

The 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 July 1st, 2019.

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

Staff: Chief Joseph Geer, Police Chief
 Tony Cappello, Zoning/Code Officer
 Andy Anderson, Fire Marshal
 John Gibson, Planning Board
 Pat McCormick- Planning Board

Visitors: Alyssa Benjamin, MRB
 Molly Gaudio- Barton & Loguidice
 John Steinmetz- Barton & Loguidice

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

PUBLIC HEARING-SPECIAL USE PERMIT ISSUANCE

Upon a motion made by Trustee McKeown and seconded by Trustee Zhe, the Board opened the public hearing at 6:00pm to discuss the update to the special use permit procedures. 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 McKeown read the following notice, which was published in the LCN as required:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held before the Village Board of the Village of Avon on Monday, July 1st 2019, at 6:00 p.m. in the Whitney Room at the Village Hall, 74 Genesee Street, Avon, New York on the following matter:

Update to the Special Use Permit procedure as recommended by the draft of the Special Use Regulations being proposed in the Zoning Update for the Village of Avon.

The Village Board will, at the aforesaid time and place, hear all persons in support of this change or objections thereto. Persons may appear in person or by agent or attorney. A copy of the 2019 draft of the Special Use Regulations is available for review at the Village Clerk's office located at 74 Genesee Street, Avon, NY, from 8:00 a.m. to 4:00 p.m. Monday through Friday. Dated: June 3rd, 2019

*By Order of the Village Board
Of the Village of Avon*

Molly Gaudioso and John Steinmetz were in attendance to guide the discussion and answer any questions that may be presented. Mayor Freeman asked what the reasoning behind the recommendation for the Planning Board to be the issuing entity of Special Use Permits instead of the Zoning Board. He feels that it is a checks and balances system that has worked well for the Village. Ms. Gaudioso stated that Planning Board drives the entire process who work from start to finish with the applicants when applying for a special use permit. They are already invested in the project, know what the applicant is trying to accomplish and feels this makes the applicant comfortable with the process. They continue to work with the same group of people and finds that this helps build confidence in an applicant to get to a desirable end result for all.

There was no public comment.

During this time, Ms. Gaudioso and Mr. Steinmetz also discussed the updates to the zoning districts they have been working on with the Planning and Zoning Boards for the past year or so. There was discussion as to the new districts- Village Residential District, Multi-Family Residential District, and Mixed Residential District, Business Districts, and Industrial Districts, and standard for each of the districts such as parking and building requirements. This update does a lot to clean up the Zoning district lines.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board voted to set a public hearing for the adoption of the Zoning Update and Special Use Permit Issuance for August 12th 2019. The public hearing for tonight will remain open until the August 12th meeting. 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

Mr. Steinmetz and Ms. Gaudioso will work with Attorney Whiting to create two local laws for these updates.

DPW UPDATE:

Superintendent Barrett was unable to attend, but gave a brief update to Mayor Freeman who reported back the Board:

- Fence is complete at the Downs.
- Pad is also complete.
- Work on the sidewalks continue at the Downs.
- Supt. Barrett is hoping to have the bridge painted by the end of the holiday week.

MRB UPDATE:

Alyssa Benjamin of MRB was in attendance to review and answer questions in regards to the Five Arch Bridge SEQR.

- The following resolutions were passed:

VILLAGE OF AVON

FIVE ARCH BRIDGE STABILIZATION AND RESTORATION PROJECT

SEQR RESOLUTION

DESIGNATING LEAD AGENCY

WHEREAS, the Village of Avon Village Board of Trustees (hereinafter referred to as Village Board) has on Monday, April 8, 2019 declared its intent to be designated the Lead Agency for the Five Arch Bridge Stabilization and Restoration Project under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Village Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Village Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Village Board does hereby designate itself as the lead agency for the Action identified above herein;

Motion made by Member Trustee Zhe: Seconded by Member Trustee Batzel

Dated: July 1, 2019

The above Resolution was duly adopted on July 1, 2019 by the Village of Avon Village Board of Trustees.

Thomas Freeman, Mayor
Village of Avon

VILLAGE OF AVON
FIVE ARCH BRIDGE STABILIZATION AND RESTORATION PROJECT

SEQR RESOLUTION
DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

WHEREAS, the Village of Avon Village Board of Trustees (hereinafter referred to as Village Board) has determined the above referenced Action to be an Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

WHEREAS, the Village Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Village Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

WHEREAS, the Village Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Village Board does hereby make a Determination of Non-Significance on said Action, and the Mayor is hereby directed to issue the Negative Declaration as evidence of the Village Board determination of environmental non-significance.

