

A meeting of the Board of Trustees of the Village of Avon was held in Conference Room B of Village Hall, 74 Genesee Street, Avon, New York, on September 7, 2021.

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

Staff: Ken Farrell, DPW Supt.  
 Jake Whiting, Attorney

<u>Visitors:</u>	James Biondolillo	North Ave.
	Dan Warwick	North Ave.
	George Brown	Genesee Street
	Cheri Frew	Rochester St.
	Pat & Cathy Clancy	D'Angelo Parkway
	John & Ronnie McCaffrey	D'Angelo Parkway
	Mark Emmighausen	D'Angelo Parkway
	Kate & Michael Rizzolo	D'Angelo Parkway
	Sue & Lori Gunther	D'Angelo Parkway
	Kurt Meyer	North Ave.
	Mark Bovard	D'Angelo Parkway
	Jim Perkins	D'Angelo Parkway
	David Botts	D'Angelo Parkway
	Bob & Jan Hayes	D'Angelo Parkway
	Ashley Comeau	D'Angelo Parkway
	Bruce & Connie Wolfanger	D'Angelo Parkway (phone)
	Patrick Kostraba	D'Angelo Parkway
	Robert Mellon	D'Angelo Parkway (phone)

Per new legislation signed into effect by Governor Hochul, the meeting was made available to the public by video/teleconference. The Board is currently meeting in person and invites the public to do so if comfortable. The Board requests that if you are unvaccinated, wear a mask in the Village Hall and if you have symptoms or feel sick, to please stay home.

## **EXECUTIVE SESSION:**

The Board began the meeting in the Whitney Room at 5:00 pm.

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick the Board entered executive session at 5:05 pm to discuss a potential litigation issue, employment history for a potential hire and a contractual discussion. The Board also invited Attorney Jake Whiting and Supt. Farrell to attend. Mayor Freeman participated in the discussion by phone but did not vote. The motion was carried by the following vote:

Thomas Freeman	Voting	Yes
Tim Batzel, Trustee	Voting	Yes

Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board exited executive session at 6:15pm. The motion was carried by the following vote:

Thomas Freeman	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

The Board took no action.

After exiting executive session, the Board reconvened in Conference Room B. The Mayor began open session at 6:20pm and began with the Pledge of Allegiance.

**VOUCHERS and MANUAL CHECKS:**

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

#1-GENERAL FUND	\$18841.09
#4-SCHEDULE C	\$8938.53
#5-WATER	\$3212.83
#6-SEWER	\$9701.43
#TA00-TRUST & AGENCY	\$3904.22
TOTAL	\$44238.10

Manual Check:

NYS Dept of Environmental Conservation \$500.00

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

Thomas Freeman, Mayor	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

**DPW UPDATE:**

Supt. Farreil provided the following update to the Board:

- Brush pick-up continues.
- Trimming trees hanging over streets.
- Striping crosswalks, stop lines and parking spaces.
- Patched potholes throughout the Village.
- Thicker skirt installed at the WWTP.

- Three trail cameras have been installed at the Driving Park because of some suspicious activity going on at the dump, the ball fields and the horse barn.
- Met with Todd from Spallina Materials about materials for grinding and paving Valley Lane. There is left over CHIPS money (approximately \$45,000) and would like to use that money to complete the project. In the past, money has been able to be rolled over, however that may not be the case this year. Supt. Farrell discussed with other municipalities in the County who will be doing the same thing and trying to use up the funds. Total amount to for asphalt and materials is \$35464.00 and another \$3000.00 for grinding equaling \$38,464.00.

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, the Board approved the Spallina Materials quote in the amount of \$38,464.00 for the asphalt and grinding in order to pave Valley Lane. The motion was carried by the following vote:

Thomas Freeman	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

- Met with Steve Muhs from Elmer Davis in regard to the roof over the fire house, which has a leak that is need of repair. They will be sending a crew out next week.
- Supt. Farrell walked around the business district with Tom Murray of Lumalon and Jeff of PC&G. They answered questions about lights and power on Genesee Street, the best LED light for street lighting and availability for maintenance. The conversation was very encouraging. Trustee Batzel agreed and suggested that once we have received updated numbers from National Grid, we should ask Lumalon for an updated proposal.
- Will be working on the concrete pads in the Circle Park for the picnic tables.
- Crew will be fixing the catch basin on Lacy Street.
- Supt. Farrell will be attending the Parks Commission meeting on September 14<sup>th</sup> to discuss trees in the Circle Park.

