

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 October 4, 2021.

	<u>Village Of Avon</u>	<u>Town of Avon</u>
<u>Present:</u>	Thomas Freeman, Mayor Tim Batzel, Trustee Mark McKeown, Trustee Patrick McCormick, Trustee Bill Zhe, Trustee	David LeFeber, Supervisor Tom Mairs, Deputy Supervisor Malachy Coyne, Councilman Paul Drozdziel, Councilman James Harrington, Councilman
<u>Staff:</u>	Jake Whiting, Village Attorney	Jim Campbell, Town Attorney
	<u>Visitors:</u>	
	Bill Davis, MRB Dave Willard, MRB Jacob Calabrese, MRB Steve Csapo, Avon Rotary Club- President -elect Tom Vonglis, Avon Rotary Club- President Lynn Siragusa, Resident Edward Forsythe, Resident	

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 if you are unvaccinated, wear a mask in the Village Hall and if you have symptoms or feel sick, to please stay home.

Mayor Freeman called the meeting to order at 5:15pm and began with the Pledge of Allegiance.

JOINT MEETING with THE TOWN OF AVON:

The Village and Town Boards met at 5:00pm to enter into executive session for a contractual and legal matter. However, the Boards did not enter executive session and began open session at 5:15pm with the Mayor calling the meeting to order.

The discussion began with the Village of Avon's WWTP and the remaining capacity available. Currently, the capacity available at the WWTP is not sufficient to support an influx of new builds in the Town of Avon. Mayor Freeman wanted to revisit the facts and laid out a brief history, during which he explained that the Village has a contract with Livingston County which was established in 1996, before the conception of the Livingston County Water and Sewer Authority (LCWSA). Considering this, a new contract needs to be constructed from the ground up. Mayor Freeman explained that he will be meeting with Jason Molino, Executive Director of LCWSA to work on this.

LCWSA is the Town of Avon's purveyor, and the contract will be between the Village of Avon and the LCWSA. According to Supervisor LeFeber, several years ago, it was suggested by him to LCWSA that they look at the Village's WWTP for a possible partnership before investing money in the Lakeville plant.

**It was brought to the attention of the Mayor and the Village Board after the fact that there was an apparent agreement in 2003 that transferred the agreement between the Village of Avon and the Livingston County Board of Supervisors to the LCSWA. The Mayor intends to verify this and speak with Supervisor LeFeber directly.*

Bill Davis, of MRB, explained that several years ago, it was estimated that an upgrade to the Village's WWTP would cost approximately \$10 million. The Village has done some upgrades since then, but before you can make any changes to the plant, you need to know what is required by DEC. In previous meetings, LCWSA alluded to the desire to take over all the operators in the county. However, for the Village, it isn't the operators or their licensing that is the problem. It's a brick-and-mortar building, how it needs to be upgraded, what will be required according to DEC in order to bring the plant up to today's regulatory needs and funding.

Mayor Freeman suggested that a trustee and a councilman may want to work together in order to address the needs for both Village and Town mutually. Trustee Batzel stated that we should investigate the plan for funding that is being passed through legislation that is geared specifically toward infrastructure, water and sewer. Along those lines, Bill Davis said that NYS grant funding through EFC has also suggested that an increase in funding could be available in the future.

Lynne Siragusa, a resident living in the Town, inquired as to when sewer might be available where she lives. She has septic, and feels she is living on borrowed time. Mayor Freeman explained that the Village doesn't have an answer to that question as she resides in the Town, and the LCWSA is the supplier for them. Supervisor LeFeber suggested that she rally her neighbors and see what the interest is in getting sewer in that area, put together a petition and reach out to the LCWSA for a discussion.

Moving on, the Boards discussed stormwater management; specifically, the east side of Polebridge Road. Mayor Freeman discussed projects that have been completed in conjunction with the Town, stating that MRB has guided us on several projects and asked Bill Davis to lead them in the discussion regarding Mr. Howlett's property on the east side of Polebridge Road.