Motion made by Member Trustee McKeown: Seconded by Member Trustee Zhe

Dated: July 1, 2019

The above Resolution was duly adopted on July 1, 2019 by the Village of Avon Village Board of Trustees.

Thomas Freeman, Mayor
Village of Avon

These resolutions passed by the following votes:

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

- The Board also reviewed the full EAF Part 2 and supporting documentation.

Upon a motion made by Trustee Batzel and seconded by Trustee Hayes, the Board accepted the full EAF Part 2 and authorized Mayor Freeman to sign it. 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

VOUCHERS and MANUAL CHECKS:

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

#1-GENERAL FUND	\$162279.76
#4-SCHEDULE C	\$38427.91
#5-WATER	\$10276.74
#6-SEWER	\$9710.15
#44-CAPITAL	\$1584.78
#17-TA	\$375.20
TOTAL	\$222654.54

Manual Checks: no manual checks.

The motion was seconded by Trustee McKeown 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	Yes

MINUTES:

Upon a motion made by Trustee Zhe and seconded by Trustee McKeown the minutes from the May 20th 2019 meeting are approved as submitted. The motion was carried by the following vote:

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

POLICE UPDATE:

Chief Geer provided the following update:

- Senior Bash went well. No problems.
- Officer McFadden back on the schedule until school is back in session.
- Chief Geer asked the Board permission to attend the NYS Chiefs Association Meeting. It is 3 days, held in Rochester at a cost of \$300.00.

Upon a motion made by Trustee Hayes and seconded by Trustee Zhe, the Board approved the conference attendance by Chief Geer in the amount of \$300.00. 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

- Speed sign needs to be sent back to the company for repairs. The company has not been able to give a determination as to how long it will take.
- Mr. McCormick expressed his concern of the speed on Genesee Street. Chief Geer stated they have seen higher speeds since the road was paved earlier in the spring and are paying more attention in that specific area.

CODE ENFORCEMENT UPDATE:

Code Enforcement Officer Cappello gave the following update:

- The Health Department contacted the resident in Avon Commons who complained about mold in the building. Previously, the resident complained that there was mold in the building and they were experiencing respiratory issues. The resident has since moved.
- Sidewalks at D’Angelo Parkway- Mrs. D’Angelo is getting estimates for the sidewalks.
- Have had complaints about Christopher Robins Kennel on Rochester Street. Residents have complained that the animals are out very early in the mornings and there is a substantial amount of noise. The owner may come to the Board to discuss. He is considering changing his hours.
- Cattone Property- Mr. Cappello said no one resides there anymore. He will see if he can get someone to mow the property.
- Mr. Cappello is having his roof done on his building on Genesee Street and will be combining the effort with Rob Welch at the Avondale.

FIRE MARSHAL UPDATE:

Fire Marshal Anderson gave the following update:

- Last training required for BSI certificate will be held July 16th – 18th. He will continue in the fall with Code training.
- Discussed the ad for the PennySaver.

TREASURER'S UPDATE:

Treasurer Quinlan was unable to attend, but provided her report electronically:

- Out of District water users- Mattle paid in full, Ison partial payment of \$200, Storey still o/s. Our Attorney has a call in to Attorney Campbell and Attorney Coniglio and will let us know their feedback regarding how to proceed.
- Met with GTC representative to review and discuss CAP (Circulation, Access, and Parking) Project to refine RFP.
- Completed UPWP progress report for the CAP study.
- Completed NYS DEC quarterly progress reports for tree planting and inventory management plan with assistance from John Marks.
- Preparing disbursement request to DEC for tree planting.
- Requested initial disbursement for WWTP disinfection study from NYS DEC
- GVBA Grant- fencing installed, Bear Hill Builders to start polebarn and announcer's stand tomorrow.
- NYPA PTAC minutes (provided)
- Restore NY Grant- Still waiting on Avon Inn monies. Still need to review and finalize the draft agreement between the Village and the Avon Inn.
- Tax Collection Summary report (provided)
- June financials have been emailed.
- Continue to work on fiscal year end closing, Annual Update Documents, and notes.
- Bank reconciliations are complete through 5/31/2019.