**MRB UPDATE:**

Bill Davis did not attend the meeting at the Mayor’s request. However, Mayor Freeman stated that the bid opening held on September 2<sup>nd</sup> for the Pebble Beach Pump Station Project went very well. MRB is still conducting their review. The awarding of the bid will be tabled until MRB’s review is complete.

In Mr. Davis’s absence, the Board also tabled the Valve Vault Replacement Project proposal, which was updated since the last meeting, until Mr. Davis is able to be present.

**TREASURER UPDATE:**

Treasurer Quinlan was not in attendance, but provided the Board with the following update electronically:

- John and Ken are finalizing GVBA quotes for 2017 grant.

- National Grid Legal and Finance teams are currently reviewing all past documents and financial information associated with streetlight purchase. E-mail to Paul Gister today for an update regarding the Section 70 package for the necessary approval.
- The Landmark Society will have the final draft to SHPO and the Village by tomorrow. SHPO wants to look at September or early October for the final public meeting where they will be talking about the process moving forward to the State Review Board and the final designation on the National Register. SHPO typically works with the Landmark Society & the Village to set a date once they give any comments on the draft.
- Genesee Valley Council on the Arts final mural report submitted on 8/20. Planning Board comments re: mural park design provided to LaBella.
- Planning Board comments re: pocket park design provided to LaBella. Open air structure type needs to be decided.
- Shawn Dunwoody to have mural completed within two (2) weeks.
- 99% of Village taxes have been collected to date. Delinquent tax reminders mailed on 9/1. Taxes will be turned over to Livingston County on 10/1.
- Continue to work on Jen Talbot’s recommendations.
- Coronavirus Local Fiscal Recovery funds additional payment received on 8/30. Board needs to determine use(s).
- Third Liv. Co. WALLS mural meeting w/the County’s consultant will be at the Avon Chamber meeting on 9/28. Louise Wadsworth provided the creative brief for review. Need to work on our site location.
- Liv. County DRAFT design guidelines returned to Louise Wadsworth w/Andy’s suggestion.
- TAP/CMAQ pre-application submitted on 8/17 to NYSDOT. NYSDOT comments returned. Final application is due on 9/29.
- Awaiting plaque quote for park bench dedications.
- Awaiting date/time from Olie Olson for BOCES benches’ recognition event.
- Working on ’21 NYS Urban Forestry Council Quick Start grant due on 9/9.

**NYS URBAN FORESTRY COUNCIL QUICK START GRANT:**

Information provided by Treasurer Quinlan stated that this grant, awarding up to \$1000, has been made available for communities to hold a tree planting event in the Fall of 2021 celebrating Arbor Day, and to establish a community-based forestry program. The Village meets three of the four eligibility requirements (tree ordinance, tree board, tree budget) and Treasurer Quinlan requests from the Board authorization to have Mayor Freeman execute the grant application paperwork and apply for the grant by September 9, 2021.

Upon a motion made by Trustee Zhe and seconded by Trustee McKeown, the Board authorized Mayor Freeman to execute any paperwork required for the NYS Urban Forestry Council Quick Start Grant Program, and Treasurer Quinlan to submit the application by September 9<sup>th</sup>, 2021.

The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes



that the Village Board’s next step is to hold a public hearing and then vote to accept the law.

Upon a motion made by Trustee Batzel and seconded by Trustee McCormick the Board chose the October 4<sup>th</sup> 2021 meeting date as the public hearing. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

Clerk Randall will have the notice published in the LCN.

- Local Law #2- The Planning Board provided a recommendation to the Village Board to pass Local Law #2 which would provide for a one-year moratorium on ground mounted solar projects and battery storage.

Upon a motion made by Trustee Batzel and seconded by Trustee McCormick the Board chose the October 4<sup>th</sup> 2021 meeting date as the public hearing. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

**D’ANGELO PARKWAY:**

The Village Board discussed the possibility of the installation of sidewalks in D’Angelo Parkway subdivision. Residents joined the meeting to offer their opinions. The Board listened to all comments.

