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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 1, 2014.

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

Staff: John Barrett
Chief Gary Benedict, Jr.
Sergeant Joe Geer
Tony Cappello
Christine Quinlan

Reid Whiting, Village Attorney

Visitors: Gerry Paganin
Russ Garland
Steve Sessler, Attorney
Josh Williams, Genesee Sun

Mayor Freeman called the meeting to order at 5:30 p.m. with the pledge of allegiance.

GERALD PAGANIN:

Gerry Paganin has been asked by the Board to help the Village staff implement the new Village software. To begin with there are questionnaires for finance, payroll, utility billing and community development that need to be completed. They are designed to provide an understanding of the Village's current processes and requirements.

The Mayor reassured Mr. Paganin that he can take all the time that he needs to get through this process and the staff here is available to help in any way they can. The goal is to have a success at the end.

Gerry Paganin – The first thing to do is put a plan in place that is satisfactory.

Trustee Hayes – There is no absolute start date or completion date.

Gerry Paganin – Does it have to be validated through an auditing system?

Trustee Hayes – I think their implementation team would take care of documenting that.

Treasurer Quinlan suggested having Gerry contact Tom Lauffer.

Trustee McKeown - They do 140 municipalities state wide.

Gerry Paganin – I assume communications upgrades will be needed.

John Barrett will contact Hurricane Network and set up an appointment to have Shawn come over to see what our network and internet needs are. We will then talk to our internet provider

Trustee Hayes agreed to contact Erica Cade who is part of the implementation team and set up a conference call with Gerry, Chris and Patty to go over the questionnaire.

DPW UPDATE:

- Leaves will be finished this week
- Working on Xmas decorations, should be up by Friday
- Will be helping John Marks with the Angel Project
- December 23rd is the shop Xmas party

The Mayor asked that when the leaves are done, the crew will go back to brush pickup?

John Barrett - Yes

Trustee Zhe questioned the trees that were cut down at a Village residence. Shouldn't the contractor take them away and not the Village? I'm talking about trees not brush.

Mayor Freeman felt that it was a service the homeowners pay for in taxes.

Trustee Hayes – I think there has to be a certain threshold.

Trustee Zhe – We have a place for the contractor to take them and dump them so that is a plus for the contractor.

Superintendent Barrett – When we do get around to picking them up it will take at least four hours and two trucks and four people.

Mayor Freeman– It's unfortunate when it happens.

Superintendent Barrett – It would be good if any contractor would call and ask that the Village drop off the box and than we would haul it away. It would make it a lot easier.

Trustee McKeown – If I hired someone to come in and take a tree down and grind it, I would think it would be part of the cost to haul it all away.

Mayor Freeman – So is that what we're thinking? All contractors?

Trustee McKeown – Can't we just ask contractors to request a box?

Mayor Freeman – Who monitors those types of violations?

Superintendent Barrett – Probably it comes to me and I just do what I'm asked to do. We will pick up when we finish leaves. A lot of contractors will call and ask if there is a place in the Village to dump and we work with them.

Mayor Freeman asked the Board to think about it and we will discuss it again at the next meeting.

CHIEF BENEDICT UPDATE:

- Narcan Training – heroin overdose, just two part-time people haven't been trained.
- We ordered 3 new vests so that will complete the grant
- Nothing to report on the car
- 5K this Saturday for the Girl Scouts
- Live Scan made it through all final approvals. We won't be able to do civil prints for teachers and fire department, but the background portion we can do. To do live scans we would have to set up here in the Board room.
- We had DWI crackdown this weekend.
- Party on East Main Street, arrested 13 people for underage drinking last week-end
- Went outside the Village on at least four occasions

Mayor Freeman asked if Chief Benedict could reach out to Rick Race from the ambulance and walk him through what you are able to do for them on the background check.

Mayor Freeman – I don't know where we are with the Town on patrolling on Pole Bridge Road, but I would like to have their cooperation.

Chief Benedict reported that Caledonia is willing to split the yearly maintenance cost with us for the Live Scan which is \$1100 yearly.

JOSH WILLIAMS:

Josh Williams from the Genesee Sun introduced the idea of an event calendar to the Board. The idea of this would be to post neighborhood functions in order to be proactive and let people know what is going on in their community or neighboring communities. The cost per year with unlimited posting would be \$250. The Village would have control over it, it's like a subscription.

Mayor Freeman – Could we have a link to our own website?

Josh Williams – No, this would be a central network of multiple communities.

Trustee Hayes – We still have that need.

Josh Williams – It's ready to roll now.

Trustee Batzel – It would be helpful if you would let us know when you put other municipalities on.

RUSS GARLAND:

Attorney Whiting reviewed the steps that have been taken in order for the Village to acquire the strip of property along Ross Lane. Mrs. Wadsworth wishes to retain the mineral rights even if extraction is not feasible.

Russ Garland – Why not give her mineral rights?

Attorney Whiting – I don't think she would sign it any way, and it is not feasible in this area since it is residential. Such development and mining would be illegal and violate the zoning codes of the Village of Avon.

Russ Garland – Why not foreclose on it?

Attorney Whiting – There has never been a default since there are no taxes.

Russ Garland – I've been working on this for 2 years, and there is always something stopping the process.

Attorney Sessler – Maybe we could send her a picture from Google Street View and Google Earth showing the area owned by the Estate is completely residential and there is no value to the lane.

Mayor Freeman – You knew what you were getting into when you built there.

Russ Garland – If the Village doesn't want to take care of our road, than do away with our taxes. You've run utilities down there, and you are collecting taxes from us.