TRUSTEE'S UPDATE:

- ✚ Trustee McKeown discussed the sexual harassment training he attended for the LCWSA. He gave a brief description of what the training included and provided Clerk Randall with copies of paperwork to use as a guide for the Villages training that is required by law.
- ✚ Trustee Batzel discussed the traffic in front of the library. He feels this is very quickly becoming an issue that needs to be addressed sooner rather than later. Discussion revolved around appropriate signage, parking spots in front of the library. The Board would like to have one of the meetings in September be a neighborhood meeting to discuss safety.
- ✚ The Board discussed the August meetings. The Mayor requested that they be changed to the second and fourth Mondays to accommodate vacations. Trustee Hayes stated that he would be away for the second meeting of August, however he didn't mind the change.

Upon a motion made by Trustee Zhe and seconded by Trustee McKeown the Board meetings in August will be held August 12th and August 26th. 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

✚ The Board discussed the purchase of 97 Genesee Street. The purchase offer presented to the seller was \$67,000, which was accepted by the owners. There were contingencies on the sale in which the Board needed to vote upon in order to move forward. Contingencies were as follows: 1-Board must vote to officially approve the sale. 2- Board must approve the naming of Ted Coyne Way, a proposed new street.

Upon a motion made by Trustee Batzel and seconded by Trustee Hayes the Board approved the purchase of 97 Genesee Street. The motion was carried by the following vote:

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

Trustee McKeown asked that his comments be reflected in the minutes as to his no vote on the purchase. Trustee McKeown stated “The appraisal the Village paid for indicated a property value of \$60,000. By agreeing to a \$67,000 purchase price, the Village will be paying an almost 11% premium price for the property. Since the project has been deemed a public benefit the process of Eminent Domain should have been pursued to acquire the property. The Board did have a conversation about the purchase price (in executive session) and advised the Mayor to offer a price less than what the owner was asking.

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the Board approved the naming of the proposed street to be named Ted Coyne Way. The motion was carried by the following vote:

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

Trustee McKeown asked these comments be reflected as well in regards to his casting of a no vote: “I was a no vote to naming the road/alleyway after Ted Coyne. The reason, it is not of significance or relevance to have a public right of way named after a person. The Board did have a conversation about the naming (in executive session) and advised the Mayor to offer a different name for the project. This was part of the discussion last night.

Trustee Batzel asked what the Village plans to do with the property once it has been acquired. Originally, it was going to be removed. How or by whom was never decided. One idea was to sell the building itself for \$1 in an effort to save the structure. It has been found to possibly have historic value. However, the Board has made no solid plan as of yet.

- ✚ NY Main Street CFA Application- Louise Wadsworth requested that the Board consider adopting a resolution in which the Livingston County Development Corporation may apply for \$500,000 in financial assistance through the 2019 Consolidated Funding Application under the NY Main Street Program to assist property owners in the Village of Avon, combined with the Villages of Caledonia and Lima, to complete renovations to downtown buildings.

RESOLUTION:

Motion By: Trustee Zhe

Seconded By: Trustee McKeown

Resolution by the Village of Avon approving and endorsing the Livingston County Development Corporation in its application to NYS Homes and Community Renewal for funding under the New York Main Street Program.

WHEREAS, the Livingston County Development Corporation desires to apply for \$500,000 in financial assistance through the 2019 Consolidated Funding Application (CFA) under the New York Main Street Program; and

WHEREAS, the application proposes funding to assist property owners to complete building renovations to downtown "main street" buildings in the designated downtown districts of Caledonia, Avon and Lima; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the projects will be located.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Avon approves and endorses the 2019 New York Main Street Program application for downtown building renovation assistance, prepared and to be submitted by the Livingston County Development Corporation.

Passed by the following vote of all Village Board Members voting in favor thereof:

Affirmative Village Board Members: Mayor Thomas Freeman, Trustee Mark McKeown, Trustee Tim Batzel, Trustee Robert Hayes, and Trustee William Zhe

Affirmative: # 5

Negative: # 0

Abstain: # 0

I, Heather Randall, do hereby certify that this resolution was passed at a meeting of the Avon Village Board held on July 1, 2019, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Heather Randall, Village Clerk
Village of Avon

EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the Board entered into executive session at 8:15pm and exited at 8:35pm 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 Batzel, the meeting was adjourned at 8:40pm.

Respectfully submitted,



Heather Randall
Village Clerk