- One resident asked where/what the approved sidewalk path was? Trustee McKeown explained that the path was the modification made in 2003.
- Mr. Hayes discussed the location of the cross walk into the inner loop of the street. He also referred to a previous meeting from 2003 where the approved map would be null and void since it was contingent upon cutting through residents’ driveways.
- Ms. Kate Rizzolo stated that she was not in favor of the sidewalks and feels there are other areas of the Village that would be a better choice. She also stated that the only map she ever had was the original map from the developer.
- Ms. Ashley Comeau spoke in favor of sidewalks and stressed that safety was her main concern. She felt that sidewalks are neighborly and had been told when purchasing on D’Angelo Parkway that sidewalks would be installed.
- Mr. Bruce Wolfanger felt that there are busier areas that would benefit from the installation more so than D’Angelo Parkway, but also stated that if the sidewalks do in fact go in, the path should be whatever was originally filed. He gave a bit of history as he

- built some homes along the route. He also stated that he worked with Mr. D'Angelo many years ago to create an alternate route.
- Mr. David Botts stated that he supported the installation of sidewalks. He said that it was made very clear by their realtor that sidewalks would be installed. The path of the sidewalks didn't make a difference to him; however, he has had two incidents where an accident could have happened, and he does not want to see something bad happen in his neighborhood.
  - Mr. Mark Emmighausen stated that they have not experienced any issues in the time they have lived there. Perhaps installing speed bumps would be a better solution. He said that he was never told or aware that sidewalks would be installed and is against it.
  - Mr. John McCaffrey stated that he has acquired an attorney and has worked diligently with him on this matter. He discussed the Comprehensive Plan of 2008 and stated that sidewalks were not a part of that plan on D'Angelo Parkway at that time. He also provided the Board with a petition, in which a strong majority of residents signed, voicing their opposition to the sidewalk installation. Mr. McCaffrey also had in his possession 2 letters that he asked to have included in the minutes- one to the Village Board and one to Mrs. D'Angelo. Both letters were from former Mayor Richard Burke. (Letters attached at the end of the minutes.) To close his remarks, Mr. McCaffrey expressed that the installation of sidewalks, especially without curbs, would not be safe and that he reached out to the Avon Police Department who said there had been no accidents up to this point. Mr. McCaffrey is not in favor of sidewalks.
  - Mr. & Mrs. Clancy stated that they do not want anyone's children to be unsafe on D'Angelo Parkway. However, they do not want to see the sidewalks installed incorrectly. Mr. Clancy emailed a map of streets in the Village that currently don't have sidewalks, saying these without sidewalks should be looked at as well in order to provide a safe and walkable community.
  - Mr. Patrick Kostraba stated that most people who get hurt when out walking do so in crosswalks. Why take that risk? He said he is against the installation of sidewalks and doesn't want to see them improperly installed just to get sidewalks in D'Angelo Parkway. In his opinion, it's not the right thing to do. Mr. Kostraba implored the Board members to walk D'Angelo Parkway and really look at the suggestion before implementing a sidewalk project.
  - Mr. Mark Bovard asked the Board why install sidewalks if the majority of the residents don't want them? He also questioned the amount of money it would cost.
  - Mr. George Brown stated that he walks through D'Angelo Parkway regularly and doesn't feel that they are necessary. He believes that D'Angelo Parkway is one of the safest in the Village and believes that installing sidewalks would ruin it.
  - Mrs. Wolfanger spoke over the phone and stated that she is also against sidewalks.

After comments from the residents, Trustee McKeown stated that if sidewalks are not installed, the money that had been set aside for that purpose many years ago would be returned to the developer, based on legal discussion with the Village attorney. Mayor Freeman asked for a motion to move forward and install sidewalks in D'Angelo Parkway. There was no motion. Mayor Freeman then asked for a motion to dissolve the sidewalk installation project on D'Angelo Parkway.

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, the Board voted to dissolve the sidewalk installation project on D'Angelo Parkway. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	No
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

Mayor Freeman stated that sidewalks will not be installed in D'Angelo Parkway unless ordered by a judge upon possible litigation in the future.

**EXECUTIVE SESSION:**

Upon a motion made by Trustee Batzel and seconded by Trustee McCormick the Board entered executive session at 8:04pm in order to discuss the employment history of a particular candidate for possible employment and exited executive session at 8:46pm. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

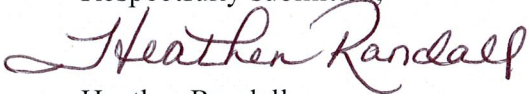
Upon a motion made by Trustee Batzel and seconded by Trustee McCormick the Board voted to extend an offer of employment for the WWTP laborer position to Samuel Rugg, with pay rate and benefits according to the SEIU 200 United contract. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	No
William Zhe, Trustee	Voting	Yes

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe the Board adjourned at 9pm. The motion was carried by a unanimous vote.