Bill Davis provided the following information:

“Next Era (solar company) continues to work on enhancing their design on Mr. Howlett's property to address some stormwater issues with their original design. In parallel, MRB (per the request of the Village) has been working with Mr. Howlett on what conceptual stormwater management features could be considered on his property to further reduce stormwater run-off leading to areas in the Village and Town that are of current concern. A concept plan was presented, that has also been coordinated with Mr. Howlett over the last couple weeks, showing some potential improvements (including stormwater detention swales and stormwater detention ponds) on Mr. Howlett's property that could enhance the stormwater features planned on his property and improve stormwater run-off conditions being experienced in the areas to the west and to the north of the property. The next steps are for MRB to develop a proposal to progress

the concept to the next step including some additional stormwater calculations and potential survey necessary to confirm the concept plan could be progressed to the design phase.”

Easements will be needed. Bill Davis said that it would show a sign of good faith if representatives from the Village and/or Town approached the residents and have an open discussion. He is willing to provide conceptual maps for those properties that may need the easements. Bill Davis also said MRB can prepare a proposal for the Boards to review. Supervisor LeFeber stated that the Town Board would review whatever proposal provided by MRB once easements have been secured. However, Attorney Whiting and Bill Davis both stated that easements would not be complete until a design has been approved. Councilman Drozdziel suggested a letter of intent from the homeowners could be used to show that they agree with the easement, depending on the final design.

Supervisor LeFeber stated that he feels that Village should be responsible for maintenance required, which Mayor Freeman felt was reasonable. Supervisor LeFeber also feels that if the Village is the one maintaining the infrastructure, then the Village should be the ones capturing the easements, as they will be the ones utilizing it. They would also like an agreement in place with the Village stating that. Finally, Supervisor LeFeber stated that before he and the Town Board commit to any funding, they would like to see the following:

- The complete plan and how it will work,
- The maintenance of the infrastructure and what it entails,
- Easements in place or letters of intent.

PEBBLE BEACH PUMP STATION IMPROVEMENTS- BID AWARD:

Bill Davis discussed the bids for the pump station project. The bid opening was held on September 2nd 2021. The low bids were as follows:

- Contract #1- General:
The lowest bid was from CP Ward at a price of \$1,095,996.00.
- Contract #2- Electrical
The lowest bid was from Erie Electric at a price of \$43,750.00.

After review MRB was satisfied with both bids and recommended the Board to award.

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe, the Board awarded CP Ward the general contract and Erie Electric the electrical contract with the above stated amounts. 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 Councilman Harrington and seconded by Deputy Supervisor Mairs, the Town Board followed the Village Board’s recommendation to award the general contract to CP Ward and the electrical contract to Erie Electric as stated above. The motion was carried by the following vote:

David LeFeber, Supervisor	Voting	Yes
Tom Mairs, Deputy Supervisor	Voting	Yes
Malachy Coyne, Councilman	Voting	Yes
Paul Drozdziel, Councilman	Voting	Yes
James Harrington, Councilman	Voting	Yes

In review of the financing, Trustee Batzel stated that we wanted to keep the bond under \$1million to save a significant amount of money. He discussed the financing of a 10-, 15-, and 20-year bond with a 3% interest rate. After discussion, Trustee Batzel recommended the 10-year bond and Treasurer Quinlan will take funding from Schedule C and the filtration plant reserve to buy down to be under \$1 million.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board agreed to move forward with the 10-year bond and buying down to be under \$1 million using funds from schedule C and the filtration plant reserve. 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 will have John Barrett, who will be paid out of Schedule C, be the overseer of the Pebble Beach Project.

