

The Organizational Meeting of the Board of Trustees of the Village of Avon was held in The Whitney Room of Village Hall, 74 Genesee Street, Avon, New York on Monday April 1st, 2019.

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

Staff: Christine Quinlan, Treasurer  
Tony Cappello, Code Enforcement Officer  
Chief Joseph Geer, Police Chief  
Jake Whiting, Attorney

Visitors: Bill Davis, MRB  
Gary Mendola, 2 White Horse Lane

Absent: Rob Hayes, Trustee

Mayor Freeman called the meeting to order at 6:00pm and began with the Pledge of Allegiance.

## **PUBLIC HEARING- 2019/2020 BUDGET**

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the Board opened the public hearing at 6:05 pm by having Clerk Randall read the following notice published in the official paper, The LCN, as required:

NOTICE:  
NOTICE OF PUBLIC HEARING REGARDING ANNUAL BUDGET  
VILLAGE OF AVON

Pursuant to Section 5-508 of the Village Law, the tentative budget for the Village of Avon has been prepared and filed with the Village Clerk, where it may be inspected by any interested parties between the hours of 8am and 4pm. Proposed compensation for the Board of Trustees is as follows:

Mayor: \$14678.00  
Deputy Mayor: \$8053.00  
Trustees: 3 at \$6812.00

Notice is hereby given that a public hearing in relation to adoption of the annual budget will be held on April 1, 2019 at 6:00p.m. in the Avon Village Office, 74 Genesee Street, Avon New York.

By Order of the Board of Trustees  
Thomas Freeman, Mayor

Dated:  
March 18<sup>th</sup>, 2019

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	Absent
Timmy Batzel, Trustee	Voting	Yes

The Public Hearing remained open for the entire meeting in order to allow for public comment. There was none.

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the Public hearing was brought to a close at 9:55pm. 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	Absent
Timmy Batzel, Trustee	Voting	Yes

## GARY MENDOLA:

Mr. Mendola attended the meeting to request an update on some work that he stated was going to be done on some trees by the creek on his property. He stated that the trees are dead and that Superintendent Barrett has stated he would come to his residence and take a look. He would like to know exactly when he will be coming. The Mayor advised that the Village did take down a tree and that he would follow up with Supt. Barrett himself. He also explained that the Village needs to make sure they are doing the right things in terms of drainage. Attorney Jake Whiting took information in order to see what easements the Village has in relation to Mr. Mendola's property. Mr. Mendola has stated that since the work was done on the east side of Pole Bridge Road, the water flows very quickly over his property, and feels that once Supt. Barrett comes to look at the property, a solution can be figured out.

Mr. Mendola also discussed some damage to his property from the snow plows. He explained that in the past, the plow used on the sidewalks has damaged his lawn and this past winter, the plow did damage to the lawn at the end of his driveway. He feels it is the Village responsibility to repair it. The Mayor stated that the Village plows sidewalks as a courtesy. According to Village Code, snow and ice removal from sidewalks are the responsibility of the homeowner, and if it is cleaned up by the Village, homeowners could incur a fee. Discussion did get intense, and the Mayor explained that municipalities are not held responsible for minor damage due to snow plowing. He also provided Mr. Mendola with a copy of the code. The Mayor also said that he should put some stakes in the ground for the crew to use as a guide and that the Village will not be doing the repairs; it is up to him as a homeowner.

To close, Mr. Mendola asked about the work on High Street near his mother's home. The Mayor explained that last year, the crew put in a section of pipe that goes into the basin to guide water out in that area. We have acquired the necessary information in order to prepare the easements that will give the Village permission to work on the properties and the rest of the work will be completed once the homeowners sign off on the easements written by Village Attorney Whiting. This is a high priority project.



**MRB UPDATE:**

Bill Davis of MRB gave the following update:

- The Board was provided with a proposal for the preliminary design phase of the Pebble Beach Road Pump Station Improvements. The proposal included the following:
  1. Developing an accurate site plan and piping plan
  2. Create a hydraulic profile, perform hydraulic calculations, coordinate with the Village and manufacturers to select water pumps
  3. Confirm the type and size of pumps; consider a package pump system
  4. Evaluation of building size and type and develop a lay out for the building.

Cost of the proposal was \$8000.00.

Upon a motion made by Trustee Zhe and seconded by Trustee McKeown, the Board accepted the MRB proposal for the preliminary design phase of the pump station, not to exceed \$8000.00. 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	Absent
Timmy Batzel, Trustee	Voting	Yes

- MR. Davis stated that a draft report for the I & I study has been provided to Superintendent Barrett. The Board asked Clerk Randall to have Superintendent Barrett forward the draft to them for their review.

