

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 January 18, 2022.

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

Staff: Ken Farrell, Supt. of Public Works  
Joseph Geer, Chief of Police  
Andy Anderson, Fire Marshal/Code Enf. - phone

Visitors: Bill Davis, MRB  
Corey Hurley, MRB  
George Brown, Genesee Street  
Cheri Frew, Ross Lane  
Amanda Hoffman, Temple Street

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

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

### **ROSS LANE- MR. GEORGE BROWN:**

Mr. Brown, along with Ms. Frew attended the meeting to discuss the confusion being experienced on Ross Lane due to Local Law #4 of 2018 combined with the conflicting signage. Mr. Brown provided the following letter:

*January 13, 2022*

*Village Board  
Village of Avon  
74 Genesee Street  
Avon, N. Y. 14414*

*Re: Traffic signs on Ross Lane*

*Dear Village Board:*

*My name is George B. Brown; I reside at 342 Genesee Street, Avon, N. Y.*

*On January 12, 2022, I notified Village Clerk Heather Randall of my desire to address the Village Board on Tuesday, January 18, 2022, regarding the no-thru traffic and one-way*

traffic signs on Ross Lane. These signs were the basis of complaints to the Avon Police Department on December 26, 2021, and January 10, 2022 for motorists traveling west on Ross Lane from the residence of Cheri A. Frew, 301 Ross Lane, to Rochester Street. At present, the placement of the no-thru traffic sign does not comply with Local Law-4-2018; the sign is located at the Ross Lane-Rochester Street intersection; to comply with Local Law-4-2018 it should be located at the Ross Lane-North Avenue intersection. The one-way traffic signs at both intersections have no legal basis in local law but were installed by Livingston County (at Rochester Street) and the Avon DPW (at North Avenue) based primarily on Ross Lane being listed as a one-way street in the NYS DOT Local Highway Inventory. These designations will be addressed separately.

Local Law-4-2018, adopted December 3, 2018, designates Ross Lane as a no-thru traffic street; it prohibits thru traffic westbound on Ross Lane from North Avenue to Rochester Street; it does not designate Ross Lane as a one-way street.

That the Board intended Ross Lane to be a no-thru traffic street and not a one-way street is evidenced by the legislative intent of the Board as reported in the official minutes of specific Board meetings, and by the language of the law. On September 10, 2018, Mayor Thomas Freeman asked the Board "to consider a local law for no-thru traffic on Ross Lane"; on November 5, 2018, Clerk Heather Randall reported the public hearing notice for Local Law 4-2018 was prepared-"No thru-traffic on Ross Lane"; on December 3, 2018, the public hearing notice was entered into the minutes and stated that a public hearing would be held on December 3, 2018 to consider proposed Local Law-4-2018: "a local law prohibiting thru traffic for Ross Lane from North Avenue west to Rochester Street"; and finally, on December 3, 2018, the minutes state that "Upon motion . . . the Board voted to adopt Local Law-4-Prohibiting thru traffic for Ross Lane from North Avenue west to Rochester Street."

A close reading of Local Law-4-2018 establishes its intent to prohibit traffic that intends solely to use Ross Lane as a thru-street from North Avenue to Rochester Street. The law contains exemptions for residents of Ross Lane and those residents living adjacent to the Ross Lane-Rochester Street intersection. The law does not prohibit westbound traffic on Ross Lane for motorists or service vehicles such as the USPS, refuse collection and DPW vehicles that have business on Ross Lane or with the residents of Ross Lane. If Ross Lane were designated a one-way street, all traffic would have to travel in the designated direction for one-way traffic; there would be no exemptions, or distinctions as to the intent of motorists.

