

A meeting of the Board of Trustees of the Village of Avon was held in Conference room A and B of Village Hall, 74 Genesee Street, Avon, New York, on December 6, 2021.

Present: Thomas Freeman, Mayor
Tim Batzel, Trustee
Mark McKeown, Trustee
Patrick McCormick, Trustee (arrived @6:15pm)
Bill Zhe, Trustee

Staff: Ken Farrell, Supt. of Public Works
Joseph Geer, Chief of Police
Chris Quinlan, Treasurer
Andy Anderson, Fire Marshal
Brian Strozewski, Fire Chief

Visitors: Karen Dewar, LCEMS
Bob Gruenfelder, AFD
Jim Harrington, Town of Avon Council Member
Edward Forsythe, resident
Amanda Hoffmann, 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 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.

BLS FIRST RESPONDER APPLICATION:

Fire Chief Strozewski, along with Firefighter Robert Gruenfelder, and LCEMS Director, Karen Dewar, discussed with the Board the BLS First Responder program being worked on by the Fire Department. With approval from the Board, Chief Strozewski and Mr. Gruenfelder have been working on the application, which has been submitted to NYS for approval to become a first responder agency.

Ms. Dewar applauds the Fire Department, and the Board for recognizing the need and taking the steps to move forward with this program. Since the Rotary Lion Ambulance closed its doors in 2019, the Village has depended on the Livingston County ambulance service for emergency response. While the County has been working hard to take care of all of the emergency calls, call volumes are trending up. During the day there are five ambulances available, and three at night that cover calls for the entire county. The County relies on local agencies to “get the process started” in order to prevent long response times, which can make a huge difference in the prognosis of a patient.

Trustee Batzel expressed his thoughts saying that there is a huge need for this in our community. By no means is the Village trying to run an ambulance service. However, there have been at least

two instances where Chief Strozewski and the Department have been on scene first, immediate measures were taken, and the patient’s life was saved. He also addressed funding, stating that there are grants available, and the use of the ARPA funds, which the Village has not yet decided how to use, can all be used to help fund this program.

The Fire Department currently has 2 EMTs, 3 members looking for recertification, and others who have expressed interest in running more EMS calls. The County runs many EMT and CFR trainings to aid in that effort. The desire of the department would be to run priority 1 and 2 calls which are determined through a process by dispatch.

Mayor Freeman requested that he would like to see a plan on how the department would move forward with accomplishing their task, a preliminary budget, and equipment needed.

Ms. Dewar thanked the Mayor and Board, and stressed that in patient care, it is incredibly important for communities to see their own community members involved and looks forward to helping the department and Village implement this program.

VOUCHERS and MANUAL CHECKS:

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

#1-GENERAL FUND	\$20235.09
#4-SCHEDULE C	\$7949.66
#5-WATER	\$3001.85
#6-SEWER	\$11873.53
#TA00-TRUST & AGENCY	\$3994.58
TOTAL	47054.71

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 was provided the following update to the Board electronically:

The crew worked on the following:

Past 2 Weeks

1. Leaves
2. Repaired water leak on Triphammer line
3. Repaired water leak on North Ave.
4. Cleaned up after water leak in front of Office
5. Worked on equipment ready for winter operations
6. Cleaned up at horse barn

7. Put Holiday decorations up
8. Put bistro lights on triangle at top of hill 5 & 20
9. Call outs – 1- Salt run and a sewer issue on East Main St.

Wastewater

1. Ran Sludge in trailer
2. Loaded out sludge out of bunker
3. Helped with leaves and holiday decorations

Water

1. Started working on dismantling shed at Pumpstation
2. Helped with leaves and holiday decorations

Next 2 Weeks

1. Finish picking leaves up
2. Finish getting equipment in winter operations
3. Brush pickup
4. 12/8 -Doing walk through at Kraft/Heinz WW treatment facilities with WWTP operators

Information

1. Letter from Resident on Sackett Rd in regard to drainage. (provided for discussion).

Upon a motion made by Trustee McKeown and seconded by Trustee Zhe, the Board reviewed and accepted the quote from Snyder Electric for repair work from the concession stand fire in the amount of \$18,200 which included the cost of materials, labor, and debris removal. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Absent (arrived late)
Mark McKeown, Trustee	Voting	Yes
William Zhe, Trustee	Voting	Yes

MRB UPDATE:

Bill Davis provided the following update electronically as he was unable to attend:

- WWTP Disinfection Project- completed preliminary engineering report. SEQR complete. Waiting for WQIP grant results. Qualified for 0% interest (hardship) Awaiting response from DEC re: request for extension to compliance schedule. DEC provided concern/comments with proposed UV in PER due to plant performance. Pilot program completed using new chemical coagulant with improved results. PER updated and approved by DEC. Design has been started and is progressing.
- Pebble Beach- Pre-con meeting held in November. Shop drawings started by contractor. Work to begin in Jan/Feb.
- 2MG Water Tank Valve Vault Replacement- Working on final design for bidding.

