanity knew the property was tax exempt but did not realize the Village taxes are based on the previous year's tax roll, therefore, the taxes are due to be paid.

A motion was made by Trustee Zhe and seconded by Trustee Hayes to waive the penalty charge as requested. The motion was carried by the following vote:

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

Clerk Baker informed the Board that Brian Baty, Insurance Consultant has requested to meet with the Board to review the bids that have been received for insurance renewal. The Board agreed to meet with Brian Baty on August 27th to discuss insurance bids received.

Trustee Zhe reminded the Board that September 12th is the Fitness Trail Dedication.

The Board updated Trustee Batzel on the invoices of the Joint Youth. Trustee Batzel will review with Treasurer Quinlan so it can be discussed with the Town Board at their August 27th meeting.

DEPARTMENT OF PUBLIC WORKS:

Superintendent Barrett went up to Frank Csapo's development and shot grades. Superintendent Barrett informed the Board that Chuck Kanty and two houses to the north would be happy to have it done, but as for the other homeowners, they don't think it is necessary. As Superintendent Barrett walked down the property lines, people told him they had no problem and didn't know why they were going to dig it up. There will be an 8-10' strip that we will tear up.

Mayor Freeman questioned the septic system at Roger Wolfanger's and asked if that could be part of his problem.

Trustee McKeown suggested drawing a paint line so people can see exactly where things are going to happen then invite them back in to revisit the issue.

Superintendent Barrett – I can put flags out or paint it and notify people the Board will do a site visit and listen to what the homeowners have to say.

Mayor Freeman – Can you have them done by next Monday the 24th and we'll have a site visit at 4:00 p.m.

A Statement of Facts was received from Sandra DeMarco who owns property at 47-49 West Main Street. Ms. DeMarco claims that the Village damaged the side of the house when new sewers were installed. Approximately 20' x 14' of the siding was melted and damaged. Superintendent Barrett met with Mr. DeMarco and claims that nothing the Village did would have done that kind of damage to the siding. The Board was in unanimous agreement to submit the claim to Selective and they will make a determination.

Superintendent reported that:

- Case Park was all done and landscaped
- Will start to move the Montesano water line next
- Water service from the County will be run for J.O. Cook, Rhodes, Joe Montesano and River View Restaurant tying them all in

Avon Village Board Meeting
Monday, August 17, 2009

Trustee Zhe asked John Barrett if he would ask Keeler to move a big rock down from the Avon Nursing Home to one of the islands.

WAYNE SCHULTZ – PUBLIC HEARING (SPECIAL USE PERMIT):

Mayor Freeman began the public hearing by reading the official notice that was published in the Livingston County New. Wayne Schultz is seeking a special use permit for a multi-family dwelling at 17 West Main Street in the Village of Avon, pursuant to Article VI of Chapter 30 of the Zoning Ordinance of the Village of Avon S30.61, pages 68-71.

Attorney Whiting pointed out that some factors that the Board should look at is the adequacy of water/sewer, walkways, vehicular access, parking, open areas, lawn, noise, glare, aesthetics, and fire safety outdoor lighting, storage and drainage issues.

Trustee Hayes – Do we know by what means were the other apartments granted? We're granting another residential permit and we don't know how the other ones were allowed.

Wayne Schwartz – They've been there since back in the 70's. I don't know how they got in.

Trustee Hayes - How many parking spots lost for the 5 & 20?

Curt Schultz – It's increased liability. The sidewalk is 12' wide now. They took away all the parking. We can manage, however, by using the municipal parking.

Attorney Whiting – I think it's a good approach for this issue. The only loose end is an area variance and that will be heard next week.

A motion was made to approve the special use permit requested by Mr. Wayne Schultz contingent upon approval of the area variance for West Main by Trustee Zhe and seconded by Trustee Batzel and carried by the following vote:

Thomas Freeman Mayor	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	No

CODE ENFORCEMENT OFFICERS UPDATE:

Tony Cappello – I have an individual who wants to turn 190 Clinton Street (the old medical facility) into a single family house. Is that permitted?