**ANNUAL ORGANIZATIONAL MEETING 2019:****APPOINTMENTS:**

Mayor Freeman began by appointing Mark McKeown as Deputy Mayor for a term of one year, and asked for a motion to approve the following appointments:

Upon a motion made by Trustee McKeown, the following appointments were made:

**AVON POLICE DEPARTMENT:**

Police Chief	Joeseeph Geer
Police Officer	Timothy Ferrara, Jr.
Police Officer	Matthew McFadden
Police Officer	Travis McFadden
Police Officer	Nicholas Greco
Police Officer - Part time	Kenneth Ippolito
Police Officer – Part time	Tamara Bingham
Police Officer – Part time	Richard Gage
Police Officer- Part time	Kevin Geer

**DEPARTMENT OF PUBLIC WORKS:**

Superintendent of Public Works	John Barrett	1 yr.
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**ANNUAL:**

Zoning Officer/Code Enf. Officer	Anthony Cappello	1 yr.
Village Attorney	Reid Whiting	1 yr.
Acting Village Justice	Jeannie Michalski	1 yr.
Court Clerk	Jeanette Cullinan	1 yr.
Deputy Court Clerk	Holly Swafford	1 yr.

**PARK COMMISSION:**

Park Commission Chairperson	John Marks	1 yr.
Park Commission Member	Marnie Baker	5 yr.

**ZONING BOARD:**

Zoning Board Chairperson	Dan Freeman	1 yr.
Zoning Board Member	James Gerace	5 yr.

**PLANNING BOARD:**

Planning Board Chairperson	Paul Drozdziel	1 yr.
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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
Robert Hayes, Trustee	Voting	Absent
Timmy Batzel, Trustee	Voting	Yes

**BOARD LIAISONS:**

Planning Board – Trustee Hayes & Trustee Batzel  
 Fire Board – Trustee McKeown  
 Park Commission – Trustee Zhe  
 Water Board – Trustee Hayes & Trustee Batzel  
 Library Board- Trustee Batzel  
 Town Board - Will continue to have joint meetings throughout the year

Upon a motion made by Trustee McKeown and seconded by Trustee Batzel, the following are hereby approved as follows:

**BANKS:**

The Bank of Castile  
 Community Bank  
 Five Star  
 J P Morgan  
 Canandaigua National Bank & Trust



**OFFICIAL PAPER:**

The Livingston County News  
Batavia Daily News

Upon a motion made by Trustee McKeown, the following are hereby approved

**MEETING NIGHTS AND TIMES:**

The Village Board meetings will be held the first and third Monday of each month at 6:00pm, except the month of September, in which the meetings will be held on the second and fourth Mondays at 6:00pm. The dates of the meetings from June 2019 through December 2019 are located on the Village website, [www.avon-ny.org](http://www.avon-ny.org).

In an effort to conduct an efficient and time conscious Board meeting, Mayor Freeman asked that all parties having items for discussion with the Village Board present them to Clerk Randall by noon the Thursday before the meeting for insertion on the agenda. Only topics listed on the agenda will be discussed at the Board meetings. Mayor Freeman asked that all Trustees and employees come to the meetings prepared to discuss the items on the agenda.

**ADVANCED APPROVAL OF CLAIMS:**

Utility bills, postage, payroll and payroll related items, debt service, and freight shall be paid in advance and approved at the next regular Village Board meeting. An audit committee, which will consist of two board members, are authorized to approve any other advanced claims.

**MILEAGE ALLOWANCE:**

IRS 2019

Privately owned vehicle – 58 cents per mile

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
Robert Hayes, Trustee	Voting	Absent
Timmy Batzel, Trustee	Voting	Yes

**POLICIES:**

Upon a motion made by Trustee McKeown, and seconded by Trustee Zhe, the following policies are hereby approved as previously submitted, with no updates:

1. Code of Ethics (adopted 12/5/16)
2. Conference/Travel Expense Reimbursement (adopted 12/5/16)
3. Meals/Refreshments Reimbursement (adopted 12/5/2016)
4. Credit Card Policy (adopted 12/5/2016)
5. Fixed Asset Policy (adopted 12/5/2016)

6. Investment Policy (adopted 12/5/2016)
7. Borrowing Policy (adopted 12/5/2016)
8. Sexual Harassment Policy (adopted 10/08/2018)
9. Whistleblower Policy (adopted 12/5/2016)
10. Workplace Violence (adopted 12/19/2016)
11. Procurement Policy (updated 2/2/15)

The motion is carried by the following vote:

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

### **CHECK SIGNING AUTHORITY:**

Upon a motion made by Trustee McKeown, and seconded by Trustee Batzel, the following check signing authority is hereby adopted for the Mayor, Deputy Mayor and/or Treasurer:

Checks in the amount of \$0 - \$10,000 – one signature required  
 Checks in the amount of \$10,000 or more – two signatures required  
 Withdrawal slips, wire transfers – one signature required.