Finally, there is the issue of the one-way traffic signs at both ends of Ross Lane; as stated previously, these signs have no legal basis in local law. On January 12, and January 13, 2022, I spoke with Zachary Cracknell, Deputy Superintendent, Livingston County Highway Department. Mr. Cracknell stated the County installed the one-way traffic signs at the Ross Lane-Rochester Street intersection on June 19, 2020; he provided information that outlines the sequence of events that led to this installation. According to the provided information, the County Highway Department in February 2020 conducted a review of signage on Rochester Street (County Road 26). During that review, the County learned from the NYS DOT Local Highway Inventory that Ross Lane is listed as a one-way street. The County contacted then-Superintendent John Barrett, Avon DPW, to determine the direction of travel on Ross Lane, and Mr. Barrett confirmed that

*"the direction of one-way travel on Ross Lane is east. There should be no thru traffic from Ross Lane to Rochester Street." Based on these facts, the County installed the one-way traffic signs at the Ross Lane-Rochester Street intersection. (The Village installed the One-Way Do Not Enter sign at the Ross Lane-North Avenue intersection). Mr. Cracknell stated that the NYS DOT Local Highway Inventory is updated annually by each state municipality; he stated that any change to the status of Ross Lane would have to be done by the Village of Avon. He stated that his office is willing to work with the Village to resolve the Ross Lane issues, but the initial action would have to be taken by the Village, either through an update of the NYS DOT Local Highway Inventory changing the Ross Lane status to a two-way street, or a local law designating Ross Lane as a one-way street.*

*In conclusion, it is obvious that the traffic status of Ross Lane is governed by two conflicting designations: Local Law 4-2018 that designates Ross Lane as a no-thru traffic street; and the NYS DOT Local Highway Inventory that lists Ross Lane as a one-way street, and which has resulted in one-way traffic signs at both ends of the street.*

*On Tuesday, January 18, 2022, I intend to suggest to the Board that there are two alternatives to these contradictory designations: change the Ross Lane designation in the NYS DOT Local Highway Inventory to two-way traffic, sign Ross Lane to comply with Local Law 4-2018, and remove the one-way traffic signs; or, adopt a local law designating Ross Lane as a one-way street eastbound from Rochester Street to North Avenue with the appropriate signage at both ends of Ross Lane.*

*George B. Brown*

In Mr. Browns letter, and during the discussion, he offered the following solutions to consider; let the law stand as is and change the signs or change the law to one way only. Mr. Brown also asked that traffic safety, and traffic flow be taken into consideration, along with the input of the residents who live on Ross Lane when deciding how to fix the issue.

The Mayor, along with the Board thanked Mr. Brown for attending. No action was taken at this time.

**VOUCHERS and MANUAL CHECKS:**

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

#1-GENERAL FUND	\$44266.55
#4-SCHEDULE C	\$56469.39
#5-WATER	\$4920.02
#6-SEWER	\$12059.47
#TA00-TRUST & AGENCY	\$408.78
#V000-DEBT SERVICE	\$78044.70
TOTAL	\$196168.85

Manual Checks and Electronic Payments:

1. FED/NYS Taxes	P/R#22-01	\$17522.22
2. Nationwide Ret. Sol	P/R#22-01	\$1849.00
<b>TOTAL:</b>		<b>\$19371.22</b>

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. Farrell provided the following update to the Board electronically and discussed:

DPW Activity – past 2 weeks

- Repaired water leak 463 Genesee St. (Denny Welches) on 8 “water main.
- Brush Pick up
- Serviced Equipment
- Took down Xmas decorations
- Dug out topsoil for a pad for Gazebo at Driving Park (GVBA)
- Snow plowing/ Clean up
- Cleaned out Concession stand
- Working on tree grant information with John Marks, Trustee Zhe & Treasurer Quinlan

Next 2 weeks

- Cleaning up from snowstorm
- Fixing signs thought Village
- Sidewalk clear up-start fixing raised sidewalk
- Fix potholes

**MRB UPDATE:**

Bill Davis attended, along with Corey Hurley, to update the Board on the following:

- WWTP disinfection – design on-going, peak design flow being designed to the maximum flow we can get through the plant from the final clarifiers to the 100-year flood elevation, due to the application for hardship loan, MWBE participation may increase engineering costs... Bill to discuss with Village further
- Pebble Beach Rd PS - waiting on pump station shop drawing – MRB reached out to CP Ward to check on status, work on site piping anticipated to begin sometime towards end of Jan or in Feb.
- Valve vault project – design ongoing
- Discussed Pole Bridge Road project- anticipation of joint meeting between Village and Town and next steps once Village and Town meet.

