

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, October 23, 2017.

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

Staff: Zoning Officer Tony Cappello  
Superintendent John Barrett  
Chief Joe Geer  
Parks Commission Chairman John Marks  
WWTP Operator Thomas D'Aprile

Visitors: John Steinmetz, Steinmetz Planning Group  
Molly Gaudio, Steinmetz Planning Group  
Glenn Kellogg, Urban Advisors  
James Cretekos, BME Associates  
Bill Davis, MRB Group  
Art Pierson, 48 Bronson Ave.  
Bill Nevin, Comprehensive Plan Committee  
Ken Greenwood, Comprehensive Plan Committee

Mayor Freeman called the meeting to order at 5:00 p.m. at the wastewater treatment plant. The Board, Superintendent Barrett, Wastewater Operator D'Aprile and Bill Davis toured the plant for one hour.

Mayor Freeman reconvened the meeting at 6:00 p.m. at the Village Hall and began with the Pledge of Allegiance.

### **NYS URBAN FORESTRY GRANT:**

Parks Commission Chairman John Marks updated the Board on the emerald ash bore project at the Avon Driving Park, and expressed his disappointment and frustration by not being awarded the NYS Urban Forestry grant from DEC. Trustee Zhe is reaching out to Senator Gallivan's office for advice.

### **COMPREHENSIVE PLAN:**

John Steinmetz, Molly Gaudio and Glenn Kellogg reviewed the draft comprehensive plan. An open house for the public is scheduled for tomorrow night, October 24, at 7 p.m. at Village Hall.

John reviewed the letter dated October 16, 2017, from the Livingston County Planning Board. The Livingston County Planning Board voted to recommend approval of the proposed action with several advisory comments. The Village will ensure that all necessary notifications including the Town of Avon and Town of Caledonia, are completed at least ten days prior to the

public hearing if required. The County Planning Office is being contacted for clarification on that requirement. The Village will complete the SEQRA process before final action is taken. The Board doesn't wish to consider a farmland protection policy and an inventory of prime soils.

Next steps include edits, public hearing, SEQR and adoption. Then, the Village Board should consider reviewing and updating the municipal code.

## DPW UPDATE:

Superintendent Barrett provided the following updates to the Board:

- The pipe has been installed at the Driving Park drainage project. The dirt fill has been placed. Grading and seeding will be completed this week, weather permitting.
- The excavator will be moved this week to begin the Lake Rd. drainage project. Supt. Barrett anticipates a two (2) to three (3) week work period to complete the line from the portion of Oak Hill Dr. section to the Lake Rd. sidewalk. The remainder of the work will be completed next spring. Superintendent Barrett is still working on obtaining easements from Roger Wolfanger (52 Lake Rd.), and Shannon Farrell (54 Lake Rd).
- Leaf pickup will begin tomorrow, October 24.
- Supt. Barrett forwarded the pipe information to Kurt Rapazzo, MRB, to work on the plans for High St. drainage. Supt. Barrett will provide the property owners names needed for easements to Kurt.
- Supt. Barrett met with Aaron Bissell, MRB, regarding INI project, and asked him to develop a quote based on smoke testing the entire Village in 1-2 days.
- Supt. Barrett inspected the pipe with camera near Art Pierson's home. Pipe is clear, and has good solid joints. Drainage issue coming from areas near 45 Railroad Ave. and 51 Railroad Ave. Zoning Officer Cappello will speak with the property owner at 45 Railroad Ave. and report back to Board.
- The Board discussed the part-time laborer positions to help with leaf pickup.

Upon a motion made by Trustee McKeown and seconded by Trustee Batzel, the Board appointed Drew Hull to the part-time position of laborer effective October 17, 2017, at the hourly rate of \$12.50. The motion was carried by the following vote:

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

Upon a motion made by Trustee McKeown and seconded by Trustee Batzel, the Board increased the hourly rate for Kenneth Berbary from \$11.00 to \$15.00 effective October 16, 2017, while working as a part-time laborer on leaf pickup. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Mark McKeown, Trustee	Voting	Yes

William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

## **BARILLA SITE PLAN & SWPPP:**

James Cretkos, BME Associates, provided the Board with the engineer's report, site plan drawings and short form EAF, for the improvements at the Barilla facility located at 100 Horseshoe Blvd. for their review and consideration. These improvements include the installation of a twenty-one (21) truck staging area on the west side of the Barilla factory, with enhanced landscaping and signage, directing visitors and truckers.