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
Robert Hayes, Trustee	Voting	Absent
Timmy Batzel, Trustee	Voting	Yes

### **M/WBE-EEO MINORITY BUSINESS OFFICER:**

Upon a motion made by Trustee McKeown, and seconded by Trustee Zhe, the following is adopted with, no changes to the previous resolution for the M/WBE goals:

### **MINORITY AND WOMEN'S BUSINESS-EQUAL EMPLOYMENT OPPORTUNITY PROGRAM WORK PLAN NEW YORK CLEAN WATER STATE REVOLVING FUND MUNICIPAL OTHER THAN LAND ACQUISITION**

#### **Policy Statement:**

The Village of Avon commits to carrying out the intent of the New York State Executive Law, Article 15-A which assures the meaningful participation of minority and women's business enterprises in contracting and services, and the meaningful participation of minorities and



women in the workforce on activities financed by the CWSRF program.

**Minority Business Officer:**

Heather Randall is designated as the local Government Official or Minority Business Officer responsible for administering Minority and Women's Business-Equal Employment Opportunity (M/WBE-EEO) program for the Village of Avon.

MBEO Officer Phone No. 585-226-8118

**M/WBE Projected Goals:**

10% Minority Business Enterprise Participation

10% Women's Business Enterprise Participation

**EEO Projected Goals:**

5.3% Minority Labor Force Participation

6.9% Female Labor Force Participation

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	Absent
Timmy Batzel, Trustee	Voting	Yes

**STANDARD WORK DAY ESTABLISHMENT FOR RETIREMENT:**

The following are the positions and the hours to be reported to the NYS Retirement System as the standard work day established by the Village Board for retirement credit:

<u>POSITION</u>	<u>HOURS</u>
• Board Member(Plan,Zone,Water)	6 hours
• Code Enf. Officer/Fire Marshal	6 hours
• Court Clerk	6 hours
• Crossing Guard	6 hours
• Deputy Clerk	7 hours
• Deputy Court Clerk	7 hours

• F/T Patrolman	8 hours
• Fire Dept. Sec.	6 hours
• Laborer	8 hours
• Mayor	6 hours
• P/T Laborer	6 hours
• P/T Patrolman	6 hours
• Police Chief	8 hours
• Sergeant	8 hours
• Superintendent of Pub. Works	8 hours
• Treasurer	7 hours
• Trustee	6 hours
• Village Attorney	6 hours
• Village Clerk	7 hours
• WWTP Lead Operator	8 hours
• Zoning Officer	6 hours

Upon a motion made by Trustee McKeown, and seconded by Trustee Zhe, the Standard Work Day hours were approved. 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	Absent
Timmy Batzel, Trustee	Voting	Yes

### **CONFLICT OF INTEREST:**

In order to maintain the integrity of their positions and prevent a conflict of interest, members of the Board noted the following:

- Trustee McKeown's wife is part of the Avon Library Board.
- Trustee Zhe's wife is part of the Library Board.
- Trustee Hayes' wife is employed at Hurricane Technologies.
- Trustee McKeown is a member of the Livingston County Water and Sewer Authority Board.
- Trustee Hayes is a member of the Livingston County Planning Board.

### **VOUCHERS and MANUAL CHECKS:**

Upon a motion by Trustee Batzel, the following vouchers were approved for payment.

#1-GENERAL FUND	\$19765.12
#4-SCHEDULE C	\$5801.24



#5-WATER	\$3033.65
#6-SEWER	\$11283.59
#49-CAPITAL	\$
#50-CAPITAL	\$
#52-CAPITAL	\$
#57-CAPITAL	\$
#59-CAPITAL	\$
#93-CAPITAL	\$1808.52
#17-TA	\$3820.53
#11-DEBT SERV	\$
TOTAL	\$45512.65

## Manual Checks:

Nationwide Ret. Sol.	Def. Comp p/r#19-07	\$1897.11
<b>TOTAL:</b>		<b>\$1897.11</b>

The motion was seconded by Trustee Hayes and 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	Absent