- Discussed WWTP study upcoming by GHD, Bill noted original study based on existing plant processes, depending upon degree of expansion needed – other processes that would replace plant components may also need to be considered.

## TEASURER UPDATE:

Treasurer Quinlan provided the Board with the following update electronically as she was unable to attend the meeting:

- Working on 2019 and 2021 GVBA grant documents and quotes...2019 project will be portable restrooms, and 2021 project will be a gazebo.
- National Grid streetlight documents to be reviewed and accepted.
- Preparing open air structure RFP for NYMS-TA grant.
- Jen Talbot's recommendations have been resolved except for NYS retirement deductions reported.
- The Board needs to determine use(s) of the ARPA funds. Final uses have been determined. NYCOM webinar on 2/2.
- Awaiting date/time from D. Brown's family for park bench recognition event.
- Awaiting date/time from Olie Olson for BOCES benches' recognition event.
- The final public virtual meeting for our NR nomination was held on Jan. 13<sup>th</sup> at 6:30p.m. The Landmark Society and the NYS Historic Preservation Office (SHPO) representatives led the meeting with approximately twenty-five (25) participants. SHPO has the completed building list and construction dates. They are reviewing the final draft and next steps are that the nomination will go before the State Review Board in mid-March. From there, the nomination will move forward to the National Park Service (NPS) for their final determination/listing in the National Register of Historic Places. Depending on whether the NYS Review Board has edits they want made, it could take a few months before the final NPS listing is made.

In the meantime, building owners can start applying for the State (homeowner/commercial) and Federal (commercial) rehabilitation tax credits. The Landmark Society would love to schedule a time in late March/early April to give a more in-depth presentation on the tax credit program. They would "walk" property owners through what the tax credit is, what the Standards for Rehabilitation are, general examples of approvable/unapprovable work, and the application forms (basically, through the whole process from start to finish). Hopefully it will make the program a bit more clear than they may feel after our public meeting.

- 2017 GVBA budget detail documents submitted to NYS Dept. of Ag for approval on 12/23/21. All project elements have been determined eligible for funding on 1/14/22.
- Submitted Firehouse Subs grant (12 AED's) on 1/6/22.
- Preparing tree bid documents with Bill, Ken and John M., which will go out this week with committee approval next week as order needs to be placed with nursery by 2/1.
- Review Avon Mural flyer by Clara Mulligan. Village Board decide if want flyer printed by a printing company or in-house.
- Walls mural meeting is Wed., Jan. 26<sup>th</sup> at 4 p.m. at Village Hall.
- Parks & Trails NY grant deadline is 2/28. Info. at [Parks & Trails New York :: Genesee Valley Trail Town Grants \(ptny.org\)](https://www.parksandtrailsny.org/)

- County First Impressions grant deadline is 3/25. Municipalities can apply for curb appeal and public art projects including permanent public art including murals and structures, street furniture, and public fixtures including informational kiosks, banners and plaques.
- Working on W2's.
- Working on 1099-NEC forms

**MINUTES:**

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the minutes from the January 3, 2021, were approved as submitted. 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

**POLICE UPDATE:**

Chief Geer provided the following report to the Board:

- Chief Geer provided the Board with year-end stats for 2021.
- Discussed the increase in mental hygiene arrests.
- Court Security-Officer Moran provides the majority of court security during shift (Tuesdays). Court times have been set by the County based on the availability of the ADA and public defenders.
- Second round of interviews are complete. Recommendation- Ian Hall. Mr. Hall has signed a conditional hire agreement.

