

Avon Village Board Meeting
Monday, December 21, 2009

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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 21, 2009.

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

Staff: Ryan Colvin, MRB
John Barrett
Chief James Carney
Tony Cappello
John Marks
Dwight Brown
Liz Thompson

Visitors: Trevor Harrison, HBT Architects
Joseph Twamey, HBT Architects
Kathleen Engstrom

Mayor Freeman opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee McKeown the minutes from December 7, 2009 are hereby approved as submitted. Trustee Zhe seconded the motion and it was carried by the following vote:

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

MRB – RYAN COLVIN (ALEXANDER CROSSING, LETTER OF CREDIT):

After reviewing the notes of Superintendent Barrett and the Code Enforcement Officer, Ryan Colvin, Village Engineer reviewed the Letter of Credit Release No. 2 dated November 16, 2009 for Phase 1A of the Alexander Crossing project located on Pole Bridge Road. This release requests \$49,316.89 of the remaining \$51,566.97, leaving \$2,250.08 to finish the project. The site was visited and it was noticed the following items still need to be installed:

- 1) Concrete sidewalks along Jacob's Landing and Pole Bridge road from Lake Road to the northern property line of Lot 2.
- 2) Light fixture at the southwest corner of Jacob's Landing and Pole Bridge road.

Also, the pavement was not widened as noted in MRB's memo dated September 29, 2009. It is our understanding that the Village granted the developer's request to not construct the median on Jacob's Landing.

Ryan Colvin explained that generally in the Development Regulations there's a good checklist of everything you need to do upon obtaining a Letter of Credit and/or Maintenance Bond. Whenever a project starts you request one of two things either a Performance Bond or Letter of Credit. Usually a letter of credit comes first. A Letter of Credit shall be submitted by the Developer to insure the installation of improvements in an amount determined by the Developer's Engineer and approved by the Village Engineer and the Village Board. The amount shall include the following items:

- 1) Total estimated construction cost of all utilities, laterals, water services, roads, gutters, earthwork, etc.
- 2) Minimum 10% contingency factor.
- 3) Engineering and inspection charges (minimum 3%).
- 4) Street signs and surveyor's monuments.
- 5) As-built maps.

During construction the Developer can request that part of the Letter of Credit be released as the work is completed. As they approach getting all the work done in the Letter of Credit and as a condition of dedication to the Village, a Maintenance Bond shall be provided by the Developer guaranteeing the project against faulty workmanship or materials for a period of two (2) years after acceptance by the Village. Maintenance Bonds shall be written by a surety licensed to do business in New York State and shall be

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in the amount of ten percent (10%) of the total value of the infrastructure to be dedicated to the Village. Bonds shall be approved as to form and content by the Village prior to any dedication procedure.

Individual portions of the project, i.e. sanitary system, water system, can be bonded with their individual acceptances by the Village. A Maintenance Bond for the pavement, gutters, and/or sidewalks will not be accepted until the entire project is ready for dedication. A Maintenance Bond for final road top pavement will be for two years from the time of topping and acceptance.

Ryan Colvin commented that on Mark Alexander's Letter of Credit Release there is still an outstanding light fixture and a sidewalk that will eventually go all the way to Lake Road. We're saying based on the fact the light fixture is \$2,000 and sidewalks are \$12,000 we're recommending a greater amount be withheld than what was proposed. The Village needs to hold on to the Letter of Credit until the Maintenance Bond is in place so there is no gap. Mr. Alexander has not submitted record maps or a Maintenance Bond; therefore, releasing him down to \$2250 would not be a good situation.

Mr. Colvin informed the Board that a copy of his memo dated December 9, 2009 was also sent to Avery Engineering and recommended that he follow-up with Avery and find out what their next step will be. If something happens down the road you have some backing.

Attorney Whiting – If there is a lien on the property, he has to pay or litigate it.

John Barrett – He's completed the water lines, taps, sewer, binder, and base on the road. He's done $\frac{3}{4}$ of the sidewalks.

Mayor Freeman - Is it fair to say that we'll release the Letter of Credit contingent upon liens being satisfied?