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, approval pending.
- 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.
- SHPO comments on our National Register draft have been received by the Landmark Society. The Landmark Society will be making edits with the final to the Village and SHPO by the end of Dec. Final public meeting to held hopefully sometime in Jan.
- Preparing open air structure RFP for NYMS-TA grant.
- Continue to work on Jen Talbot’s recommendations
- The Board needs to determine use(s) of the ARPA funds.
- Festival planning for 7/9/22 is underway. Next Walls mural meeting tentatively scheduled for the end of January.
- Park bench recognition events to be planned.
- Awaiting date/time from Olie Olson for BOCES benches’ recognition event.
- FEMA Covid supplies reimbursement & NYS Urban Forestry tree reimbursement submitted on 12/3/21.
- Working on Tree City application to the Arbor Day Foundation due by the end of December.
- Working on NYS DEC tree grant progress report.
- Virtually attending Genesee Valley Trail Town grant webinar on 12/8/21.
- Town Historian Clara Mulligan is working on a mural flyer that will detail each element, that we can place at the mural location.
- FEMA Assistance to Firefighters grant being worked on by county grant writer Julie Barry and Bill Boyd, deadline is 12/17/21.
- NYS EFC financing application & WIAA application for WWTP disinfection project submitted on 11/22/21.
- S&P ratings report provided on 11/18/21 with comments from Donegan’s office on 11/29/21.
- NYS EFC hardship eligibility letter dated 11/24/21 provided.
- NYS Office of Temporary & Disability Assistance Low Income Household Water Assistance Program (LIHWAP) letter dated 11/5/21 provided.

LETTER OF SERVICES- WWTP

Provided by Treasurer Quinlan for review and consideration are 2 letters of service from Bernard P. Donegan for financial consulting and municipal advisement with the wastewater treatment plant projects.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board reviewed and accepted the letters of service. 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

Copies can be found attached.

MINUTES:

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe, the minutes from the November 15, 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

CLERK UPDATE:

Clerk Randall provided the following update to the Board:

- Avon Chamber minutes provided
- First Amendment Challenge- Rebecca Budinger-Mulhearn from the Library forwarded a guide for a policy to help with allowing/prohibiting the recording of our building/workers etc during business hours. Helps establish a protocol if needed. The Board may opt to create a policy.
- Liv. Co. First Impressions project reimbursements for the following:
 1. Rick Doubt-\$662.50(signage)
 2. Avon Gun & Hunting Supply-\$2070.00(signage)
- VOA Public Watery Sanitary Survey 2021 letter/report provided for the Boards information.
- For destruction- vouchers dated 2/2015 to 10/2015 to be destroyed. Retention time is 6 years.

REGISTRAR/DEPUTY REGISTRAR REAPPOINTMENT:

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, Clerk Randall and Deputy Clerk Margiotta were reappointed as the Registrar and Deputy Registrar of the Village. 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:

- Received 8 application/resumes. Planning interviews for December 13th. The full time officers will sit in on the first round and will schedule the 2nd interviews after the holiday.
- Holiday Spectacular went very well. Well attended by the community.

- Officer Matt McFadden will be participating in the Shop With A Cop program on Saturday December 12th, and shopping with a child at Walmart for the holiday.
- December 16th – Chief Geer and Officer McFadden will be participating in “Operation Light Up” visiting local nursing homes to celebrate the season.
- Hoping to have a new speed sign in the spring.

FIRE MARSHAL UPDATE:

Fire Marshal Anderson provided the following update:

- 3 fire inspections complete- St. Agnes, Community Manor, Staudinger Apts.
- Community Manor being repaired.
- Chimney inspection done at a residence on Clinton Street.
- Received a foil request for information on Morgan Properties. Tami Snyder, Village Accessor, has also requested the info for a court proceeding. Tony Cappello has been asked by Fire Marshal Anderson to assist.
- Spoke with Mayor Freeman about property on Wadsworth Ave. There is a lot of furniture, etc in the yard. Fire Marshal Anderson said he will be reaching out to Shanks to see what they will take.
- Provided the Board with the copy of the letter sent to the owners of 52 West Main Street. The letter included that the property is uninhabitable and cited the codes in which the owner was in violation.

TRUSTEE UPDATE:

Mayor Freeman invited the public to speak:

- Councilman Harrington- would like to get on the agenda to discuss a few items including drainage, the Driscoll property, and Coles. He also expressed concern in regard to a rumor he heard stating that we could be losing employees. He hopes the Board does everything in their power to not let that happen.
- Mr. Forsythe discussed his concern that people have been using the center lane as a passing lane on Route 5 & 20 lately. Chief Geer said that the department has issued several tickets for that as of late. Mr. Forsythe also discussed the speed on Prospect Street.
- Amanda Hoffman expressed her gratitude to the Village for all they do for the residents and the work being put in to encourage young families to live and raise families here. There are more and more things to do, the parks are growing, and events like the Holiday Spectacular keep people here.