Executive session meeting notes were submitted by Trustee McKeown.

Respectfully submitted,



Heather Randall  
Village Clerk



**Richard E. Burke**

6 Shone Circle  
Mendon NY 14506

RECEIVED

AUG 26 REC'D

August 18, 2021

Avon Village Board  
Village of Avon  
74 Genesee Street  
Avon, NY 14414

VILLAGE OF AVON

**Re: D'Angelo Parkway Development**

Dear Mayor Freeman and Board Members:

For the record, the Village of Avon determined that it would make more sense to run the County's new sewer line (from East Avon) through the vacant property North of Reed Street, and not within Reed Street's Right-of-Way. This was a mutual benefit to Village and the property owner. As it turned out, D'Angelo Parkway Development has been a blessing to Avon, in which can be found some of the prettiest homes built by some of the nicest people in Livingston County. It's added over \$6,000,000 of assessed value to the tax rolls, and it'll generate more than \$3,000,000 just in property tax revenue over the next 10 years. It's a showcase neighborhood for the Avon Community.

As you consider installation of sidewalks in this development, I would direct your attention to the nearby Valley Lane subdivision that's been approved and maintained by the Village for 50+ years. At the time D'Angelo Parkway Development was approved, Board Members, myself included, looked no further than the example of Valley Lane as a benchmark to measure a successful Village subdivision. Neither subdivisions had streets that were arterial in nature, and both had access/egress coming from just one street (Valley Lane – Reed Street and D'Angelo Parkway – North Ave.) Both were built for their residents, with few traffic considerations extending beyond the needs of just the residents on the street.

I've been asked why the amount set aside for sidewalk installation wasn't more, given the scope of the endeavor. Again, I relied upon the precedent of Valley Lane and the feeling at the time, that D'Angelo Parkway would share the same low interest and lack of urgency for sidewalks. At the time of subdivision approval, this nominal amount was accepted, without objection, based on this understanding. Further, it was the opinion of mine and others at the time, that the Village wouldn't face objections in the future if the opposite of our understanding had come true---meaning there grew a strong consensus amongst Board Members and Residents as to the need and urgency for installing sidewalks. These factors were all considered at the time the subdivision was approved.

There can be no doubt that the D'Angelo Parkway subdivision has benefited the Avon Community in so many ways, financial and otherwise. With the best of intentions, the Village's desire to install sidewalks may adversely impact the unique nature and beauty that distinguish this showcase neighborhood. It is with this understanding that I would urge you to proceed with your customary care and diligence, with full knowledge as to the intentions and thinking of the Board at the time of subdivision approval.

Very Kind Regards,



**Richard Burke**

August 24, 2021

Mrs. Mary J. D'Angelo  
255 North Avenue  
Avon, NY 14414

Re: **D'Angelo Parkway Neighborhood**

Dear Mary:

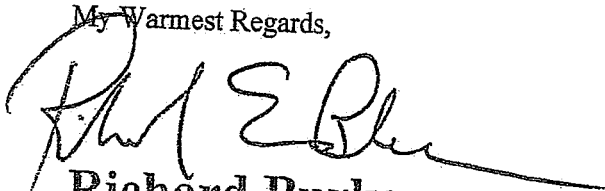
I have enclosed a copy of a letter I recently sent to the Village of Avon. The D'Angelo Parkway subdivision has brought stunning homes situated in a beautiful neighborhood setting to the Village of Avon. It has provided an incredible amount of property tax revenue to Village, Town, County, and School District. By almost every measure it has been an undeniable success and a showcase for the Avon Community.

The subdivision was approved and accepted by the Village in September 2002. So I find myself (almost 20 years later with its proven success and new tax revenue collected) to defend the beauty of this outstanding neighborhood development. I'm glad to do so, because I see and appreciate the enormous benefits it has brought to the Village. [I remember when it was just a vacant field] I also do so because I knew how proud Sam was of this neighborhood, and I regret that he left us in 2010 and not able to see its full build-out. It is the envy of any neighborhood in Livingston County.