**WHEREAS**, the Village of Avon Village Board of Trustees (hereinafter referred to as Village Board) has received Final Site Plans identified as "Barilla USA New York Entrance Improvement Plans" which includes the construction of a paved off street parking area (21 spaces) to accommodate the occasional tractor-trailer stacking that occurs along the adjacent roadway; and

**WHEREAS**, the Village Planning Board completed a review of the above referenced site plans at their October 17, 2017 meeting a forwarded with a recommendation of approval to the Village Board for consideration; and

**WHEREAS**, the Village Board completed a formal review of the proposed site plans in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

**WHEREAS**, the Village Board has determined the proposed development to be an Unlisted action and is subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

**WHEREAS**, on October 23, 2017 the Village Board, serving as lead agency, made a determination of significance and filed a negative declaration thereby concluding review pursuant to SEQR; and

**NOW, THEREFORE, BE IT RESOLVED**, the Village Board hereby approves with the following conditions:

1. Site Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the plans can be signed.
2. The comments within the Village Engineer's letter dated October 23, 2017 are to be addressed to the satisfaction of the Village Engineer prior to signatures being affixed to the Site Plans.
3. The Stormwater Access Easement is to be submitted to the Village Attorney for review and approval prior to the issuance of Certificate of Completion.
4. A Stormwater Maintenance Agreement for long-term maintenance of the proposed bio-retention facility is to be provided to the Village Attorney for review and approval prior to the issuance of a Certificate of Completion.

5. Stormwater Pollution Prevention Plan (SWPPP) inspections in conformance with the NYSDEC General Permit requirements is to be completed by a licensed professional or a Certified Professional in Erosion and Sediment Control (CPESC) and forwarded to the Village CEO and MRB.

**WHEREAS**, the Village of Avon Village Board of Trustees (hereinafter referred to as Village Board) has received Final Site Plans identified as “Barilla USA New York Entrance Improvement Plans” which includes the construction of a paved off street parking area (21 spaces) to accommodate the occasional tractor-trailer stacking that occurs along the adjacent roadway; and

**WHEREAS**, the Village Board has reviewed the Short Environmental Assessment Form (EAF) Part 1, prepared by the applicant on the above referenced application (hereinafter referred to as Action); and

**WHEREAS**, the Village Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Village Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

**WHEREAS**, the Village Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; 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 the Short EAF Part 1; and

**WHEREAS**, the Village Board has completed Part 2 and Part 3 of the Short EAF; and

**NOW, THEREFORE BE IT RESOLVED** that the Village Board does hereby designate itself as lead agency for the proposed development above herein; and

**BE IT FURTHER RESOLVED** that the Village Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) the overall density of the site is consistent with the Village’s Comprehensive Plan land use recommendations;

- (v) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vi) there will not be any hazard created to human health;
- (vii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (viii) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (ix) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (x) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xi) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

**BE IT FINALLY RESOLVED**, that the Village Board does hereby make a **Determination of Non-Significance** on the proposed development, and the Village Mayor is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Village Board of Trustees determination.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board approved both the final site plan and required SEQRA for Barilla with the noted conditions. The motion was carried by the following vote:

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

### **WWTP CHANGE ORDERS:**

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board approved Change Order No. GC-03 for Crane-Hogan Structural Systems, Inc., in the decrease amount of \$5,385.27. The motion was carried by the following vote:

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

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board approved Change Order No. EC-03 for MW Controls Service, Inc., in the decrease amount of \$2,003. The motion was carried by the following vote:

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

### **SANITARY SEWER SMOKE TESTING:**

Bill Davis, MRB Group, provided a proposal for professional services to perform a sanitary sewer collection system smoke testing study in an hourly amount not to exceed \$5,400. The purpose of this study is to identify sources of inflow and infiltration (I&I) entering the sewer collection system. Testing areas will be at those identified in the recently completed flow monitoring study. Two (2) days of field operations with MRB providing one employee and the smoking machine, as well as review and analysis, a report and a findings presentation to the Board will be provided. Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the Board approved the proposal in the amount of \$5,400. The motion was carried by the following vote:

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

Clerk Randall was directed to prepare a Penny Saver notice regarding the smoke testing.