Upon a motion made by Councilman Harrington and seconded by Deputy Supervisor Mairs, the Town Board agreed with the Village Board’s recommendation for a 10 year bond and buying down to be under \$1 million using funds from Schedule C and the filtration plant reserve. They also agree to John Barrett overseeing the project. The motion was carried by the following vote:

David LeFeber, Supervisor	Voting	Yes
Tom Mairs, Deputy Supervisor	Voting	Yes
Malachy Coyne, Councilman	Voting	Yes
Paul Drozdziel, Councilman	Voting	Yes
James Harrington, Councilman	Voting	Yes

The Town Board adjourned from the joint meeting at 7:00pm.

PUBLIC HEARING- LOCAL LAW #1 and #2 of 2021:

Upon a motion made by Trustee McKeown and seconded by Trustee McCormick the Board opened the public hearing for both Local Law #1 and #2 at 7:00pm by reading the following notices. 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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held before the Board of Trustees of the Village of Avon on Monday, October 4, 2021, at 7 p.m. at the Village Hall, 74 Genesee Street, Avon, New York on the following matters:

A local law adding “Microbrewery/Farm Brewery/Craft Brewery” as a permitted use, subject to special use permit, within the agricultural district.

The proposed local law is available for review at the Village Hall located at 74 Genesee Street, Avon, NY, from 8:00 a.m. to 4:00 p.m. Monday through Friday.

The Board of Trustees will, at the aforesaid time and place hear all persons in support of this local law or objection thereto. Persons may appear in person or by agent or attorney.

Dated: September 15, 2021

*By Order of the Board of Trustees
of the Village of Avon
Heather Randall, Village Clerk*

Local Law #1 is as follows:

VILLAGE OF AVON**LOCAL LAW NO. 1 OF 2021****A LOCAL LAW AMENDING SECTION 30.31(C) OF THE VILLAGE CODE**

Be it enacted by the Village Board of Trustees of the Village of Avon as follows:

Section 1. Background: Chapter 30 of the Village Code of the Village of Avon covers Zoning. The Zoning District Regulations for the “Agricultural District, A” are defined in Section 30.31 of the Village Code. Further, Subsection (C) of Section 30.31 defines “Uses permitted with a special use permit subject to requirements of Article VI” within the Agricultural District. Currently, there are three defined uses in Subsection C that are permitted subject to a special use permit, to wit: public utility uses, mobile home courts or parks, and bed and breakfast inns. Article VI, Section 30.61 of the Village Code defines the requirements for special use permits.

Section 2. Legislative Intent: The Village Board of Trustees is cognizant of the recent increase in microbreweries, farm breweries, and craft breweries. The Village Board of Trustees desires to encourage unique uses of land located within its Agricultural District. Further, the Village Board of Trustees desires to encourage commerce, tourism, and on-site consumption of agricultural products. It is the intent of this local law to add “microbrewery, farm brewery, and craft brewery” as a fourth use that is permitted within the Agricultural District, subject to issuance of a special use permit. It is the further intent of this local law to define the requirements for such special use permit in Article VI of the Village Code (“Special Use Permits”).

Section 3. Authority: The Village Board of Trustees is empowered to enact and modify zoning.

Section 4. Effective Date: This Local Law shall take effect as soon as enacted by the Village Board, subject to filing with New York State Department of State.

Section 5. Changes to Zoning Code:

- 1) A number 4 shall be added at the end of Section 30.31(C) of the Village Code, to read:

4. Microbrewery/Farm Brewery/Craft Brewery

- 2) A subsection H shall be added at the end of Article VI, Section 30.61 of the Village Code, to read:

H. Microbrewery/Farm Brewery/Craft Brewery

A Microbrewery/Farm Brewery/Craft Brewery shall be defined as: an establishment where beer and malt beverages are made on the premises and then sold on the premises, either for consumption on-site or for customers to purchase on-site.

