

Avon Village Board Meeting  
Monday, January 26, 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, January 26, 2009.

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

Staff: John Barrett  
Tony Cappello  
Reid Whiting

Visitors: Brian Baty  
Tim Anderson

Mayor Freeman opened the meeting at 5:00 p.m. with the Pledge of Allegiance.

## **VILLAGE BOARD MEETING MINUTES:**

Upon a motion made by Trustee McKeown the minutes from January 5, 2009 meeting are hereby approved as submitted. 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 |
| Philip Swanson, Trustee | Voting | Yes |
| Robert Hayes, Trustee   | Voting | Yes |

## **REVIEW OF 2009 BOARD MEETING DATES:**

After a review of 2009 Board meeting dates, a motion was made by Trustee Zhe to cancel the September 7, 2009 meeting and reschedule it for September 14, 2009, due to Labor Day. Trustee McKeown 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 |
| Philip Swanson, Trustee | Voting | Yes |
| Robert Hayes, Trustee   | Voting | Yes |

## **DEPARTMENT OF PUBLIC WORKS UPDATE:**

Superintendent Barrett updated the Board on current projects:

- Working on repairs to the sweeper
- Working on repairs to the 580L backhoe
- Repaired one water leak on Clinton St. and one more to fix
- Painting old backhoe
- Repairing potholes on Routes 5 & 20

Mayor Freeman suggested that Superintendent Barrett provide the Board with an updated list of equipment along with an evaluation of existing equipment. The old backhoe is 24 years old and the new backhoe has 6900 hours on it. The Board discussed potential equipment purchases and possible leasing options for the upcoming 2009-2010 fiscal year.

Trustee McKeown discussed the need for a stop sign at the signal light at Tops. Superintendent Barrett suggested a courtesy letter to Tops to install a stop sign as this is on their property.

Trustee Hayes questioned whether the North Avenue gutters project will remain open at the end of this fiscal year. Treasurer Quinlan confirmed that the project will remain open until it is completed.

Mayor Freeman discussed the Parks Ranger position that the Parks Commission is working on. Trustee Zhe relayed that the Parks Commission would like Superintendent Barrett involvement.

Mayor Freeman questioned whether there is a speed limit for Barilla Drive. Treasurer Quinlan will search the minutes to see if a Village Board resolution addresses that issue.

## **NATIONAL GRID RESOLUTION:**

The Village Board reviewed the information dated December 17, 2008 that was provided by Laurel Barber, New York State Department of Transportation. After review of the copies of the Shop Drawings for the Decorative Light Poles and the Contract's Special Specification for this material, Trustee Swanson motioned that these copies are hereby approved as submitted. 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 |

|                         |        |     |
|-------------------------|--------|-----|
| Philip Swanson, Trustee | Voting | Yes |
| Robert Hayes, Trustee   | Voting | Yes |

## **EXECUTIVE SESSION:**

Upon a motion made by Trustee Zhe, the Board went into executive session at 5:30 p.m. to discuss police negotiations. Trustee Swanson seconded the motion and the Board exited executive session at 6:00 p.m. The motion was carried by a unanimous vote.

## **BRIAN BATY & TIM ANDERSON:**

The Board discussed recent incident reports with Brian Baty, our insurance consultant, and Tim Anderson, our insurance representative. Brian and Tim discussed the prior notice law as State statute which protects a municipality from hazards known. The taxpayer must make a formal complaint to the Village Clerk which puts the Village on notice. The onus is up to the taxpayer. A municipality can't get an additional policy that will supersede the State statute.

Per Brian if a Village does feel that it was negligent, it has the following options:

1. Village pay individual claim
2. Village set an amount to pay per individual claim
3. Village reimburse the taxpayer's deductible

Each of these options will set a precedent for future claims. Attorney Whiting commented that each of these options also invite a taxpayer lawsuit for unconstitutional gift that would hold each Board member personally responsible.

Mayor Freeman will follow-up with NYCOM to see what other Villages have in place for these instances and/or recommend changing the law.

Trustee Hayes questioned Brian and Tim about the liability associated with skateparks. Brian commented that the largest problem is supervision. The Town of Parma has a supervised, locked, fenced skatepark on Town grounds.

## **EXECUTIVE SESSION:**

Upon a motion made by Trustee McKeown, the Board went into executive session at 7:00 p.m. to discuss personnel matters with Code Enforcement Officer Cappello. Trustee Hayes seconded the motion and the Board exited executive session at 7:30 p.m. The motion was carried by a unanimous vote.