I sent the attached letter to remind the Boards that they should stop and appreciate what has been achieved. It was the Village that wanted the sewer line to come through Sam's property, thereby avoiding the costs and delay of having it run through the right-of-way on Reed Street. The Village benefitted enormously by having Sam develop the area and eventually creating the strongest tax revenue generating properties in the Village.

I hope you're doing well. As I fondly recall the times working with Sam on this and other projects in Avon, I also regret that he wasn't around to see and live through the "Trump Era". I know Sam loved Ronald Reagan, and I have a feeling he would have embraced President Trump with the same enthusiasm.

My Warmest Regards,



**Richard Burke**

Village of Avon Board Members

1/17/2021

As residents of D'Angelo Parkway, we would like to voice our opposition to the proposed sidewalks on our street. We believe that sidewalks are unnecessary and an expense that the hard-working taxpayers of Avon should not have to shoulder.

We respectfully ask the members of the Village Board to give thoughtful consideration to our concerns as you make your decision. Thank you.

John & Ronnie McCaffrey - 154 D'ANGELO PARKWAY

Ruth Mellen 175 D'Angelo Parkway

Mark + Cheryl Bovand 151 D'Angelo Hwy

JASON + Christa Butterbrodt 169 D'Angelo

Kurt + Jennifer Meyer 290 North Ave

Pat + Cynthia Kosterber, 126 D'Angelo Pkwy

- Lynn P. Morrison 112 D'ANGELO Pkwy

- John A. [unclear] 112 D'Angelo Pkwy

- Lisa Smith 142 D'Angelo Pkwy

- Lindsay Kue 142 D'Angelo Pkwy

Michael + Kate Fazio 139 D'Angelo Pkwy

Dennis and John Becker 121 D'Angelo Pkwy, Avon

Bryan & Mom 110 D'Angelo

Bob + Jean Hayes

Pat + Cathy Clancy 127 D'Angelo Parkway Avon

Bruce + Connie WOLFAUER 148 D'ANGELO PARKWAY

B 4 Feb 4  
[unclear]

Mark and Mary Emmerman 148 D'Angelo Pkwy

Seri + Sue Hunter - 133 D'Angelo Hwy.

81 NO  
14 Y  
5 ?

VILLAGE OF AVON  
in the Genesee Valley

74 Genesee Street  
Avon, New York 14414

THOMAS FREEMAN, MAYOR  
MARK MCKEOWN, DEPUTY MAYOR  
PATRICK MCCORMICK, TRUSTEE  
TIMOTHY BATZEL, TRUSTEE  
WILLIAM ZHE, TRUSTEE

Telephone: (585) 226-8118  
Fax: (585) 226-6284

HEATHER RANDALL, CLERK  
CHRISTINE QUINLAN, TREASURER  
JOSEPH GEER, CHIEF OF POLICE  
KEN FARRELL, SUPT OF PUB WORKS  
BRIAN STROZEWSKI, FIRE CHIEF  
TONY CAPPELLO, CODE/ZONING OFC.  
ANDY ANDERSON, FIRE MARSHAL

September 7, 2021

Mr. Richard Burke

RE: D'Angelo Parkway Development Response

Dear Mr. Burke and Village Board Members:

In response to your letter dated August 18, 2021, I find it frustrating as a Board Member at the conception of D'Angelo Parkway (North Avenue Heights) to know that in speaking with three other former board members, who include current Deputy Mayor Mark McKeown, Former Mayor Tom Vonglis, and former Trustee Phil Swanson, that we would use a 50+ year old subdivision as a benchmark as to the need for sidewalks. I can look elsewhere in the Village (Pine View Hts- 50+ years old and Hal- Bar Road, also 50+ years old,) noting that these were all built during a time there was no Developmental Regulations or an established code.

I would like to draw your attention to more recent subdivisions, such as Anderson Meadows, Five Lot Farm Subdivision (also known as Village View) and Avon Commons near the Tops Plaza, all built within our formerly established code with Developmental Regulations for guidance. These were approved by both Planning Boards and Village Boards of the past. These all include sidewalks and follow our adopted Comprehensive Plan, which was established with considerable amount of public input.

Decisions made by this Board are not done so based on the idea of a "showcase neighborhood" and the impact to the tax base.

Sincerely,

Thomas W. Freeman  
Mayor

