

A 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 November 1, 2021.

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  
 Christine Quinlan, Treasurer

Visitors: Jake Whiting, Attorney

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 6pm and began with the Pledge of Allegiance.

**EXECUTIVE SESSION:**

Upon a motion made by Trustee Zhe and seconded by Trustee McKormick, the Board entered executive session to discuss the employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The Board requested Attorney Whiting attend the session. At 5:50pm, the Board invited Chief Geer, Treasurer Quinlan, and Supt. Farrell to join the session. 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 6:35pm. 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

**COVID POLICIES:**

Upon a motion made by Trustee McKeown and seconded by Trustee Zhe, the Board decided to make the following changes to the Village’s current Covid-19 policies:

1. Change the required 14-day quarantine to 10-day quarantine.
2. Unvaccinated employees testing positive with DOH must quarantine for 10 days from the day of test.
3. Unvaccinated employees must wear a mask indoors at all times. (Any village building including but not limited to the hall, sewer plant, water plant, shop).

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 review some information, as will Attorney Whiting and continue the discussion at a later time, including the idea of mandating vaccinations.

**VOUCHERS and MANUAL CHECKS:**

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

#1-GENERAL FUND	\$19410.72
#4-SCHEDULE C	\$7772.30
#5-WATER	\$2973.12
#6-SEWER	\$10547.58
#TA00-TRUST & AGENCY	\$4096.96
TOTAL	\$44800.68

Manual Check:

The motion was seconded by Trustee McCormick 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 provided the following update to the Board electronically:

The crew worked on the following:

Past 2 weeks

- Started picking up leaves
- Paved Valley Lane
- Planted trees in Circle Park

- Worked on Roof at Fire Hall (leak over radio room, caulked and flex sealed where shingles and bricks meet above radio room roof)
- Put salter in pickup truck for colder conditions
- Still mowing grass
- Chad, Nick, and I attended training class for credit hrs. (GSI)

Water

- Read meters
- DOH inspection walk through went well.

WWTP

- Cleaning out drying beds
- Worked on #1 lift pump (also see quote for replacement)
- Nick and Sam work most of the night on 10/26 and on 10/29 with flooding at plant.

Callouts

- Flooding on 10/26 & 10/30

Next 2 Weeks

- Leaves
- Mowing
- Replace Fire Hydrant Main St.
- Fix Fence on North Ave.
- Fix manhole on Dooer Ave.
- Sending out Industrial use permits to Kraft & Barilla and to DEC.

Supt. Farrell provided the Board with a sole vendor quote from Siewert Equipment to replace the pump at the sewer plant. Quote includes removing the pump, upgrading to a new pump, technicians to complete the work, flatbed crane for delivery, and motor alignment. The total will be \$10,373.00 to be paid from the sewer fund.

Upon a motion made by Trustee Batzel and seconded by Trustee McCormick, the Board accepted the quote from Seiwert in the amount of \$10, 373.00 for the replacement of the pump.

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

Supt. Farrell requested the approval to hire a part timer to work through the end of the year to help with leaves. The Board agreed.

Supt. Farrell provided the Board with two quotes for repair work at the Downs for repairing the concession stand, which was damaged by a fire earlier this year. The quotes are as follows:

- Snyder Electric, LLC- \$18,200 which included the cost of materials, labor, and debris removal.
- PR Craftsman- \$24,800 which included labor, and materials.

Both quotes will be provided to the insurance company for review.

**MRB UPDATE:**

Upon a motion made by Trustee McKeown and seconded by Trustee Batzel, the Board reviewed, and accepted the Water Tank Valve Vault Improvements Design and Construction proposal provided in September in the amount of \$51500.00 and authorized Mayor Freeman to execute corresponding paperwork. 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

John Barrett will be on site for this project.

- Pebble Beach Pump Station- Preconstruction meeting will be held Monday November 8<sup>th</sup> at the Village Hall.
- WWTP Disinfection Project- currently in the design phase.
- Polebridge Road drainage- continue working with Bruce Howlett. MRB is developing concept maps for easements. Attorney Whiting will prepare easements once it has been determined who will need them. Mr. Davis pointed out that Next Era still has an obligation to address drainage as well, so we will not be out there on our own.

**TEASURER UPDATE:**

Treasurer Quinlan provided the Board with the following update electronically:

- 2017 GVBA documents submitted to NYS Dept. of Ag for approval on 10/29...project includes portable horse stalls, electric and water to the pole barn, paved driveway, and drainage improvements.
- 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.
- Avangrid (RG&E) GRT settlement agreement from Computel to be reviewed and accepted.
- Awaiting SHPO comments on our National Register draft, then Landmark Society will make revisions, and then hold a final public meeting.
- Preparing open air structure RFP for NYMS-TA grant.
- Mural and sponsor info. is complete. Will be scheduling the event for an official unveiling.
- Continue to work on Jen Talbot’s recommendations
- The Board needs to determine use(s) of the Coronavirus Local Fiscal Recovery funds.
- Festival planning for 7/9/22 is underway.