EXECUTIVE SESSION:

Upon a motion made by Trustee McKeown and seconded by Trustee Zhe, the Board entered executive session at 7:39pm for the purpose of discussing collective negotiations pursuant to civil service law. 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
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Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, 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

Upon a motion made by Trustee McKeown and seconded by Trustee Zhe, the Board tentatively approved the Police Union Contract as negotiated for the next 4 years (2022-2025) 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 McCormick and seconded by Trustee Batzel the Board adjourned at 8:30pm. The motion was carried by a unanimous vote.

Executive session notes were submitted by Trustee McKeown.

Respectfully submitted,

Heather Randall
Village Clerk



November 10, 2021

Mayor Thomas Freeman
Village of Avon
74 Genesee Street
Avon, NY 14414

Dear Thomas:

We are pleased to submit the following letter for Financial Consulting services in connection with the Village's Wastewater Treatment Plant Project and other financial matters.

The scope of our letter is divided into three parts:

- PART 1 -** Continuing Annual Secondary Market Disclosure over the Life of a Bond Issue to Comply with CFR Title 17, Securities Exchange Act of 1934, as amended, IRS Arbitrage Rebate or Penalty Tracking and Calculation in Compliance with the Internal Revenue Code of 1954, as amended, Section 148.
- PART 2 -** IRS Arbitrage Rebate or Penalty Tracking and Calculation in Compliance with the Internal Revenue Code of 1954, as amended, Section 148.
- PART 3 -** Financial Management Services

PART 1- CONTINUING ANNUAL SECONDARY MARKET DISCLOSURE OVER THE LIFE OF A BOND ISSUE TO COMPLY WITH CFR TITLE 17, SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, SECTION 240.15c2-12

The above-referenced Section 240.15c2-12 requires the Village, as the issuer of \$1,000,000 or more, "to enter into a written agreement to provide certain event notices and/or annual financial information to the Electronic Municipal Market Access ("EMMA") system maintained by the Municipal Securities Rulemaking Board ("MSRB)." The regulation makes it unlawful for a broker or underwriter to purchase and reoffer the Village's issue unless the broker has verified that the Village has undertaken the above-referenced "written agreement or contract for the benefit of the bond holders." Services rendered for compliance will depend directly upon the amount and type of indebtedness incurred by the Village and will be billed at the firm's current hourly rate.

BERNARD P. DONEGAN, INC.

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FAIRPORT, NY 14450

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E-MAIL: team@bpdinc.net



MUNICIPAL FINANCE

Mayor Thomas Freeman

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- (1.1) **FULL DISCLOSURE** - The Village is required to annually prepare and file a secondary market disclosure official statement (financial information and operating data); audited annual reports, if any; and Material Event Notices to MSRB's EMMA system, if the Village's total outstanding indebtedness, including the current issue, exceed \$10,000,000. We can assist with the collection and filing of the required information as annually required and as Event Notices are received from the Village. The time estimate under the current configuration of Section 240.15c2-12 is approximately 25± hours.
- (1.2) **LIMITED DISCLOSURE** - The Village is required to, at a minimum, file certain annual financial information and operating data which is customarily prepared by the Village and is publicly available and a copy of the audited financial statements (if applicable) to MSRB's EMMA system. The Village must also provide Material Event Notices to the EMMA system. We can assist with the collection and filing of the required information as annually required and as Event Notices are received from the Village, if the Village's total outstanding indebtedness, including the current issue, is less than \$10,000,000. The time estimate under the current configuration of Section 240.15c2-12 is approximately five hours each year.
- (1.3) **LIMITED DISCLOSURE - EVENT NOTICES ONLY** - The Village is required to file certain "Event Notices" to the MSRB's EMMA system. When "Events" occur during the life of the issue, a determination is needed by Bond Counsel, and we can assist with the filing of the "Event Notices" after being notified by the Village as "Events" occur.

PART 2- IRS ARBITRAGE REBATE OR PENALTY TRACKING AND CALCULATION IN COMPLIANCE WITH THE INTERNAL REVENUE CODE OF 1954, AS AMENDED, SECTION 148

The Village Treasurer will make certifications in the closing documents prepared by Bond Counsel for the Note or Bond confirming compliance with the IRS Arbitrage Regulations §1.148. If available, the Village Treasurer will elect "Penalty" or "Rebate" on IRS Form 8038-G filed with the IRS at the time of closing on the issue. The Village must track the receipt of the issue proceeds, interest earned thereon, and payments made to the IRS, as agreed to by the Treasurer in the closing "Arbitrage Certificate" so that the issue remains exempt from, federal, state, and local income tax under §148 of the Tax Code.