**CODE ENFORMENT OFFICER UPDATE:**

Code Enforcement Officer Cappello updated the Board on the status of Phase IA of the Alexander Crossing subdivision. The first house is near completion and is for sale. CEO Cappello will issue a temporary certificate of occupancy when the house is completed. Mayor Freeman would like CEO Cappello to review the sequencing of work and the subdivision map for Alexander Crossing for compliance as the project progresses.

**VOUCHERS AND MANUAL CHECKS:**

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

|                       |             |
|-----------------------|-------------|
| Fund # 1 General Fund | \$33,513.91 |
| Fund # 4 Schedule C   | \$ 6,076.13 |
| Fund # 5 Water        | \$ 1,995.33 |
| Fund # 6 Sewer        | \$ 7,992.79 |
| Fund # 9              | \$          |
| Fund #10              | \$          |
| Fund #11              | \$ 526.96   |
| Fund #17              | \$ 5,250.62 |
| und #43               | \$          |
| Fund #44              |             |
| und #45               | \$          |
| und #46               | \$          |
| und #47               | \$          |
| Fund #48              | \$          |
| und #49               | \$          |
| und #50               | \$6,752.68  |
| Fund #51              | \$ 1,260.00 |
| und #57               | \$          |
| Fund #58              | \$          |
| Fund #59              | \$          |
| Fund #60              | \$          |
| Fund #61              | \$          |
| und #62               | \$          |
| Fund #63              | \$          |
| Fund #64              | \$          |
| Fund #65              | \$          |

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|              |                     |
|--------------|---------------------|
| Fund #66     | \$                  |
| Fund #67     | \$                  |
| Fund #68     | \$                  |
| Fund #69     | \$                  |
| Fund #70     | \$                  |
| Fund #71     | \$                  |
| Fund #72     | \$                  |
| Fund #73     | \$                  |
| Fund #74     | \$                  |
| Fund #75     | \$ 2,215.16         |
| Fund #76     | \$                  |
| Fund #77     | \$                  |
| Fund #78     | \$                  |
| Fund #79     | \$ 7,000.26         |
| Fund #80     | \$                  |
| Fund #81     | \$                  |
| Fund #82     | \$                  |
| Fund #83     | \$ 267.65           |
| Fund #84     | \$11,240.70         |
| Fund #85     | \$                  |
| Fund #86     | \$                  |
| Fund #87     | \$                  |
| Fund #88     | \$                  |
| Fund #89     | \$1,179.75          |
| Fund #90     | \$                  |
| Fund #91     | \$1,179.75          |
| Fund #92     | \$                  |
| Fund #93     | \$ 1,003.68         |
| Fund #94     | \$ 91.23            |
| Fund #95     | \$                  |
| Fund #96     | \$                  |
| Fund #97     | \$                  |
| Fund #98     | \$                  |
| Fund #99     | \$                  |
|              |                     |
| <b>TOTAL</b> | <b>\$ 87,546.60</b> |

Manual Checks:

|              |                           |             |
|--------------|---------------------------|-------------|
| Check #18361 | Village of Avon HSA Cont. | \$ 3,894.35 |
| Check #18362 | Village of Avon HSA Cont. | \$ 446.25   |
| Check #566   | Village of Avon HSA Cont. | \$ 1,485.13 |
| Check #567   | Village of Avon HSA Cont. | \$ 59.49    |

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|               |                           |                    |
|---------------|---------------------------|--------------------|
| Check #2944   | Village of Avon HSA Cont. | \$ 2,442.04        |
| Check #2945   | Village of Avon HSA Cont. | \$ 386.75          |
| Check #3343   | Village of Avon HSA Cont. | \$ 6,353.49        |
| Check #3344   | Village of Avon HSA Cont. | \$ 595.00          |
| Check #18360  | Village of Avon HSA Cont. | <u>\$ 250.00</u>   |
| <b>TOTAL:</b> |                           | <b>\$21,189.96</b> |

|               |                                 |                    |
|---------------|---------------------------------|--------------------|
| Check #3139   | Law Enforcement Officer's Union | \$ 418.72          |
| Check#3140    | SEIU 200 United                 | \$ 307.53          |
| Check#3141    | NYS Child Support               | \$ 483.50          |
| Check #3142   | Nationwide Retirement Solutions | \$ 1,983.75        |
| Check#3143    | NYS Income Tax                  | <u>\$ 2,083.96</u> |
| <b>TOTAL:</b> |                                 | <b>\$ 5,277.46</b> |

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

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

## POLICE UPDATE:

Chief Carney updated the Board on the status of his department as follows:

- Geer Probationary Period Expired: Based upon a recommendation of Chief Carney and upon a motion made by Trustee Swanson, Mayor Freeman is duly authorized to execute the Probationary Report of Officer Joseph Geer in a satisfactory manner on behalf of the Village of Avon. Trustee Zhe seconded the motion and it was carried by the following vote:

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

Chief Carney updated the Board on the two quotes received for a replacement Crown Vic.