**MINUTES:**

Upon a motion made by Trustee Zhe and seconded by Trustee McKeown, the minutes from the March 18, 2019 meeting are hereby approved as submitted. 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	Absent
Timmy Batzel, Trustee	Voting	Yes

**CODE ENFORCEMENT UPDATE:**

Code Enforcement Officer Tony Cappello gave the following update:

- Charlton- Left paperwork to renew the permit.
- Park Theatre- drawings are not in yet, however it came as a surprise that sprinkler system is required in the building. Tony feels that it is a reasonable request to have a sprinkler system as the building is in the center of the downtown district and is surrounded by other

buildings. As renovations and updates occur to the building, and change the original design, it is very important to keep it up to code and safe for the community. When the drawings have been received, the Board would like to send them to a third party to review and ask their opinion.

- 41 Oak Street- the renters are having problems with the rental company (Ameritrust). First, they have never paid for the permit the acquired to do the renovations for the home. (this can be rolled onto the taxes for that property). The renters are having plumbing and electrical issues as well. Ameritrust has not responded to any correspondence. The Board suggested compiling a list of grievances and sending them to Ameritrust.

### **POLICE UPDATE:**

Chief Geer provided the following update:

- The car is being worked on – waiting for a set of brackets. The car should be in service by the end of next week. The plan is to send the old 2011 car to auction.
- The end of the month, they will move everything into the new remodeled office.
- The deer harvest is complete. A total of 40 deer were harvested.

### **ATTORNEY UPDATE:**

Attorney Jake Whiting was present to go through a list of items being worked on. The following items were discussed:

- Special Use Permit- the Board received a request from the Planning Board, who has been working on an update for the code book, to consider changing the approval and issuance of a special use permit from the Zoning Board to the Planning Board. Mr. Whiting stated that it is not unusual to have the Planning Board be the governing body that issues this permit.
- Five Arch Bridge Opinion of Counsel Letter is being worked on by Attorney John Whiting.
- High Street Easements are being worked on. Still gathering information. Once all the information is compiled, and the easements written, the homeowners can sign off on them.
- Avon Inn Agreement with the Village of Avon re: Restore NY Grant. Mr. Whiting stated he needed more information. Treasurer Quinlan said she will email him with what he needed.
- T.Moran- accrued sick money-this was previously referenced as HSA money, which is an error. Mr. Whiting stated he needed more time for review.
- National Grid Lighting Agreement- this agreement is for the sale of the light inventory from National Grid to the Village of Avon in order to proceed with the LED Light Program with NYPA. Mr. Whiting stated that this agreement in legal terms is very straight forward.

### **CLERK UPDATE:**

Clerk Randall provided the Board with the following update:



- The 34<sup>th</sup> Annual Walk Against Hunger will take place Saturday May 4<sup>th</sup>, 2019. Registration will be held at 8:30 am in the Village Hall, followed by a 2.5 mile walk through the Village beginning at 9am. Funds raised will benefit the Avon Food Pantry, Martha's Kitchen and the Avon Nutrition Center. This event is sponsored by the Avon Interfaith Council.
- The Livingston County Association of Village Boards dinner meeting will be held Wednesday, April 17, 2019 at The Oaks Country Club, hosted by the Village of Geneseo.
- Chad Bailey has received his Water Operator Certification from the New York State Department of Health.
- Lead Water Operator Kirk Vanderbilt requested that the Board authorize Clerk Randall to send a letter to two water customers whom he has been unable to reach in order to change/repair the water meter located at their residence. The Board agreed and asked that a letter be sent immediately to help correct the situation.

### TRUSTEE'S UPDATE:

- Mayor Freeman asked Clerk Randall to set up interviews for the open Fire Marshal position and Planning Board member for this week. Several applications had been received for each position.
- Trustee Zhe discussed the Arbor Day Event to be held April 20<sup>th</sup>, 2019 at the Avon Driving Park. A community tree planting day has been planned. 20 trees will be planted by volunteers as part of the recently awarded Urban Forestry Grant.
- Water Service Request on West Lake Road- The Board received a written request from Keith Provo to have a water service connection provided to 3111 West Lake Road. Mr. Provo explained in his letter that he is currently on a well. The Board would like to have Superintendent Barrett take a look at it.
- Trustee McKeown gave a final update on the deer harvest. 40 deer were culled, including 18 adult does, 8 doe fawns, 13 buck fawns, and 1 non antlered buck.

Upon a motion made by Trustee Batzel, the meeting was adjourned at 10:05pm.

Respectfully submitted,



Heather Randall  
Village Clerk