### **CODE ENFORCEMENT UPDATE:**

Zoning Officer Cappello updated the Board on the following:

- Verizon would like to install micro-antennae at the intersection of Dream Valley Blvd. and Collins St., and Clinton St. and Lacy St. Zoning Officer Cappello, the Board and Attorney Whiting will review the municipal code re: cellular tower communications, and invite a Verizon representative to our next regularly scheduled Board meeting.
- Trustee McKeown questioned Zoning Officer Cappello about the Avon Inn's carport. Zoning Officer Cappello did issue a building permit for the carport as it is in compliance. There are no setbacks required as it is in the business district, although it is setback one foot from the property line. A letter from the property owner, James Krause, Jr., stated that the Avon Fire Department reviewed layout changes on September 18<sup>th</sup>. The Fire Dept. also brought a truck to confirm adequate entry and clearance prior to the carport's construction. Any buses underneath the carport must be shut off. Zoning Officer Cappello provided a letter from the NYS Historic Preservation Office that the project will have no adverse impact on the Inn.

**TRUSTEES UPDATE:**

Trustee Hayes updated the Board on the Planning Board's discussion regarding Rochester St. rezoning.

The Board acknowledged the letter dated October 5, 2017, from the Avon Chamber of Commerce regarding the Park Theater. No action was taken.

The Board reviewed the letter dated October 23, 2017, written by Chief Geer and Trustee Zhe, and directed Clerk Randall to distribute the letter to the downtown business owners, property owners and tenants.

Trustee Batzel suggested contacting Kristen Murphy, Avon Central School, regarding interest in our part-time laborer position to clean the Village Hall. Treasurer Quinlan will contact the Town Hall to find out who cleans their building.

Trustee McKeown related that Chad Bailey passed the Grade A Water Operator course. Chad now needs one year of operating experience at the water filtration plant to receive his license per the NYS Department of Health.

**VOUCHERS AND MANUAL CHECKS:**

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

#1-General Fund	\$ 50,485.64
#4-Schedule C Fund	\$ 8,298.17
#5-Water Fund	\$ 866.82
#6-Sewer Fund	\$ 9,122.18
#49-Capital Fund	\$ 453.90
#64-Capital Fund	\$ 1,748.25
#72-Capital Fund	\$ 460.00
#77-Capital Fund	\$ 47,837.39
#85-Capital Fund	\$ 25,836.27
#11-Debt Service Fund	\$ 459.60
<b>TOTAL</b>	<b>\$143,857.92</b>

**Manual Checks:**

Law Enforcement Officers Union	Police Dues for 10/17	\$ 427.10
Nationwide Retirement	Deferred Comp. p/r#17-20	\$1375.00
SEIU 200 United	DPW Dues for 10/17	\$ 308.66
Standard Security Life Insurance	Disability Ins.	<u>\$2825.53</u>
	<b>TOTAL:</b>	<b>\$4936.29</b>

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

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

### MINUTES:

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the minutes from October 9, 2017, 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
Tim Batzel, Trustee	Voting	Yes
Robert Hayes, Trustee	Voting	Yes

### ANDERSON MEADOWS:

National Grid provided a detailed map to Mr. Frank Csapo and the Village for the nine new lots on Commerce Drive in the Anderson Meadows subdivision. The Village Planning Board provided a positive recommendation of the street light locations, at their regular meeting on October 17, 2017, encouraging light-emitting diode (LED) lights as opposed to high-pressure sodium. Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, National Grid is authorized to install two (2) LED streetlights, according to their drawings and work request 05-16-23306230. The motion was carried by the following vote:

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

Treasurer Quinlan will provide this resolution to National Grid.

### POLICE UPDATE:

Chief Geer gave the following update to the Board:

- Chief Geer received a letter of resignation effective October 30, 2017, from Crossing Guard Cathryn Jensen. Chief Geer recommended another applicant that he interviewed for the Crossing Guard position.

Upon a motion made by Trustee Hayes and seconded by Trustee McKeown, the Board appointed Paula Clark to the position of Crossing Guard effective October 25, 2017, at the hourly rate of \$15.00. The motion was carried by the following vote:

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

- Chief Geer updated the Board about the new County dispatch software.

### **EXECUTIVE SESSION:**

Upon a motion made by Trustee Batzel and seconded by Trustee Hayes, the Board entered into executive session at 8:30 p.m. and exited at 9:30 p.m. to discuss personnel matters. The motion was carried by the following vote:

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

No action was taken.

Upon a motion made by Trustee Batzel, the meeting adjourned at 9:30pm.

Respectfully submitted,

Christine Quinlan  
Treasurer