- Preparing GVCA Community Arts grant application due on 11/4.
- Park bench plaques are in, need to be installed. Recognition events to be planned.
- Awaiting date/time from Olie Olson for BOCES benches’ recognition event.
- Arbor Day event in Circle Park (pics attached) was well attended with several Boy Scouts and general public. Wonderful speeches (attached) by Barrett Comeau on behalf of her grandfather Mayor Freeman, Ashley Comeau and Mike Miron.
- Meeting with our insurance broker & Bill tomorrow re: 2022 hospital & dental coverage and premiums. Insurance broker then meeting with retirees.

Treasurer Quinlan also provided this update for the WWTP Disinfection Project:

“NYS EFC’s draft IUP (intended use plan) for this round has the Village listed for Hardship which means we are eligible for 0% interest on the WWTP disinfection project.

The Village’s MHI (median household income) is \$67,000 which is above the hardship threshold, but the % family poverty level is noted as 11.6% which is now above the statewide poverty threshold for hardship of 10.4%.

We are still waiting to hear on the WQIP grant which if awarded will fund 75% of the construction costs.

Tom and I spoke with Donegan’s office, and we agreed to have their office submit an EFC hardship application, and a WIIA **grant** application (25% of eligible costs) for the project. Donegan’s work for both applications will be subject to their hourly rate of \$181 with a not to exceed \$2000 (this fee can be included in the applications).”

**MINUTES:**

Upon a motion made by Trustee Batzel and seconded by Trustee McCormick, the minutes from the October 18, 2021, were reviewed, adjusted, and approved with the changes. 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 UPDATE:**

Clerk Randall provided the following update to the Board:

- Toshiba Lease Renewal- Met with Jackie Benedetto- extend our lease by 24 months. Our monthly lease payment will change from \$212 to 121.65. Mono pool- .00918 color pool-.06522. Jackie sees no need for us to get a new machine at this time. We can look into it when the 24-month contract is up (usually recommend new machines after 5 to 7 years due to the difficulty in finding parts for repairing). To buy the copier outright would cost the Village \$2369.96 plus copy costs and supplies.

Upon a motion made by Trustee McKeown and seconded by Trustee Batzel, the Board agreed to extend the lease with Toshiba by 24 months. 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

- Per Chris, RGE Settlement Agreement- Has been reviewed by Attorney. He says it looks good. The Board needs to accept the agreement in order to receive disbursement. Disbursements will not be sent out to municipalities until they receive all settlement agreements.

Upon a motion made by Trustee Zhe and seconded by Trustee McKeown, the Board accepted the RG&E Settlement agreement and authorized Mayor Freeman to execute the corresponding paperwork in order to receive the disbursement in the agreement. 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

- Western NY Finger Lakes Releaf Workshop (John Marks or another representative)- workshop on tree decay and tree risk assessment at Vitale Park at a cost of \$15.00.

Upon a motion made by Trustee McKeown and seconded by Trustee McCormick, the Board approved the Western NY Finger Lakes Releaf Workshop for John Marks (or another representative). 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

- Received an email from Jason Molino, executive director of the LCSWA requesting the support of the Village of Avon in their effort to apply for a Water Infrastructure Improvement Act grant application. They will be looking to make improvements around Conesus Lake which includes replacing 26 pump stations and controls around the lake.

Upon a motion made by Trustee Batzel and seconded by Trustee McCormick, the Board agreed to send a letter of support to the LCSWA for the grant application. 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 requested approval from the Board to advertise for two full time officers to hire.

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, the Board agreed to approve Chief Geer’s request to advertise for two full time officers. 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

Attorney Whiting pointed out that advertising for two does not commit the Village to hiring two.

**TRUSTEE UPDATE:**

- ✚ Intermunicipal Agreement Extension- Liv Co. Highway Department requests to extend the current intermunicipal agreement, which is due to expire at the end of 2021, for an additional year- ending 12/31/2022. This agreement is for joint services for machinery, tools, equipment, and service sharing access.

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe, the Board agreed to the agreement extension with the county through December 2022. 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

- ✚ Joint Resolution with Village/Town/ LCSWA/ LCIDA- the following resolution was presented to the Board for approval:

**RESOLUTION SUPPORTING A COLLABORATIVE PARTNERSHIP BETWEEN THE VILLAGE OF AVON, TOWN OF AVON, LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND THE LIVINGSTON COUNTY WATER AND SEWER AUTHORITY TO EVALUATE OPTIONS TO INCREASE DAILY TREATMENT CAPACITY AT THE AVON WASTEWATER PLANT TO MEET SHORT AND LONG-TERM DEVELOPMENT INTERESTS**

**WHEREAS**, the Village of Avon, a municipal corporation in the State of New York with offices at 74 Genesee Street, Avon, New York 14414 (hereafter “Village”) and the Town of Avon, a municipal corporation in the State of New York with offices at 23 Genesee Street, Avon, New York 14414 (hereafter “Town”) and the Livingston County Industrial Development Agency, a public benefit corporation in the State of New York with offices located at 6 Court