The following items may be completed at the firm's current hourly rate, at the request of the Village Board or Village Officials under this portion of the contract:

- (2.1) Determine Arbitrage Impact on various borrowing scenarios based on "what ifs" applied to variable criteria which can affect amount of Rebate/Penalty and, consequently, amount of interest earned payable to the Internal Revenue Service.



MUNICIPAL FINANCE

Mayor Thomas Freeman

November 10, 2021

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- (2.2) Track specific proceeds of each issue, so the Village may remain in compliance with the Internal Revenue Code, using approved Government Finance Officers Association guidelines, procedures and tracking tools. The necessary raw data will be requested by our firm and the monthly tracking accomplished with reports and recommendations to the Village on optional spending patterns.
- (2.3) Perform Arbitrage Rebate/Penalty Analysis and calculations to determine amount of Rebate or Penalty, if any, payable to the Internal Revenue Service.
- (2.4) Assist in the completion of the Internal Revenue Service Form 8038-T, "Arbitrage Rebate and Penalty in Lieu of Arbitrage Rebate", which must be filed with any Arbitrage Rebate/Penalty payment made to the IRS, in compliance with Section 148 of the Internal Revenue Code.
- (2.5) Compile an audit trail document showing transactions related to the issue's proceeds. The calculation of the "spend down" thresholds and any penalty or rebate will be included. The documentation will be provided to the Village at completion of tracking the expenditure of the issue proceeds or in the interim for an IRS compliance audit, if required.
- (2.6) Assist in the preparation for, and attend any worksessions and/or meetings if and when an IRS Audit takes place regarding Section 148 of the IRS Tax Code dealing with arbitrage review.

PART 3- FINANCIAL MANAGEMENT SERVICES

The following representative items can be completed:

- (3.1) Create a **projected cash flow** for the project.
- (3.2) Assist with and coordinate the **wire transfer** of funds from bank to bank through the Federal Reserve System.
- (3.3) Assist with **financial planning** and borrowings and review of borrowing options and scenarios.
- (3.4) Assist in establishing **accounting records** and bookkeeping procedures on the double-entry basis.
- (3.5) Create the format for a **monthly financial report** on the project to summarize the information in the bookkeeping system for management purposes.
- (3.6) Assist in estimating appropriate **debt service budget** figures.
- (3.7) Attend and participate in **Board meetings**, worksessions, or public information meetings.



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Mayor Thomas Freeman

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- (3.8) Prepare **interim reports** concerning financial matters of the project.
- (3.9) Obtain an independent market valuation of the current value of **bonds** proposed to be **substituted in lieu of cash retainage** by contractors pursuant to Section 106.00 of the General Municipal Law and provide written follow-up and procedural suggestions for the physical handling of these instruments.
- (3.10) If required by arbitrage rules, coordinate the investment in State & Local Government Series in cooperation with the local bank of account, Bond Counsel and the Federal Reserve Bank in New York City.
- (3.11) Assist with **credit rating review** and/or conference call for bond sale or surveillance call as needed by Credit Rating Agency.

Any time spent assisting the Village Board and Village Officials with the preparation of financial data or attending any meetings or public hearings in connection with the proposed capital project will be billed at the current hourly rate.

The charge for any Financial Management Services will be \$181 per hour plus out-of-pocket expenses. The rate will be adjusted each July 1 by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.

BILLINGS

All billings will include out-of-pocket expenses, which include copies, postage, mileage, travel, and any other incidental costs in connection with the project.

- PART 1- CONTINUING ANNUAL SECONDARY MARKET DISCLOSURE** - Vouchers will be submitted after verified filing of the required information with the specified repositories.
- PART 2- IRS ARBITRAGE REBATE OR PENALTY TRACKING AND CALCULATION** - Vouchers may be submitted on a monthly basis.
- PART 3- FINANCIAL MANAGEMENT SERVICES** - Vouchers may be submitted on a monthly basis.

Additional work beyond the scope of this November 10, 2021 letter of services will be at the rate of \$181 per hour plus out-of-pocket expenses. The rate will be adjusted each July 1 by the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30. Vouchers for any services provided may be submitted on a monthly basis.

If the services under any portion of this contract are commenced, but are not completed for any reason, or are completed without our firm performing the entire role contemplated herein, an invoice will be rendered for the actual hours completed at the firm's normal hourly rate, plus actual disbursements incurred.



MUNICIPAL FINANCE

Mayor Thomas Freeman

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Any services in the nature of financial advice are to be performed by our firm to the best of our abilities based on such information as may be available to us from time to time when such advice is given. No liability is assumed, however, for any errors or omissions not constituting gross negligence.