Ryan Colvin mentioned it was his understanding that the water main has been disinfected, tested, and approved for service by the Livingston County Health Department. We are awaiting confirmation of this from the design engineer.

We do not believe that \$2,250.09 is sufficient to finish the project. We feel that \$23,492.98 should remain in the Letter of Credit based upon the value to construct the sidewalks (\$12,180.00) and light fixture (\$2,000.00), cover any remaining engineering costs due to final walk-through and reviews (\$2,000), a percentage of the construction observation fees for the sidewalk and light fixture installation (\$452.78), and the full value of the 10% contingency (\$6,860.20). This 10% contingency value shall stay in the Letter of Credit until the project has been fully completed, dedicated, and a maintenance bond has been accepted by the Village.

It was also noted that the release request was not signed off by the design engineer, as required per the Village's Land Development Regulations. All future release requests

shall be authorized by the developer's design engineer. Record drawings per the Village Land Development Regulations need to be submitted by the developer, and accepted by the Village.

It was also noted that a slight lip was left between the top of pavement and the gutter edge. This was most likely left to accommodate the asphalt top course depth. Village staff should be aware of this when plowing Jacob's Landing so as not to chip the gutter edge with the plow blade.

The asphalt top course was never intended to be installed with this Phase, but with the next one due to the short length of pavement, and the desire to eliminate a cold joint in the top course. The Village should be aware that if the next phase is never constructed, the Village will have to install the top course. We therefore recommend that the Village secure a financial guarantee from the developer, in the amount of the top course plus 10% contingency, to cover the cost in case the project is not continued. This guarantee would be returned to the developer once the next phase is under construction.

VOUCHERS AND MANUAL CHECKS:

Upon a motion by Trustee Batzel, the following vouchers are approved for payment with the exception of Town of Avon bill for the construction of the judge's bench:

| | |
|----------------------|-------------|
| Fund #1 General Fund | \$19,510.30 |
| Fund #4 Schedule C | \$ 3,252.57 |
| Fund #5 Water | \$ 3,549.87 |
| Fund #6 Sewer | \$ 5,116.76 |
| Fund #9 | \$ |
| Fund #10 | \$ |
| Fund #11 | \$39,164.56 |
| Fund #17 | \$ 500.99 |
| Fund #44 | \$ |
| Fund #45 | \$ |
| Fund #47 | \$ |
| Fund #48 | \$ |
| Fund #49 | \$ 8,628.50 |

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| | |
|----------|----|
| Fund #50 | \$ |
| Fund #53 | \$ |
| Fund #54 | |
| Fund #55 | \$ |
| Fund #56 | \$ |
| Fund #57 | |
| Fund #58 | \$ |
| Fund #59 | \$ |
| Fund #60 | \$ |
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| Fund #73 | \$ |
| Fund #74 | \$ |
| Fund #75 | \$ |
| Fund #76 | \$ |
| Fund #77 | \$ |
| Fund #78 | \$ |
| Fund #79 | \$ |
| Fund #80 | |
| Fund #81 | \$ |
| Fund #82 | \$ |

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| | | |
|----------|----|-----------|
| Fund #83 | \$ | |
| Fund #84 | \$ | |
| Fund #85 | \$ | |
| Fund #86 | | |
| Fund #87 | | |
| Fund #88 | \$ | |
| Fund #89 | \$ | 2,782.50 |
| Fund #90 | \$ | |
| Fund #91 | \$ | 2,782.50 |
| Fund #92 | \$ | |
| Fund #93 | \$ | 116.00 |
| Fund #94 | \$ | 62.12 |
| Fund #95 | \$ | |
| Fund #96 | | |
| Fund #97 | \$ | |
| Fund #98 | \$ | |
| Fund #99 | \$ | |
| | | |
| TOTAL | \$ | 85,466.67 |

Manual Checks: NYS Child Support \$ 230.00
 NYS Income Tax Processing Unit \$1,804.90
 Nationwide Retirement Solution \$1,510.45
 \$3,545.35

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

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

PARKS COMMISSION:

Mayor Freeman informed the Board along with the Parks Commission and Trevor Harrison and Joseph Twomey of HBT Architects that the Village Board needs to talk about the concept of a Park Lodge from the beginning. He informed the Architecture Firm that they would like to talk about the possibilities and get some ideas.