Street, Geneseo, New York 14454 (hereafter “IDA”) and the Livingston County Water and Sewer Authority, a public benefit corporation in the State of New York with offices located at 1997 D’Angelo Drive, Lakeville, New York 14480 (hereafter “Authority”) and which are herein collectively referred to as the “Parties”, and

**WHEREAS**, the Village owns, operates and maintains a wastewater treatment plant (hereafter “Plant”) within the jurisdictional boundaries of the Village that is used for the treatment of various types of wastewater for the benefit of the health, safety and welfare of the residents of the Village and the Town, and

**WHEREAS**, the Village Plant has a daily treatment capacity of 1,000,000 gallons per day (gpd), defined by the Village’s State Pollution Discharge Elimination System (SPDES) permit as an influent monthly annual rolling average, and

**WHEREAS**, Authority owns, operates and maintains a sanitary sewer system and collection facilities in the Town which is currently interconnected to the Village sanitary sewer system at Rt. 5 and Rt. 20 at the Village line, and

**WHEREAS**, the Village and Authority have a sewer treatment agreement (hereafter “Agreement”), which was transferred from Livingston County (hereafter “County”) to the Authority on January 1, 2002, that provides for the Village to accept and treat sewage from the Authority and provides a methodology for determining treatment costs and treatment rate charged by the Village to the Authority, and

**WHEREAS**, in 2014 the Village commissioned a Project Engineering Report for the Village of Avon Wastewater Treatment Plant Improvements (hereafter “Project Engineering Report”) which evaluated the need to implement improvements to the Village Plant to address changes to its SPDES permit and accommodate growth from the Livingston County Industrial Complex and other areas, and address conditions, efficiency and concerns with the Plant; and

**WHEREAS**, due to recent development in the Village and the Town, and planned future residential, commercial and industrial development in the Village and the Town, sewer flows are expected to increase; and

**WHEREAS**, the Parties desire create a formal relationship so that the Parties can work jointly to update the Project Engineering Report and evaluate options to increase daily treatment capacity at the Village Plant to meet both short and long-term development interests of the Parties; and

**WHEREAS**, the Parties wish to formally memorialize the terms under which the Parties will work cooperatively to carry out this joint work, and now therefore be it,

**RESOLVED**, the Parties agree as follows:

1. Financial Contribution to Update the Project Engineering Report: The Parties agree to contribute an equal amount of financial support to update the Project Engineering Report in an amount not to exceed \$7,500. If additional funds are needed all parties shall agree to equally share the costs prior to proceeding with the additional work.
2. Joint Sewer Committee: The Parties agree to create a Joint Sewer Committee (hereafter “Committee”) each nominating one (1) representative to sit on the Committee. The Committee shall be tasked with selecting a professional engineering firm to update the Report. The Committee shall provide a monthly written update on the progress of the project to the Village, Town, IDA and Authority Boards.

3. Procurement of Services: The Authority agrees to procure the services of the selected professional engineering firm that will work with the Committee to update the Project Engineering Report. The Authority will bill the Parties equally as invoices are received for payment by the selected professional engineering firm.
4. Updated Project Engineering Report – The Parties agree that the updated Project Engineering Report will be distributed to all Parties and made be available to the public.

**BE IT FURTHER RESOLVED**, the Parties agree to work collaboratively and transparently to evaluate long term solutions for future development and growth in the community.

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, the Board approved the joint resolution between the Village, Town, LCSWA and LCIDA as reviewed by Attorney Whiting. It was noted that the \$7500.00 is each entity. 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

- ✚ Streetlight-National Grid-Paul Gister of National Grid provided the Board with an agreement that was revised to reflect a number of updates since the Village started the process in 2019. The Board discussed and will continue to review.
- ✚ Cyber Liability Insurance Quote- The Board reviewed the quote provided for cyber liability insurance. Trustee McKeown and Clerk Randall sat with Shawn Petti and David Testa of Hurricane Technologies to review the application and gather information. Before we move forward with the insurance, there are a few things we can do to be more proactive with our security in the office and on Village equipment that we will work on with Hurricane that may change the quote. We will continue to with this and resubmit for a new quote after we have completed those tasks.
- ✚ Driscoll Property- The Board discussed having independent inspector, Terry Ekwel come in and do an inspection of the property and review the condition of the property. Both Trustee McCormick and Trustee Batzel feel this is a great idea as it removes our code department from the equation. Trustee Batzel suggested getting permission from Mr. Driscoll to have Mr. Ekwel access the building for his review and then provide all parties with a report. The Board agreed to the fee of \$130 per hour, plus mileage, not to exceed \$600.00 total.

**EXECUTIVE SESSION:**

Upon a motion made by Trustee McKeown and seconded by Trustee Batzel, the Board entered executive session at 8pm for the purpose of discussing the employment history of a particular

person. Attorney Whiting was asked to stay for the session. 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 Zhe and seconded by Trustee McCormick, The Board exited executive session at 8:30pm. No action was taken. 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 adjourned at 8:35pm. The motion was carried by a unanimous vote.

Executive session notes were submitted by Trustee McKeown.

Respectfully submitted,



Heather Randall  
Village Clerk