1. *In addition to the information required in the special use permit application and enumerated in Sections 30.94 and 30.95 of this chapter, the application must also include the following information:*
 - i. *Proof of proper licensure by the New York State Liquor Authority and compliance with New York State's Alcoholic Beverage Control (ABC) Law.*
 - ii. *A sketch of the layout of the premises, including the location of production of the beer / malt beverages and the location of the areas of consumption of the beer / malt beverages.*
 - iii. *A proposed schedule of hours of operation, both for production and customer consumption.*
 - iv. *Any other information requested by the Zoning Enforcement Officer, Planning Board, Zoning Board of Appeals, and/or Village Board of Trustees.*
2. *Nothing herein shall limit or inhibit the Planning Board, Zoning Board of Appeals, and/or Village Board of Trustees from imposing conditions or restrictions on any approved special use permit.*

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board adopted Local Law #1 as presented. 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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held before the Board of Trustees of the Village of Avon on Monday, October 4, 2021, at 7 p.m. at the Village Hall, 74 Genesee Street, Avon, New York on the following matters:

A local law enacting a one-year moratorium on ground-mounted solar projects and battery storage.

The proposed local law is available for review at the Village Hall located at 74 Genesee Street, Avon, NY, from 8:00 a.m. to 4:00 p.m. Monday through Friday.

The Board of Trustees will, at the aforesaid time and place hear all persons in support of this local law or objection thereto. Persons may appear in person or by agent or attorney.

Dated: September 15, 2021

*By Order of the Board of Trustees
of the Village of Avon
Heather Randall, Village Clerk*

Local Law #2 is as follows:

VILLAGE OF AVON

LOCAL LAW NO. 2 OF 2021

A Local Law enacting a one-year moratorium on ground-mounted solar projects and battery storage.

Be it enacted by the Village Board of Trustees of the Village of Avon as follows:

The Village Board is charged with maintaining zoning and the aesthetic character of the Village.

The Village Planning Board has recommended that there be a one-year moratorium on installation or placement of ground-mounted solar projects and battery storage.

NOW, THEREFORE, based upon the recommendation of the Village Planning Board, as of the date this Local Law is approved by the Village Board, there shall be a one-year moratorium on installation or placement of ground-mounted solar projects and battery storage within the Village of Avon.

Upon a motion made by Trustee McCormick and seconded by Trustee McKeown, the Board adopted Local Law #2 as presented. 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

There was no public comment.

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe, both public hearings were closed at 7:35pm. 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

STEVE CSAPO- Avon Rotary Club, President-Elect

Mr. Csapo addressed the Boards to discuss grant funding that is available through Rotary and an idea he has as part of his project for his upcoming year as president of Rotary. He presented an idea for a gazebo in the Circle Park. However, the Board was more interested in the Pocket Park. Mr. Csapo also talked about memorial bricks in the Circle Park with names of people who have served in the military. The Board invited Mr. Csapo to a parks commission meeting to discuss further.

VOUCHERS and MANUAL CHECKS:

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

#1-GENERAL FUND	\$19049.59
#4-SCHEDULE C	\$6428.15

#5-WATER	\$3257.62
#6-SEWER	\$9082.63
#TA00-TRUST & AGENCY	\$3904.22
TOTAL	\$41722.21

Manual Check:

The motion was seconded by Trustee Batzel 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 was unable to attend the meeting but provided the following update to the Board electronically:

The crew worked on the following:

- Brush Pick-up continues
- Cut trees in Circle Park
- Installed Concrete in the Parks for Picnic Tables/ Benches
- Installed 12”x 12” yard catch basin with drain line to road catch basin & sidewalk on Genesee St. @ Wesleyan Church.
- Ran troubled sewer mains (preventative maintenance).
- Blacktop patching (back driveway off South Ave to parking lot).
- Hauled load of wood chips for Playground at Driving Park.
- Took down the rest of the hanging baskets.
- Sent letter out to Valley Lane residents to inform them of road work being done, grinding (10/7) and paving (10/19).
- Supt. Farrell participated in the Tree Stewardship Training seminar, 2 more class to finish.
- Lift being used by Shawn Dunwoody has been returned.

The crew will be working on the following in the upcoming weeks:

- Grinding Valley Lane
- Finishing topsoil for sidewalk Genesee St.
- Picking up & planting trees in Circle Park.
- Placing picnic tables on concrete
- Getting leaf equipment ready for season.