Some renderings were distributed to the Board and at the suggestion of Mr. Harrison, he informed the Boards that they need to focus on a vision on what they would like to see as a "Parks Lodge", how big do you want it, and what is the look you want.

Mayor Freeman – We need to discuss different possibilities of whether we take a rendering and go to large corporate neighbors and have them help underwrite the project, or do we have fund drives?

Treavor Harrison – Can you give me a little history of what the area is like and why a Parks Lodge is wanted?

John Marks – The Avon Driving Park consists of 50 acres of land which is heavy with little league fields. There's an active horse stable and skating rink and skate house. Our thought is to replace the skate house with the Parks Lodge. We have picnic pavilions for the summer and perhaps the lodge would be used for the winter. There's a gazebo with a sulfur springs and a playground. We're concerned about the natural setting. We want it to look like it fits there. We're cautious about adding more buildings.

Treavor Harrison – HBT is a 16 person firm and we do a lot of work for communities. We try to involve the community as much as possible and make their suggestions be part of the design. If that's not necessary then it would be a committee of people who would make the decision.

John Marks – It would be as much community involvement as possible. If we build it would the public use it?

Mayor Freeman – We just needed to know professionally where we are and what direction we're going to head. We are on the ground floor and this may not happen. People may want us to put our money elsewhere.

John Marks – Is the rustic approach more costly to design and build?

Treavor Harrison – If you want a true timber structure and stone fireplace, sure that's more money. You weigh it as you go along.

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John Marks – If we involve the community, what is the next logical step?

Treavor Harrison – Who's going to use it? Start to gather information. We can have prompting questions like, what do you imagine a building like that would be? How many people would use it, what use, do you need a kitchen and bathrooms? What are the parking needs, does there need to be an office function, what has to happen in this space. What kind of functions would be held there?

Mayor Freeman – We have periodically Neighborhood Meetings and we could seek opinions of the residents at that time. We could make it a bullet point at our meetings and see what the reaction is. We can do some of the groundwork ourselves.

Treavor Harrison – I suggest that you take tours of other communities and talk with them on size, and how much do they get used?

Treavor Harrison – What we try to do is provide project leadership. There's a process from beginning to end. You want to know you involved the community and put thought into it and looked at different options. An architect should provide you with that level of service and leadership and be listening to you. The architect puts thought into it and how you can bid it out and sell it to the public.

The cost for the charrette phase would be approximately \$2,000 that would be for the prep and wrap up. The design and renderings would be anywhere from \$2,000 - \$3,000. It's a team approach. The cost per square foot could be between \$110 - \$130 a square foot.

The Board discussed the idea of the lodge and different concepts that need to be determined right from the beginning.

John Marks – I think we need to see some of the other lodges around and get ideas.

Trustee McKeown – To be honest I'd rather see money get pumped into upgrades or new pavilions and new playground equipment. I'd rather see money put into existing things first.

Mayor Freeman – Do you have any big projects that you are hoping to do for next summer?

John Marks – I'd like to see a tree maintenance program that is a big thing. Also working on bringing the Circle Park back into shape. Perhaps aerating, and fertilizing and planting grass.

Trustee McKeown – Do you have any plans or thoughts for Case Park?

John Marks – Nothing specific, maybe adding something to the playground area.

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Mayor Freeman – Maybe some street scape trees?

Trustee McKeown – Any thoughts on banners for Christmas next year?

John Marks – It's on a list. The question is do we want banners?

Mayor Freeman suggested that the Parks Commission and Village Board meet a couple times a year, perhaps March and September to discuss the upcoming seasons and the needs and expectations and keep the lines of communication between the Parks and Village Board open.

Mayor Freeman announced that the ice skating rink was flooded Sunday night. The Firemen will post ice skating rink open on their sign.

TRUSTEE'S UPDATE:

The closing date for the Zamiara property will be on December 30th, @ 1:00 p.m.