Upon acceptance of this letter of services, please **sign and date both copies**, retaining one signed copy for the official Village records, and **returning the other signed copy to our office**.

This letter of intent and the fees quoted herein are valid if accepted and executed within 60 days of the date hereon.

Bernard P. Donegan, Inc. is registered with the U.S. Securities and Exchange Commission and the Municipal Securities Rulemaking Board. The MSRB website is <http://msrb.org/>. A municipal advisory client brochure is available to you describing protections that may be provided by the Municipal Securities Rulemaking Board rules and how to file a complaint with an appropriate regulatory authority.

Pursuant to SEC MSRB Rule G-42, this letter of services should be in place prior to municipal advice being given. Further, under Rule G-42, we are not aware of any known material conflicts of interest with your municipality. The firm has not been subject to any legal or disciplinary proceedings under SEC regulations. The Company's SEC Forms MA and MA-I can be found at www.sec.gov/edgar/searchedgar/webusers.htm.

If you should have any questions concerning this letter of services, please contact us. We look forward to working with the Village on this project.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Charles A. Bastian'.

Charles A. Bastian
President

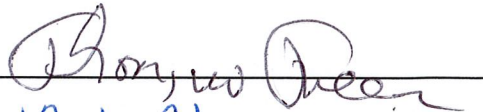
CAB/vlm
Enclosures



MUNICIPAL FINANCE

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I, Thomas W. Freeman, Mayor of the Village of Avon, have been authorized by a resolution dated 12-6-21 to accept the Bernard P. Donegan, Inc. letter for Financial Consulting Services as outlined above.

(Signed) 
(Dated) 12-6-21

VILLAGE OF AVON

RESOLUTION AUTHORIZING EXECUTION OF LETTER FOR
MUNICIPAL ADVISOR SERVICES

At a regular meeting of the Village Board of the Village of Avon, Livingston County, New York, held on the 10th day of December, 2021, the following were:

PRESENT: Thomas Freeman, Mayor
Tim Batzel, Trustee
Mark McKeown, Trustee
PATRICK McCORMICK - Trustee
ABSENT: Bill ZHE - TRUSTEE
NONE

The following resolution was offered by Trustee Batzel, who moved its adoption, seconded by Bill ZHE, to wit:

BE IT RESOLVED BY THIS VILLAGE BOARD AS FOLLOWS:

- (1) The firm of Bernard P. Donegan, Inc., is hereby designated Municipal Advisor to the Village of Avon.
- (2) Said firm shall be compensated for its services to be rendered in accordance with its letter of services dated November 10, 2021.
- (3) The Mayor is hereby authorized to execute and deliver said letter of services.
- (4) This resolution shall take effect immediately.

The motion having been duly offered and seconded, the following votes were cast:

<u>Thomas Freeman</u>	voting	<u>yes</u>
<u>Tim Batzel</u>	voting	<u>yes</u>
<u>MARK MCKEOWN</u>	voting	<u>yes</u>
<u>PATRICK McCORMICK</u>	voting	<u>yes</u>
<u>Bill ZHE</u>	voting	<u>yes</u>



MUNICIPAL FINANCE

November 10, 2021

Mayor Thomas Freeman
Village of Avon
74 Genesee Street
Avon, NY 14414

RE: Village of Avon
Waste Water Treatment Plant 2021
Account #1573

Dear Thomas:

We are pleased to submit the following letter for Municipal Advisor services in connection with the Village's Wastewater Treatment Plant Project and other financial matters.

The scope of our letter of services is divided into four parts:

A TEMPORARY FINANCING

- PART 1 -** Initial Borrowing and/or Renewal of Bond Anticipation Notes with an Official Statement (\$1,000,000 or more).
- PART 2 -** Initial Borrowing and/or Renewal of Bond Anticipation Notes - Environmental Facilities Corporation CWSRF Short-Term Financing Program (STFP).

B PERMANENT FINANCING

- PART 3 -** Sale of Registered Public Market Serial Bonds with an Official Statement (\$1,000,000 or more).
- PART 4 -** New York State Environmental Facilities Corporation (EFC), New York Clean Water State Revolving Fund (CWSRF) Loan.

BERNARD P. DONEGAN, INC.