- DeLacey Ford bid price of \$22,680. One car is being held pending approval.
- Warnock state bid price of \$23,962. Shipment would be in ten to fifteen weeks.

Chief Carney is recommending a Crown Vic at the base price for an Expedition is \$27,862.

Mayor Freeman suggested that Chief Carney provide the Board with an updated vehicle list along with mileage, daily activity, etc. Chief Carney stated that the Expedition has 16,000 miles; the Crown Vic has 74,000 miles; and the Charger has 32,000 miles. The Police Department will be selling the Crown Vic with 74,000 miles after the new Crown

Vic is here. Mayor Freeman would like Chief Carney to report back to the Board on monthly mileage for the Crown Vic and the Expedition.

Trustee Swanson offered the following RESOLUTION and moved for its adoption:

#### RESOLUTION

A RESOLUTION authorizing the expenditures of \$30,000 from capital reserve funds HR22 – GENERAL EQUIPMENT for the Village of Avon, Livingston County, New York.

Be it resolved, by the Board of Trustees of the Village of Avon as follows:

The specific object or purpose of the Village of Avon, Livingston County, New York for which the expenditures of monies from the capital reserve funds is for monies needed for *APD CROWN VIC*. The maximum estimated costs of the aforesaid specific object or purpose is \$30,000.

Upon this RESOLUTION taking effect, the same shall be published in full in THE LIVINGSTON COUNTY NEWS, the official newspapers together with a legal notice of the Village Clerk as provided by law.

This RESOLUTION is adopted subject to a permissive referendum.

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

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

#### CAPITAL PROJECT:

Trustee Swanson offered the following RESOLUTION and moved for its adoption:

#### RESOLUTION

Resolved, that a capital project be established in the amount of \$30,000.

Resolved, that said capital project shall be number H and entitled *APD CROWN VIC*.

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

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

Chief Carney updated the Board on the License Plate Reader grant funding of approximately \$22,000 that has been awarded to the Police Department. Through this funding, New York State Division of Criminal Justice Services will provide the license plate reader equipment, training and one year service contract. The Village will need to pay the second year of the service contract. This equipment will allow better traffic enforcement and assistance with criminal investigations.

Chief Carney requested permission from the Board to attend the Officer Safety and Intelligence Gathering conference sponsored by Maglocen in April in Indianapolis, IN. Transportation to/from the conference and the hotel fee is reimbursed by Maglocen. The Village will need to pay the \$125 conference fee per officer. If one officer attends, the officer will fly. If two officers attend, the officers will drive together. The Village Board requested additional information on Maglocen, and will make their decision at a future Board meeting.

Mayor Freeman would like Officer Kenneth Bowser to attend a future neighborhood meeting to discuss the Missing and Exploited Children conference that he attended in Albuquerque, NM.

## **DIVAL SAFETY & SUPPLIES:**

Dival Safety & Supplies presented an agreement to the Village agreeing to assist the Village of Avon in connection with the Village's desire to raise project funds by applying for the following Grant 2009 Assistance to Firefighters Grant Program. DiVal shall complete and timely submit the Grant application.

A \$1,500 retainer fee will be required to begin the grant application. This fee will be placed on the Department's account and can be spent by the Department for any Dival products.

Upon a motion made by Trustee Hayes, Mayor Freeman is duly authorized to execute the agreement between the Village of Avon and Dival Safety & Supplies. Trustee Swanson seconded the motion and it was carried by the following vote:

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

## **AVON NURSING HOME EVACUATION:**

Mayor Freeman received a request from Richard Taromino of the Avon Nursing Home requesting permission to use the Avon Village Building as a stop over point for the Nursing Home if the Nursing Home needs to evacuate its patients to a safe location.

Upon a motion made by Trustee McKeown, Mayor Freeman is duly authorized to execute an agreement between the Village of Avon and the Avon Nursing Home stating that in the event of an emergency requiring the evacuation of Avon Nursing Home, the Avon Fire House is being established as the homes stop over point. The purpose of the stop over point is to act as a temporary location for residents to allow time for a more permanent transfer to take place, or if conditions allow, a possible return to Avon Nursing Home once the reason for evacuation has been resolved. Trustee Hayes seconded the motion and it was carried by the following vote:

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

## **DPW UNION CONTRACT:**

Upon a motion made by Trustee Hayes, the Board resolves to accept the Department of Public Works union contract.

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

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

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Upon a motion made by Trustee Zhe, the following rates of pay will become effective immediately for the Department of Public Works.

- 3% retroactive payment to 6/1/08

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

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

Upon a motion, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Christine Quinlan  
Treasurer