

The meeting of the Board of Trustees of the Village of Avon was held in the Whitney Room of the Village Hall, 74 Genesee Street, Avon, New York on Monday December 4, 2017.

Present: Thomas Freeman, Mayor  
Mark McKeown, Trustee  
Bill Zhe, Trustee  
Rob Hayes, Trustee  
Tim Batzel, Trustee

Staff: Tony Cappello  
Brian Glise  
Chief Joe Geer  
Asst. Chief Andy Pierce  
Christine Quinlan  
Superintendent John Barrett  
Paul Drozdziel-Planning Board Chairman

Visitors: Conrad Baker- Genesee Sun  
Bob Westfall-AHPS  
Bill Davis-MRB  
Reid Whiting- Village Attorney  
Steve Harrison- Avon Chamber of Commerce  
Ann Younger

## **EXECUTIVE SESSION:**

Upon a motion made by Trustee McKeown and seconded by Trustee Zhe, the Board entered into executive session at 4:00pm and exited at 5:55pm to discuss personnel issues. The motion was carried by the following vote:

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

Mayor Freeman called the meeting to order at 6:00 pm, and began with the Pledge of Allegiance. Before moving forward with the agenda at hand, Mayor Freeman took a moment to express publicly his and the Board's deepest sympathies to the family of Sandy Irish, who, among many things, served as the first woman elected to the Avon Town Board. She served her community for more than 20 years as an advocate, supporting people throughout elections, encouraging businesses and business owners to keep moving forward, all while being a successful business woman in her own right. She was an icon and will be greatly missed.

## **PUBLIC HEARING- RESTORE NY GRANT, Park Theatre:**

Upon a motion made by Trustee McKeown, and seconded by Trustee Zhe, Trustee Hayes opened the public hearing at 6:08pm by reading the following legal notice:

### **PROPERTY ASSESSMENT LIST PARK THEATRE RESTORE NY GRANT**

The Village of Avon intends to seek grant funding under the Restore NY initiative in order to facilitate the rehabilitation of the property located at 71 Genesee Street, Avon NY 14414, in the Village of Avon. Per the requirement of the grant application, a description of the location, size and nature of the building, whether the building is proposed to be demolished, deconstructed, rehabilitated, or reconstructed, and the current status of the building is as follows:

#1, Park Theatre, 71 Genesee Street, Avon NY 14414, 5,400 sqft, Commercial, Rehabilitation, Vacant.

### **PUBLIC HEARING NOTICE:**

The Village of Avon will hold a public hearing to accept comments on the Village's application for a "Restore NY Communities Initiative" grant. The Village of Avon intends to seek \$500,000 in grant funding under the Restore NY initiative to facilitate the rehabilitation contained in the previously published Property Assessment List and located at 71 Genesee St, Avon NY 14414. The hearing will be held on Monday, December 4, at 6:00 p.m. in the Whitney Room of the Village Hall located at 74 Genesee St., Avon, NY 14414.

Thank You,  
Heather Randall  
Village Clerk

Mayor Freeman invited public comment and Trustee Hayes read comments received before the hearing, into the official minutes:

#### *Bonnie Davis- Community Advocate*

- I support the resolution to apply for the New York State Main Street Grant and explore the opportunity to address transformational restoration of the Park Theater. As a building in our Downtown, it could become as it once was an important anchor business/building. It is important to be aware and stay vigilant of the impact of empty business spaces in our retail areas. We must continue to work with our community vision and comprehensive plan to restore the vibrancy and make this part of a business destination.

#### *Clara Mulligan-APHS Board Member, Town of Avon Comprehensive Plan Committee Chair*

- As a board member of the Avon Preservation & Historical Society and Chairwoman of the Town of Avon Comprehensive Plan Update Committee, I am in full support of the Restore NY application to rehabilitate the Avon Park Theater. The village of Avon has a deep history, and it is upon that story that we can build and revitalize our area. Bringing the Park Theater back into use as a community space will fill a visible void on Genesee

Street. Filling an empty building with cultural activity brings a sense of connectivity and will draw in visitors to our area. We need to invest in our historic structures, as they carry Avon's unique character. This is a significant opportunity to preserve an important part of our historic architecture and promote community activities. An application for grant funding would certainly make this rehabilitation project a reality.

*Robert Westfall-APHS President*

- This is to let you know that the Avon Preservation and Historical Society fully supports the effort of the Village of Avon to apply for funding from NYS revitalize Main street program. We have long been supporters of revitalizing our downtown area and seeing it come to life once again.

There were members of the community in attendance that offered the following comments:

*Ann Younger-* Ms. Younger, in her opinion, expressed that there seems to have been an influx of micro-breweries into communities and doesn't feel that is appropriate for this space. The grant would go a long way with helping to reestablish it as a movie theater. She feels that is the way to encourage the community to be involved, and maintain the integrity of the building.