Discussion was held on the luminaries and the ice skating rink.

Finalization of the Village Audit will be complete and delivered to the Village Board no later than the 1st Board meeting in January.

The Board unanimously agreed to have the 2nd Board meeting in January on the 25th due to Martin Luther King Day.

Trustee Batzel discussed the deficiencies that were listed in the audit report and stated that he is willing to come up with an action plan and work with Tom Lauffer and the Office Staff on correcting any issues that were reported. He feels the Citi Bank Card is a problem and doesn't feel there is a need to have a credit card for the Village.

Trustee Zhe reported that he had talked with a representative from D.O.T. regarding obtaining some crosswalk signs on 5&20. The only thing the D.O.T. will consider is the SPCCD's, they are the ones that go out in the middle of the road and with them there's a permit process and we have to apply for those. Do we want to go that route and where would they go and there will be a cost that goes with them. This would be along 5&20. I think Hal Bar Road would be a good place for one of them. They would be taken down for the winter months. On Village streets we can do what we want. The one by Genesee Street and Clinton Street that we've talked about for months still hasn't been put up.

The Board instructed Trustee Zhe to get the applications for signs and start the process.

.Mayor Freeman – What about signs at Bronson Avenue?

Trustee Zhe– The D.O.T. may approve crosswalk signs at Bronson Avenue.

The Board talked about educational information through inserts in the Penny Saver. They discussed having Neighborhood Meetings every two months with larger groups.

The Board considered having work sessions periodically to discuss policies and procedures for each department. They discussed setting some guidelines and expectations for accountability.

The Board discussed the electric gate at the DPW and gas cards. The Board will pursue looking at their options for gas services and get these things in place for the near future.

Trustee McKeown informed the Board that the Police Union Contract has been ratified.

Mayor Freeman updated the Board on his conversation with Paul Brown who was involved in the Smith Opera House which the City of Geneva took possession of for back taxes. He and four others worked with major Geneva financial institutions to underwrite the purchase of The Smith Opera House. He once lived in Avon with his family and now is retired and seems to have some ideas, interest and time to turn the Park Theatre into something that would benefit the Village.

Trustee Zhe doesn't think it's the Village's role to do that and be involved. He feels it is private. We can support it but fiscally we shouldn't put any money out there to support it.

Trustee McKeown - I think that the Board should authorize Treasurer Quinlan to put the word out there and look into grants to get this idea up and running and see who is interested.. I think it's worth asking.

Trustee Batzel – I like the idea of supporting the theater. Right now there is nothing going on in there. I don't know how a grant would work if it's privately owned.

CODE ENFORCEMENT UPDATE:

Frank Csapo is going to do away with Town Homes and he's looking for new contractors to build homes faster.

Mayor Freeman – How can we get him do a better drainage system?

Ryan Colvin – We can discuss it with him by having him come in to a Planning Board meeting.

Dick Martin is considering doing residential homes now on Linden Street. He has 72' frontage on Linden total acreage is 4.3.

POLICE UPDATE:

Chief Carney reported that he will be leaving on Sunday, January 10th for the Police Academy. He will be using the extra police car. He will be back on the 18th or 19th of March and home just one time in between. He assured the Board that he would look at what's available to switch some of his classes.

Mayor Freeman – Can we be in touch with you while you're gone?

Chief Carney - Yes I'll have a Village laptop and blackberry.

Mayor Freeman – What about clothes?

Chief Carney - They provide washing machines/dryers.

DPW UPDATE:

Superintendent Barrett reported:

- The pump was down on Clinton Street, they had it redone and it still was not right, it was redone once again and is now operation.
- A pump and impeller was installed at the filtration plant.
- Water leak on Valley Lane fixed last week.
- Doing some control work currently at the 2,000,000 gallon tank.
- Stop sign, honk is complete
- Justin Matusak will be done work at the end of the year.

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Mayor Freeman reported that Laurel Barber is asking about the final release on the project.

Ryan Colvin informed the Board that most capital projects have a warranty of one year.

Upon a motion, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Patricia E. Baker
Village Clerk