Mayor Freeman– Maybe we should give serious consideration to an eminent domain or condemnation proceeding in order to acquire the strip of property along Ross Lane.

Attorney Whiting - That would be a significant undertaking.

Attorney Sessler – A prescriptive easement may be something a court would probably grant. That would simply give the Village the right to use the property, but would not gain title to the land.

Mayor Freeman – Still no one would be maintaining it with a prescriptive easement.

Attorney Whiting – Perhaps she should be put on the assessment roll and have the Estate taxed as it should have been for decades, but then you couldn't foreclose on it for three years. You would have to enact a local law to put her on the tax roll and start billing her. It is a lengthy duration.

Mayor Freeman asked Attorney Whiting if he could put together a flow chart of eminent domain.

Attorney Whiting– I've never done one, but I would guess that it would be a minimum of six months probably a year.

Mayor Freeman asked Attorney Sessler if at this time he wishes to have a conversation with Mrs. Wadsworth's Attorney. What is holding the sale up? If you have any ideas let us know, we are very willing to cooperate.

Attorney Sessler – I guess I could. She probably didn't know she had this strip of land. Ingress and egress and maintenance are why the property isn't selling. No one will want to purchase it if they are going to have to fight over it.

Attorney Whiting - Lenders would look at it in various ways and would not want any part of it. Emergency vehicles can't get down there.

Trustee McKeown suggested a letter be sent to Mrs. Wadsworth's Attorney informing him of the Board's discussion and to send a Google map. Also mention the fact the Board is considering adding the property to the tax roll, and eminent domain and offer her the mineral rights.

Attorney Whiting – I will send a letter tomorrow or the day after.

DENNIS CATUZZA - At this point the Village can't get title on the property without a signature from Mr. Catuzza and we don't know where he is.

The mortgage foreclosure process contains a statute that requires the higher of: a) the bid price at the foreclosure sale or b) the actual market value of the property sold, to be credited against the debt owed.

If the Village was the winning bidder at the sheriff 'sale, and they need to be there to make sure it goes to fair market value, they would have to pay all fees and expenses of the sale and any outstanding taxes to complete the sale. The amount that the bid exceeds those fees, expenses, and taxes would be attained by the Village.

Mayor Freeman asked Attorney Whiting to look into it and see what the best scenario is for the Village.

ALEXANDER CROSSING – We don't have the deed yet. Attorney Whiting will contact the County Attorney. Mayor Freeman suggested that Attorney Whiting lean on the County Attorney for Alexander Crossing.

54 GENESEE STREET – Attorney Whiting will talk to Kevin O'Donohue on whether there are subdivision requirements and then we're set to go.

Mayor Freeman – We are anxious to close. The Village would encumber all of the subdivision process ourselves. Could the Board waive that?

Attorney Whiting – I will check into that.

ANNEXATION - Mayor Freeman questioned the status of the 22.4 acres of land annexed from the Town of Avon on November 29,, 2012 by the Village located at the northeast corner of the Livingston Industrial Complex off Barilla Drive. Once the parcel was annexed, the Village should have rezoned the parcel to the appropriate zoning district.

Attorney Whiting stated that he would talk with Kevin O'Donohue regarding the rezoning.

FAILURE TO SUPPLY- The Board discussed with Attorney Whiting whether he thought it was necessary for the Village to have additional coverage for Failure to Supply. A potential problem could be an aging water main. The Village has never been sued for any negligence.

The Board agreed to let it go for this year.

NORTH AVENUE EASEMENTS – Mayor Freeman questioned the status of the North Avenue easements.

Attorney Whiting – I don’t have anything on that at this time.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Hayes the minutes from November 17, 2014 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
Timmy Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

VOUCHERS AND MANUAL CHECKS:

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

#1	\$ 14,051.32
#4	\$ 1,694.04
#5	\$ 1,988.62
#6	\$ 6,433.34
#17	\$ 1,388.31
#62	\$ 49,709.94
#93	\$ 1,046.21
TOTAL	\$ 76,311.78

Manual Checks:

NYS Child Support Proc.	Tim Ferrara	\$ 660.00
Nationwide Retire. Sol.	Deferred Comp.	\$1000.00
Constance Ryan DBA Duffy's	NYMS Grant Pmt.	<u>\$28,207.05</u>

TOTAL: \$29,867.05

Trustee McKeown 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

TRUSTEE'S UPDATE:**FLEX SPENDING OPTIONS:**

The Board reviewed four flex spending proposals for pretaxed medical expenses. The plan needs to be in place by January 1st.

A motion was made to go with a one year contract with Benefit Resource. The motion was seconded by Trustee McKEOWN AND 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

INSURANCE SPREADSHEET:

The Board would like Superintendent Barrett to be present when they discuss the insurance spreadsheet.

ERIE ATTICA SUPPLEMENTAL AGREEMENT APPROVAL:

An updated design supplemental agreement for the Erie Attica Trail Project was received. This supplemental would increase the project contract amount by \$29,500. This amount is based on increased scope associated with, revised survey, geotechnical investigations, utility coordination, and LED lighting specifications work amongst other items discussed during design.

Once the supplemental is approved and the contract is amended the invoice to help close out the project funding obligation will be processed.

A motion was made by Trustee Zhe, and seconded by Trustee Hayes to approve the supplemental agreement for the Erie Attica Trail Project and carried by the following vote:

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

Upon a motion the meeting was adjourned at 8:10 p.m.

Respectfully submitted by,



Patricia E. Baker
Village Clerk