*Nick Mazza-* Mr. Mazza would like to see the Village continue moving forward and being proactive with applying for the grant. He feels that the Village has so many things to offer, including a great school district, a wonderful library- that will be seeing its own renovations in the near future- access to quality healthcare, grocery stores, and public services, new homes are being built and the parks are all being maintained beautifully. The vacant theater, in the heart of the Village's downtown district, could use a lift. This could be very exciting in the district and could be used for many things. He distributed an article that discussed the value the arts in a community, and offered a few ideas of uses for the space including a theater for small theatrical performances. Perhaps an active Arts Council would be a way to gather ideas and get the ball rolling. He offered any kind of help and his expertise should the Village be awarded the grant, and again commended the Board for their commitment to help do something.

*Clark Rittersbach-* Mr. Rittersbach- "the keeper of the theater", which he dubbed himself- says that the theater has such potential. Acting classes, workshops, and small theatrical performances are just the tip of the iceberg.

*Steve Harrison- Vice President of the Avon Chamber of Commerce-* Mr. Harrison, on behalf of the Chamber, expressed that the Chamber supports any effort to improve the Park Theatre. He feels it has been vacant for too long and strongly encourages the Village to apply for the grant.

Discussion continued. Comparison was made between the Park Theatre and the Opera Block, located just down the street from the Park Theatre. However, Mr. Westfall was quick to point out that they two are very different venues.

Treasurer Quinlan stated that she was still anticipating letters of support from the following groups/people:

1. Livingston County Historian

2. Avon Historian
3. Avon Chamber of Commerce
4. Town of Avon
5. Livingston County Arts Council
6. Village of Avon Planning Board
7. NYS Legislators

There were no further comments.

Upon a motion made by Trustee Zhe, the following resolution was adopted by the Board:

**VILLAGE OF AVON BOARD OF TRUSTEES RESOLUTION AUTHORIZING  
MAYOR FREEMAN TO SUBMIT THE GRANT APPLICATION CONSISTENT WITH  
THE REQUEST FOR FUNDING FOR THE RESTORE NY MUNICIPAL GRANT  
PROGRAM**

Whereas, the State of New York is seeking to provide assistance to municipalities to help finance ongoing efforts to revitalize urban center, encourage economic development and add value to the community housing stock, and

Whereas, the Village Board desires to make application, on behalf of the Village of Avon, for one project in the amount of \$500,000, and

Whereas, the Village of Avon deems the proposed “Park Theatre” project to be consistent with the existing local comprehensive and revitalization plans for the Village of Avon; the proposed financing is appropriate for the specific facilities or projects; the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and where applicable, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

Now therefore be it resolved, that the Village of Avon board of Trustees hereby authorizes the Mayor to submit the grant application consistent with the Restore NY Municipal Grant Program, consistent with the proposed project attached hereto and made a part hereof.

This motion was seconded by Trustee Batzel, and was carried by the following vote:

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

Upon a motion made by Trustee Hayes and seconded by Trustee Zhe, the Board brought the public hearing to a close at 6:50pm. The motion was carried by the following vote:

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

## **FIRE UPDATE:**

Asst. Fire Chief Pierce came to the Board with a request a new Fire Report System. To update the current system would be costly, and it is not a very easy system to use. The new system has everything that is needed in one location and is user-friendly for everyone.

Upon a motion by Trustee McKeown and seconded by Trustee Zhe, the Board agreed to authorize the purchase of the Fire Report System in the amount of \$3745.00. The motion was carried by the following vote:

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

Trustee Batzel took a moment to commend Mr. Pierce for the work done at a recent fire on Clinton Street. He felt that he handled everything by the book, professionally, and was a great leader during the event.

## **DPW UPDATE:**

Superintendent Barrett updated the Board on the following:

- Oak Hill Drive/ Lake Road is complete and everything appears to be working smoothly.
- Christmas decorations are up.
- Been a strange year for leaves. The crew will keep picking up until the snow comes.
- Superintendent Barrett and Bill Davis discussed the response letter sent to DEC regarding the WWTP inspection on 10/31/2017. Among the things highlighted was:
  - Re-looking at staffing needs at the plant.
  - Reed beds are full. DEC wants to see them cleaned out-will be an associated cost.
  - Sewer Use Law
- There will be one more day of smoke testing in the Village. Then they will report the findings.
- Barilla is working on their parking lot improvements.
- Superintendent Barrett received a request from NYSDOT for a shared service agreement between them and the Village in which they will exchange, or lend materials or equipment for the maintenance of state and the municipality's roads and highways. This will provide a cost savings to each entity.

Upon a motion by Trustee Hayes and seconded by Trustee Batzel, the Board authorized Superintendent Barrett to sign the agreement with NYSDOT. The motion was carried by the following vote:

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

- Discussion was had about revisiting the rate change for sewer. Treasurer Quinlan and Mr. Davis will work toward it, using the formula they have. It must be treated timely.