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MUNICIPAL FINANCE

Mayor Thomas Freeman

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A TEMPORARY FINANCING

PART 1- INITIAL BORROWING AND/OR RENEWAL OF BOND ANTICIPATION NOTES WITH AN OFFICIAL STATEMENT

The following items will be completed under this portion of the contract:

- (1.1) Complete a sequential **deadline calendar** for all items to be accomplished in connection with the creation of the Official Statement and Notice of Sale, the Bond Anticipation Note sale, and subsequent closing.
- (1.2) Collect the information necessary and create the **Official Statement** used to advertise the issue in compliance with Part 27 of Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York, and in compliance with Section 60.00 of the Local Finance Law for the public sale of obligations in excess of \$500,000; and additionally, in compliance with the Security and Exchange Commission's Rule 240.15c2-12, requiring the Official Statement for public reoffering of issues of \$1,000,000 and more.
- (1.3) Prepare and file the "**Certificate of Filing of Official Statement**" pursuant to Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Section 27.4(a).
- (1.4) Create the **Notice of Sale** required by the Official Compilation of Codes, Rules and Regulations of the State of New York, Section 26, and Section 60.00(e) of the Local Finance Law and coordinate the approval of Bond Counsel and subsequent distribution to potential purchasers of the Bond Anticipation Notes along with the Official Statement.
- (1.5) Arrange for **time and location of sale**.
- (1.6) Coordinate and provide **written follow-up**, among Village Officials and Bond Counsel and, where appropriate, Project Engineer.
- (1.7) **Conduct the sale** and make recommendation on the award of the bid.
- (1.8) Arrange for Standard & Poor's "**CUSIP**" (Committee on Uniform Security Identification Procedures of the American Bankers Association) **numbers** to be assigned to the issue and subsequently printed on the notes, if applicable.
- (1.9) Coordinate and provide **written follow-up** of the note details and **closing arrangements** with the purchaser of the Bond Anticipation Notes, Bond Counsel and/or the Village Attorney, and Village Officials.
- (1.10) If appropriate, **coordinate the payoff of any maturing Notes** with the renewal proceeds among all concerned parties.



MUNICIPAL FINANCE

Mayor Thomas Freeman

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The charge for each Bond Anticipation Note borrowing or renewal thereof will be \$7,125 plus out-of-pocket expenses. If an Official Statement is not utilized for a Note issue under \$1,000,000, then the charge would be \$3,562 plus out-of-pocket expenses. The rate will be adjusted each July 1 by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.

PART 2- INITIAL BORROWING AND/OR RENEWAL OF BOND ANTICIPATION NOTES – ENVIRONMENTAL FACILITIES CORPORATION (EFC) CWSRF SHORT-TERM FINANCING PROGRAM (STFP)

- (2.1) Create the **STFP Application** required by the Environmental Facilities Corporation.
- (2.2) Advise municipality on eligible vs. ineligible expenses and alternate funding sources.
- (2.3) **Conduct the STFP negotiation** with Environmental Facilities Corporation Officials.
- (2.4) Coordinate and provide **written follow-up** among municipal officials, Bond Counsel, local Attorney and EFC Officials.
- (2.5) If appropriate, **coordinate the payoff of any maturing Notes** with the renewal proceeds among all concerned parties.

The charge for the loan coordination will be \$7,675 plus out-of-pocket expenses. The fee quoted herein will be adjusted by the change in the Consumer Price Index, All Urban Consumers – Northeast Urban Rate, for the time period July 1 through June 30.

If the municipality is unsuccessful in participation in the SRF STFP Program then any time we have spent assisting the Village Board and Village Officials will be billed at our hourly rate, plus out-of-pocket expenses. The time billed will not exceed the stated contract dollar amount.

B PERMANENT FINANCING

PART 3- SALE OF REGISTERED PUBLIC MARKET SERIAL BONDS WITH AN OFFICIAL STATEMENT

The following items will be completed under this portion of the contract:

- (3.1) Coordinate the **approval of the selected maturity schedule** and Bond Counsel's drafting of the certification setting the terms and conditions of the registered serial bond sale.
- (3.2) Complete a sequential **deadline calendar** for all items to be accomplished in connection with the creation of the Official Statement, the Bond sale and subsequent closing.



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- (3.3) Collect the information necessary and create the **Official Statement** used to advertise the issue in compliance with Part 27 of Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York, in compliance with Section 60.00 of the Local Finance Law for the public sale of obligations in excess of \$500,000; and additionally, in compliance with the Security and Exchange Commission's Rule 240.15c2-12, requiring the Official Statement for the public reoffering of issues of \$1,000,000 and more.
- (3.4) Coordinate and provide **written follow-up** to Village Officials and Bond Counsel.
- (3.5) Compile the information required and make application on behalf of the Village for a **Standard & Poor's** or a **Moody's Credit Rating** in connection with the bond sale.
- (3.6) Apply for "Qualification" for **municipal bond insurance**, which would guarantee the repayment of the yearly principal and interest on the Bonds, and subsequently, complete the request for reviews.
- (3.7) Provide **advance notification** of the Bond Sale to banks, brokerage firms and other potential purchasers prior to mailing the Official Statement and Notice of Sale.
- (3.8) Where appropriate, using Certificated Bonds, coordinate the appointment of a "**Fiscal Agent**" bank to act as the required registrar for subsequent payment of principal and interest to registered bond holders. Coordinate the completion and review of the "Fiscal Agent Agreement" among the Village Officials, Bond Counsel and selected bank.
- (3.9) Where appropriate, using **Book-Entry Only** Bonds, coordinate all necessary arrangements with The Depository Trust Company in preparation for the closing.
- (3.10) Coordinate the **printing and mailing of the Official Statement** and the Notice of Sale.
- (3.11) Prepare and file the "**Affidavit of Mailing of Official Statement**" pursuant to the Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Section 25.3(b).
- (3.12) Prepare and file the "**Certificate of Filing of Official Statement**" pursuant to Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Section 27.4(a).
- (3.13) Arrange for legal ad **publication of the Notice of Sale** in compliance with Section 25.2 of Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York and in compliance with Section 57.00 of the Local Finance Law.
- (3.14) Complete, have executed by Village Officials, and file the "**debt Statement**" with the Office of the State Comptroller and Bond Counsel in compliance with Section 109.00 of the Local Finance Law.
- (3.15) Arrange for the **location and time of the Bond sale**, and acceptance of the bids.