TREASURER UPDATE:

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

- GVBA approved 2017 Dept. of Agriculture grant project items at their 9/29 meeting...working on paperwork to be sent to NYS.

- GVBA approved 2018 Dept. of Agriculture grant at their 9/29 meeting.
- No update from Paul Gister...NG legal team is working on the required streetlight amendment.
- The Landmark Society is finalizing the draft with comments/edits received. Final draft to be out to SHPO by the end of this week.
- RFP for open air structure to be ready for Board approval at next meeting.
- Shawn Dunwoody almost complete with the mural.
- Taxes will be turned over to Livingston County by 10/7.
- Continue to work on Jen Talbot’s recommendations.
- The Board needs to determine use(s) of the Coronavirus Local Fiscal Recovery funds.
- Third Liv. Co. WALLS mural meeting w/the County’s consultant was on 9/28 at the Avon Chamber meeting. Mural location will be 79 Genesee St. Festival planning is underway. GVCA Community Arts grant deadline for Festival art activities is 11/4.
- Park bench plaques ordered. Recognition events to be planned.
- Awaiting date/time from Olie Olson for BOCES benches’ recognition event.
- ’21 NYS Urban Forestry Council Quick Start grant awarded. Two trees to be planted in Circle Park to replace five removed from microburst storm. Arbor Day event scheduled for 10/23.
- NYS DEC grant progress report submitted on 9/29.
- Attended GVCA grant webinar on 9/30.
- Filed third quarter payroll reports today.
- Preparing NYS DOT CHIPS, EWR, PAVE payment submissions.
- S&P call on 9/22 for credit rating went well...submitted additional information requested today.

MINUTES:

Upon a motion made by Trustee Batzel and seconded by Trustee McCormick, the minutes from the September 20, 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	Abstain
William Zhe, Trustee	Voting	Yes

CLERK UPDATE:

Clerk Randall provided the following update to the Board:

- Provided by Treasurer Quinlan per email for review and approval:
Fire Department- PO # 3645 in the amount of \$2348. to replace natural gas detector, calibration gas, and regulator. Chief Strozewski has budgeted for this.

Upon a motion made by Trustee McKeown and seconded by Trustee Batzel, the Board approved PO # 3645 in the amount of \$2348.00 to replace a natural gas detector, calibration gas and regulator as requested. The motion was carried by the following vote:

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

TRUSTEE UPDATE:

✚ The Board continued the conversation in regard to Covid. There have been no changes in our county at this time. In the Village Hall, we have gone back to wearing masks, regardless of vaccination status and ask those who come in to wear a mask also. The Board will keep this discussion open as we continue throughout the year.

TAX RELEVY 2021 RESOLUTION:

Trustee Zhe offered the following resolution and moved for its adoption:

RESOLUTION

Whereas, the Village of Avon hereby requests that the County of Livingston collect certain delinquent Villages taxes for the tax levy of June 2021, and

Whereas, the Village of Avon will take no action to recover said unpaid taxes pursuant to Section 1440 of the Real Property Tax Law of the State of New York and no sale on account of said unpaid taxes will be held pursuant to law,

Now therefore be it resolved that the Village of Avon officially requests that the County of Livingston collect certain delinquent Village taxes for the tax levy of June 2021 as of October 1, 2021, pursuant to Section 1442 of the New York State Real Property Law.

And it is further resolved that a copy of this resolution, duly certified by the Treasurer of the Village of Avon shall be transmitted forthwith to the Livingston County Treasurer and the Clerk of the Livingston County Board of Supervisors.

Trustee Batzel seconded the motion, and it was carried by the following vote:

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

Upon a motion made by Trustee McCormick and seconded by Trustee McKeown the Board adjourned at 8:05pm. The motion was carried by a unanimous vote.

Respectfully submitted,



Heather Randall
Village Clerk