**BILL DAVIS- MRB UPDATE:**

- *Avon Commons Letter of Credit*- On behalf of Lance Brabant, Bill Davis discussed the second letter of credit to release funds for the project.

Upon a motion made by Trustee Zhe and seconded by Trustee McKeown, and with the recommendation of MRB’s Lance Brabant, the Board authorized Treasurer Quinlan to sign off on the paperwork and granted a letter of credit release for Avon Commons Lot R-35-Georgian Way and Collins Street, MRB Group Project Number 0110.10003.000-Phase 10 in the amount of \$69,433.90 There is \$71,555.60 remaining to complete the project. The motion was carried by the following vote:

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

- Bill Davis discussed a meeting with NYSDOT for the 5 & 20 cut. The Town of Avon will take the lead. A SEQR must be completed, and they will identify what easements are needed. According to Mr. Davis, the request for the open cut must go to the Regional Office, and there may be a need for a meeting with representative.

**VOUCHERS and MANUAL CHECKS:**

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

|                 |            |
|-----------------|------------|
| #1-GENERAL FUND | \$19296.00 |
| #4-SCHEDULE C   | \$3753.05  |
| #5-WATER        | \$2869.56  |
| #6-SEWER        | \$9632.66  |
| #17-TA          | \$2919.05  |

|               |            |
|---------------|------------|
| #50-CAPITAL   | \$         |
| #62-CAPITAL   | \$         |
| #65-CAPITAL   | \$         |
| #72-CAPITAL   | \$         |
| #73-CAPITAL   | \$         |
| #77-CAPITAL   | \$         |
| #78-CAPITAL   | \$         |
| #93-CAPITAL   | \$1748.25  |
| #DEBT SERVICE | \$         |
| TOTAL         | \$40218.57 |

Manual Checks:

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

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

**MINUTES:**

Upon a motion made by Trustee Hayes and seconded by Trustee Batzel, the minutes from November 20th, 2017 meeting are hereby approved as submitted. The motion was carried by the following vote:

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

**CODE ENFORCEMENT UPDATE:**

Code Officer Cappello and Fire Marshal Glise updated the Board on the following:

- Brian Glise told the Board that he has established the occupancy for the Avon Inn- 300. Tony Cappello expressed his amazement at the rehab of the Inn. He says it is beautiful. Clerk Randall is trying to get a tour set up for the Board.
- Avon Commons- building 515 is complete. There are 3 more in the final stages.
- There is a new dental practice that will be coming into the Village. It will be located in the Tops Plaza by Mark's Pizza.
- Trustee McKeown told Tony about two homes that looked like the roofs are caving in. They look dilapidated and could be potentially dangerous. How do we handle the

situation, especially if there are people living in these home? Tony said his first step is reaching out to the homeowners, which he will do.

**TRUSTEE’S UPDATE:**

The Board reviewed letters received from the following:

- EFC- reviewed and accepted the change orders from the WWTP project.
- Livingston County Economic Development-reviewed letter regarding the Barilla Pilot Program.

Upon a motion by Trustee Hayes and seconded by Trustee Batzel, the Board requested Treasurer Quinlan to set up a reserve fund for the program payout. The motion was carried by the following vote:

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

**EXECUTIVE SESSION:**

Upon a motion made by Trustee Zhe and seconded by Trustee Hayes, the Board entered into executive session at 7:35 pm to discuss contractual issues. The motion was carried by the following vote:

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

Upon a motion made by Trustee Zhe and seconded by Trustee Hayes, The Board exited executive session at 8:45pm. The motion was carried by the following vote:

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

After discussing the recommendation provided by Planning Board Chairman Paul Drozdziel, and upon a motion made by Trustee Zhe, the Board agreed to enter into a contract with Steinmetz Planning Group for Phase 1 and Phase 2 of the PRDD rewrite and update of the Zoning District and Map. Trustee Hayes and Mayor Freeman will contact Mr. Steinmetz and follow up with Clerk Randall. The motion was seconded by Trustee Hayes, and was carried by the following vote:

|                       |        |     |
|-----------------------|--------|-----|
| Thomas Freeman, Mayor | Voting | Yes |
|-----------------------|--------|-----|



|                       |        |     |
|-----------------------|--------|-----|
| Tim Batzel, Trustee   | Voting | Yes |
| Mark McKeown, Trustee | Voting | Yes |
| William Zhe, Trustee  | Voting | Yes |
| Robert Hayes, Trustee | Voting | Yes |

Upon a motion made by Trustee Batzel and seconded by Trustee Hayes, the meeting adjourned at 8:55pm.

Respectfully submitted,



Heather Randall  
Village Clerk