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- (3.16) **Conduct the sale** and make recommendation on award of the Net Interest Cost bid. Coordinate filing copies of the bids with Bond Counsel and Village Clerk/Treasurer. Coordinate Deposit of the proceeds of the "Good Faith" check (2% of issue amount).
- (3.17) Arrange for Standard & Poor's "**CUSIP**" (Committee on Uniform Security Identification Procedures of the American Bankers Association) **numbers** to be assigned to the issue.
- (3.18) Coordinate the **closing arrangements** with the bond purchaser, Bond Counsel and Village Officials. Provide written confirmation of the net amount to be received at the closing including the principal, good faith check, premium and accrued interest as applicable.
- (3.19) If appropriate, **coordinate the payoff of any maturing Notes** with the bond proceeds among all parties concerned.

We will assist the Village in planning its total budget for the project and, in doing so, we will prepare a list of materials, outside services, disbursements and the estimated costs for items such as bond register bookkeeping system, credit rating, printing and mailing of the Official Statement, and publications of the Notice of Sale. The aforementioned materials, outside services and disbursements will be the responsibility of the Village.

The charge for each serial bond issue will be \$14,135 plus out-of-pocket expenses. If an Official Statement is not utilized for a Bond issue under \$1,000,000, then the charge would be \$7,067 plus out-of-pocket expenses. The fee quotes herein will be adjusted by the change in the Consumer Price Index, All Urban Consumers – Northeast Urban Rate, for the time period July 1 through June 30.

PART 4- NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION (EFC), NEW YORK CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN - (this is not a guarantee of a successful application process, but rather a participation in the process of selection)

- (4.1) Create and coordinate with municipality and involved parties an overall project management Administrative/Engineering/Financial/Legal Timeline for completing the application for funding.
- (4.2) Review with municipality and engineering firm the **Draft Negative Declaration** or **Draft EIS** for SRF compliance.
- (4.3) Review with municipality and engineering firm the completion of the necessary **EFC construction checklists**.
- (4.4) Assist in publishing legal notices in official newspapers in connection with **SEQRA/SERP** and **Lead Agency**.



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- (4.5) Conduct a preliminary fact-finding regarding the scope of the project and discuss with EFC representatives the viability of the project financing.
- (4.6) Apply to EFC to become listed on the **Intended Use Plan** or the amended Intended Use Plan.
- (4.7) Review with municipality and local attorney the completion process of the **Certificate as to Title to Project Site**.
- (4.8) Advise municipality on target dates needed for EFC's **"Project Management Schedule"**.
- (4.9) Obtain the necessary information from the municipality, which includes background information needed for the SRF application.
- (4.10) Advise municipality on the **Affirmative Action Resolutions and Workplans** that need to be implemented.
- (4.11) Advise municipality on alternate funding sources for Ineligible project expenses defined by EFC.
- (4.12) Review project completion timeframe, and advise municipality on entering the Spring or Fall long-term bond pool.
- (4.13) Complete and submit the final **SRF Application** to EFC for long-term financing.
- (4.14) Consult with municipal officials and advise EFC, prior to establishing final permanent SRF bond dollar amount.
- (4.15) Coordinate with Bond Counsel on borrowings including amounts, terms, and conditions, in connection with long-term SRF bond funding.
- (4.16) Attend and/or participate in the EFC final coordination meeting and/or conference call.
- (4.17) Verification of bond closing with EFC Officials.

The charge for the loan coordination will be \$14,875 plus out-of-pocket expenses. The fee quoted herein will be adjusted by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.

If the municipality is unsuccessful in participating in the SRF Bond Program then any time we have spent assisting the Village Board, Village Officials and other professionals will be billed at our hourly rate, plus out-of-pocket expenses. The time billed will not exceed the stated contract dollar amount.



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BILLINGS

All billings will include out-of-pocket expenses, which include copies, postage, mileage, travel, and any other incidental costs in connection with the project.