**FIRE MARSHAL/ CODE UPDATE:**

Fire Marshal Anderson provided the following update:

- 36 Wadsworth Ave (ongoing)- property in violation of Maintenance Code. Has been in contact with the current owners of the property, who live out of town. The current owners have explained that there is someone living in the house who they are trying to have removed. They are looking at court dates for February or March, and in the meantime, a dumpster has been delivered in order to work on cleaning up. They are aware that there will be citations issued and are hoping that these will help in the court case to have the resident removed.
- Updated the Board on the Driscoll Property on the hill. Fire Marshal Anderson provided a second letter to the Board that was issued to Mr. Driscoll in regard to the property code violations, extending the previous timeline by an additional two weeks. Mayor Freeman notified the Board and Fire Marshal Anderson that Mr. Driscoll has obtained a contractor and will be reaching out to him.
- Trustee Batzel asked Fire Marshal Anderson to follow up with Rick Doubt, owner of All Season's Wine and Spirits, who is looking for a C of O for the remodeled apartments in his building.

**CLERK UPDATE:**

Clerk Randall provided the following update:

- Liquor Authority Notice- Peppermints submitted to the NYS Liquor Authority an application to sell wine, beer, hard cider, and liquor, and would like to allow live or recorded music, disc jockeys, bands or singers, and dancing in their facility. According to the Village attorney, Jake Whiting, it is required by law that municipalities be notified when anyone applies for a license. The Board then has the opportunity to submit a letter of support, objections, or do nothing in order to further the application. The Board took no action at this time.
- The Village Election will be held Tuesday March 15<sup>th</sup> in Conference room B of Village Hall between noon and 9pm.
- Town of Avon extended an invitation to the Board for a joint meeting to be held at one of the next three meetings. The Board agreed to January 27<sup>th</sup>, 2022. Clerk Randall will notify the Town.
- Deer Committee Report: four of six sites were harvesting. 11.5 hours were spent harvesting with three shots taken (all arrows recovered). One doe was taken. 9 deer were observed. To date: four deer have been harvested, six shots were taken for a 67% success rate. Twenty-five deer have been observed over the first five dates of harvesting.
- Chief Strozewski provided the Board with year-end stats for 2021.
- Chief Brian Strozewski provided a request to attend the Academy of Fire Science Basic Structural Collapse operations training that will be held in April at a cost of \$96.00.

Upon a motion made by Trustee McKeown and seconded by Trustee Zhe, the Board approved Chief Strozewski’s request to attend training. 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

- The Board would like to move the organizational meeting back to the original date.

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, the Board agreed to move the organizational meeting back to its original date in April. 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

**TRUSTEE UPDATE:**

-  Mayor Freeman updated the Board on the Quint. The bill and work were reviewed with Churchville Fire. The department would like to see the bill reduced further (the bill was already reduced in excess of \$3000.00). There is indication on the truck that there may

have been a curb hit which could have caused damage to the lug nuts. The bill for the repairs will be in the next billing cycle and has been submitted to the insurance company to see if a claim may be made.

- ✚ Trustee Batzel discussed the possibility of joining with the school for a records management grant. The school could take the lead and provided info to Clerk Randall. He suggested that Treasurer Quinlan and Clerk Randall discuss with Kristin Murphy at the school.
- ✚ Trustee McCormick stated that at the last Planning Board meeting, they started to review the Comprehensive Plan. The Planning Board requested they be allowed to rehire Urban Advisor LTD. To review the Community Profile section as previously. The Mayor suggested they continue to review the plan and comeback with one solid request after the review of all sections.

**EXECUTIVE SESSION:**

Upon a motion mad by Trustee McCormick and seconded by Trustee Zhe, the Board entered executive session at 7:32pm in order to discuss the employment history of a particular person or matters leading to the employment of a particular person. Chief Geer was asked by the Board to attend. 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 Zhe, the Board exited executive session at 8:25pm. The motion was carried by the following vote:

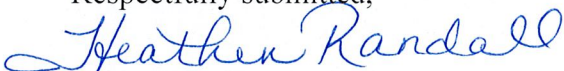
Thomas Freeman, Mayor	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

No action was taken.

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe, the Board adjourned at 8:26pm. The motion was carried by a unanimous vote.

Executive session notes were contributed by Trustee McKeown.

Respectfully submitted,



Heather Randall  
Village Clerk