Attorney Whiting – It's zoned residential so can go back to residential.

- 127 Prospect Street, people are still moving things out
- Weeds cut at Csapo's Development and Frank Csapo will take care of the pile of dirt on the vacant lot
- Mark Alexander is ready to start the sidewalks and was referred to John Barrett

Mayor Freeman – Don't push sidewalks until the house to the North is done. They'll be driving over it and breaking it up.

CHIEF BATZEL:

Apparently there is not a "No Burning Law" in the code. It was taken out. We should either implement something new or determine if the old code was inadvertently left out when the new code book was put together.

The Board will investigate it further.

Chief Batzel informed the Board that he has approximately \$7,000 left in last year's budget; therefore he would like to purchase some leather boots for the Firemen. This is something I would like to get done and at this point Chief Batzel distributed a list of advantages of leather bunker boots over rubber.

- 1) Lighter weight by over 7 lbs. This takes over 35 lbs. of stress off of the Firefighters back when working and walking.
- 2) Better traction on slippery surfaces than rubber boots.
- 3) More surface area on the sole and the heel than a rubber boot offering better support for the Firefighter.
- 4) Cushioned instep for more comfort
- 5) No steel midsole or toe. Penetration resistance is accomplished by a synthetic material that flexes better when walking and does not transmit the cold in winter.
- 6) Better flexibility than a rubber boot when crawling or climbing.
- 7) Reinforced toe so that the toe does not wear through when crawling.
- 8) Fits like an athletic shoe offering much better support around the ankle and better comfort than a rubber boot.

Avon Village Board Meeting
Monday, August 17, 2009

All of the above items are safety features that help keep the Firefighter from suffering injuries to the foot and ankle areas. Leather boots last twice as long as rubber boots. Rubber boots cost \$216, and leather boots \$320.

Mayor Freeman - How are you determining who gets boots?

Chief Batzel – By activity.

Trustee McKeown – How many do you need?

Chief Batzel– Maybe 15-20 pairs.

Trustee McKeown – Do you get them back when they leave?

Chief Batzel – Yes.

Mayor Freeman – How many company's have you quoted this with?

Chief Batzel– Two or three.

A motion was made by Trustee Zhe to release the monies from the previous budget to purchase leather boots for the Firemen. The motion was seconded by Trustee Hayes and carried by the following vote:

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

Trustee McKeown submitted questions for the Fire Truck Committee and Trustee Zhe asked about why the Department is talking about keeping the old truck.

Chief Batzel and the Board agreed to come back to the September 21st meeting and allow enough time to answer the questions

CHIEF OF POLICE UPDATE:

Avon Village Board Meeting
Monday, August 17, 2009

Chief Carney suggested that the 30' x 100' strip of land behind the stores that the Village owns could be a parking lot for apartment residents and Town Office Employees only. If it were paved, it would define the parking better. We could put signage up.

Mayor Freeman - Do you have resumes coming in for the position of patrolman?

Chief Carney – I got two today. The Penny Saver will run the ad in their next edition.

Mayor Freeman – Do you know anything about the stop signs on Fisk Place?

Chief Carney – All I know is that the stop signs were stolen and yield signs were put up in their place.

Chief Carney – Five signs were ordered for warning of “Reduce Speed Zone ahead.

Mayor Freeman – Have you looked into the security cameras for in back of the businesses? And is the lighting working ok?

Chief Carney – I will check with the officers.

EXECUTIVE:

Upon a motion made by Trustee McKeown, the Board went into executive session at 8:20 p.m. to discuss contractual matters. Trustee Hayes seconded the motion and the Board exited executive session at 8:40 p.m. The motion was carried by a unanimous vote.

Upon a motion made by Trustee Hayes and seconded by Trustee Batzel the meeting adjourned at 8:50 p.m.

Respectfully submitted,



Patricia E. Baker
VILLAGE CLERK