- PART 1- BOND ANTICIPATION NOTE BORROWINGS WITH AN OFFICIAL STATEMENT (\$1,000,000 OR MORE)** - Vouchers will be submitted after settlement of the Notes.
- PART 2- INITIAL BORROWING AND/OR RENEWAL OF BOND ANTICIPATION NOTES - ENVIRONMENTAL FACILITIES CORPORATION (EFC) CWSRF SHORT-TERM FINANCING PROGRAM (STFP)** - Billed in full upon the Environmental Facilities Corporation loan closing.
- PART 3- SALE OF REGISTERED PUBLIC MARKET SERIAL BONDS WITH AN OFFICIAL STATEMENT (\$1,000,000 OR MORE)** - Vouchers will be submitted after settlement of the Bonds.
- PART 4- NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION (EFC) NEW YORK CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN** - Billed in full upon the Environmental Facilities Corporation loan closing.

Additional work beyond the scope of this November 10, 2021 letter of services will be at the rate of \$181 per hour plus out-of-pocket expenses. The rate will be adjusted each July 1 by the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30. Vouchers for any services provided may be submitted on a monthly basis.

If the services under any portion of this contract are commenced, but are not completed for any reason, or are completed without our firm performing the entire role contemplated herein, an invoice will be rendered for the actual hours completed at the firm's normal hourly rate, plus actual disbursements incurred.

Any services in the nature of financial advice are to be performed by our firm to the best of our abilities based on such information as may be available to us from time to time when such advice is given. No liability is assumed, however, for any errors or omissions not constituting gross negligence.



MUNICIPAL FINANCE

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Upon acceptance of this letter of services, please have the Mayor **sign and date this letter**, retaining one signed copy for the official Village records, and **returning a signed copy to our office**.

This letter of intent and the fees quoted herein are valid if accepted and executed within 60 days of the date hereon.

Bernard P. Donegan, Inc. is registered with the U.S. Securities and Exchange Commission and the Municipal Securities Rulemaking Board. The MSRB website is <http://msrb.org/>. A municipal advisory client brochure is available to you describing protections that may be provided by the Municipal Securities Rulemaking Board rules and how to file a complaint with an appropriate regulatory authority.

Pursuant to SEC MSRB Rule G-42, this letter of services should be in place prior to municipal advice being given. Further, under Rule G-42, we are not aware of any known material conflicts of interest with your municipality. The firm has not been subject to any legal or disciplinary proceedings under SEC regulations. The Company's SEC Forms MA and MA-I can be found at www.sec.gov/edgar/searchedgar/webusers.htm.

If you should have any questions concerning this letter of services, please contact us. We look forward to working with the Village on this project.

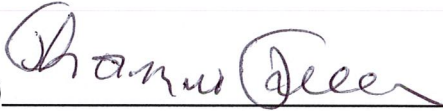
Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles Bastian".

Charles A. Bastian
President

CAB/vlm
Enclosures

I, Thomas W. Freeman, Mayor of the Village of Avon, have been authorized by a resolution dated 12-6-21 to accept the Bernard P. Donegan, Inc. letter for Municipal Advisor Services as outlined above in connection with the Village's Wastewater Treatment Plant Project.

(Signed) 
(Dated) 12-6-21

VILLAGE OF AVON

RESOLUTION AUTHORIZING EXECUTION OF LETTER FOR
MUNICIPAL ADVISOR SERVICES

At a regular meeting of the Board of Trustees of the Village of Avon, Livingston County, New York, held on the 6th day of December, 2021, the following were:

PRESENT:

Thomas Freeman - Mayor
Tim Batzel - Trustee
Mark McKeown - Trustee
PATRICK McORMICK - Trustee
Bill Zhe - Trustee

ABSENT:

NONE

The following resolution was offered by Trustee Batzel, who moved its adoption, seconded by Trustee Zhe, to wit:

BE IT RESOLVED BY THIS BOARD OF TRUSTEES AS FOLLOWS:

- (1) The firm of Bernard P. Donegan, Inc., is hereby designated Municipal Advisor to the Village of Avon.
- (2) Said firm shall be compensated for its services to be rendered in accordance with its letter of services dated November 10, 2021 in connection with the Village's Wastewater Treatment Plant Project.
- (3) The Mayor is hereby authorized to execute and deliver said letter of services.
- (4) This resolution shall take effect immediately.

The motion having been duly offered and seconded, the following votes were cast:

<u>Thomas Freeman</u>	voting	<u>yes</u>
<u>Tim Batzel</u>	voting	<u>yes</u>
<u>Mark McKeown</u>	voting	<u>yes</u>
<u>PATRICK McORMICK</u>	voting	<u>yes</u>
<u>BILL ZHE</u>	voting	<u>yes</u>