

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 September 19, 2022.

Present: Thomas Freeman, Mayor  
 William Zhe, Trustee  
 Tim Batzel, Trustee  
 Amanda Hoffmann, Trustee  
 Patrick McCormick, Trustee

Staff: Ken Farrell, Supt. of Public Works  
 Christine Quinlan, Treasurer  
 Joseph Geer, Chief of Police  
 Brian Strozewski, Fire Chief

Visitors: Edward Forsythe, Sackett Road

Mayor Freeman called the meeting to order at 5:30pm and began with the Pledge of Allegiance.

**EXECUTIVE SESSION:**

Upon a motion made by Trustee Zhe and seconded by Trustee Hoffmann, the Board entered executive session at 5:30pm to discuss contractual issues, and the employment history or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe, the Board exited executive session at 6:31pm. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

No action was taken.

The Board will meet at 5:30pm for the October 3<sup>rd</sup> meeting and extends an invitation to Dr. Ryan Pacatte, Supt. of Avon Central School for discussions in regard to a second SRO for the district among other updates.

**VOUCHERS and MANUAL CHECKS:**

Upon a motion by Trustee McCormick the vouchers and manual checks/electronic payments were approved for payment from the following funds:

#1-GENERAL FUND	\$72741.73
#4-SCHEDULE C	\$79665.43
#5-WATER	\$18526.01
#6-SEWER	\$88014.60
#TA00-TRUST & AGENCY	\$712.52
#V000- DEBT SERVICE	\$1328.83
TOTAL	\$260989.12

Electronic payments:

FED/NYS Taxes	p/r#22-18	\$13609.07
Nationwide Retirement	p/r#22-18	\$3121.17
	<b>TOTAL:</b>	<b>\$16730.24</b>

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

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

**DPW UPDATE:**

Supt. Farrell provided the following update to the Board:

DPW Activity – past weeks

- Brush pick up continues.
- Painted Spring St. wall.
- Patched holes around village streets.
- Set up for 9/11 ceremony in the Circle Park.
- Prepped for concrete pad at Erie Attica trail heads picnic table.
- Prepped for Youth Softball’s new storage shed at Driving Park (behind home plate backstop).
- Prepping for sidewalk repair on Clinton St.& Lacy St. and prepped the Pocket Park for a handicap accessible entrance.
- Installed No Parking signs on Oak St.
- Repaired Road cuts on Spring St. after water valve replacement.

Water

- Installed 6’ water valve on Spring St. line
- Repaired water leak on Clinton St. (service from main to curb stop)
- Installed 4” conduit at pump station for temporary electric



Next 2 weeks

- Repair road cuts from water leak Clinton St.
- Continue to paint X-walks
- Trees with the Village
- Work on Pocket Park (installing electric conduit)
- Supt. Farrell would like to paint an “X” on the area south of the cross walks on Genesee Street and Clinton to prevent parking in those spots. It has been brought to his attention that it is very difficult to see traffic, and walkers, when there are cars in those areas. The Board agreed.
- Supt. Farrell asked the Board the color preference for the building and shingles for the pump house. The Board agreed to “clay” for the color of the building and “black” for the shingles.

WWTP

- Pump pricing for Primary mixer- we do not have a quote from Siewert yet. Per email provided, they are hesitant providing a quote as we have an incoming power issue that should be addressed before new equipment is used. They believe that the equipment will continue to pull higher beyond the rated amp and is ready to provide a quote to replace the pump once we have a solid answer from National Grid as to the power issue. National Grid has been checking for “dirty power” but has not provided a report. Supt. Farrell has a third party coming in to give a quote to monitor the incoming power to the WWTP separate from National Grid. According to Supt. Farrell, JadeStone has also put in a request for information on a second power source for the pump. There has been no response.

Pump Station

- Erie Electric- provided a change order request for temporary electric at the pump station in the amount of \$26115.44.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board accepted the change order request from Erie Electric for temporary electric at the pump station in the amount of \$26115.44. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

**TREASURER UPDATE:**

Treasurer Quinlan provided the following update to the Board electronically:

*Ongoing*

- 2017 GVBA grant...contacted NYS certified MWBE electric vendor who is retired so Ken will be obtaining two local quotes...Ken & Chris emailed three NYS certified MWBE paving companies for pricing on 9/19/22.
- 2019 GVBA grant...four portable restroom quotes obtained...John will present to GVBA board next week for review and approval. Then I will complete the grant paperwork for submission to NYS Ag for approval.
- New Energy Works status update as follows: Timber structure to be raised on 10/10/22. Roof by Bear Hill Builders to be on shortly thereafter. Maureen and I are working on extension request to NYS for the end of November.
- NYS retirement deductions still need to be corrected.
- The Board needs to determine additional use(s) of the ARPA funds.
- PTNY completing Avon’s Bike-Around Assessment insight report and action plan which will be shared with us.
- 97% of taxes collected to date with approximately \$32K outstanding.

*New*

- 2021 GVBA grant reimbursement for the gazebo and the base covering in the amount of \$10K submitted on 8/26/22.
- Graffiti on both Avon murals reported to APD on 9/15/22. Shawn Dunwoody to be out this week to apply anti-graffiti sealant & add to donor wall.
- National Grid checklist items for streetlight closing submitted on 9/15/22.
- Emailed National Grid requesting replacement and/or adjustment of two wooden utility poles on E. Main St. on 9/16/22.
- Working on NYS DEC grant progress report, deadline of 9/30/22.
- Working on GTSC progress report, deadline of 9/30/22.
- Apply for First Impressions Program grant in the amount of \$1500, deadline of 10/11/22. Treasurer Quinlan requested approval from the Board to proceed.

Upon a motion made by Trustee Hoffmann and seconded by Trustee Batzel, the Board approved Treasurer Quinlan to move forward and apply for the First Impressions Program Grant in the amount of \$1500.00. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

**TAX RELEVY RESOLUTION:**

Trustee Batzel 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 2022, 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 2022 as of October 1, 2022, 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 McCormick seconded the motion, and it was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

**POLICE UPDATE:**

Chief Geer presented the following update:

- Officer Ian Hall has completed his probationary time with the Village and has done a great job according to Chief Geer. The report states that Officer Hall has satisfactorily completed his probationary period and recommends that he be retained for service. He reviewed the report with the Board and requested them to authorize Mayor Freeman to execute it.

Upon a motion made by Trustee Zhe and seconded by Trustee Hoffmann, the Board authorized Mayor Freeman to execute the probationary report for Officer Ian Hall. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

**FIRE DEPARTMENT UPDATE:**

Chief Strozewski gave the Board the following update:

- Discussed the air packs for the department. According to Chief Strozewski, they have decided to step back from the truck for the moment because they feel that new air packs is their top priority. They have looked at two vendors (MSA, Scott), and have decided



that MSA is a better fit for the department. The battery life is better, the mask fits better, there is less maintenance, a better warranty, a more comfortable and overall better fit, and ultimately costs less money. There would be an 8% increase in the price after October 1<sup>st</sup>. They also offered a two for one air bottle special which will end on October 28, 2022. Currently they are looking at a twelve-week turnaround when they are ordered.

Upon a motion made by Trustee McCormick and seconded by Trustee Hoffmann, the Board authorized Chief Strozewski to negotiate with the company to secure the best price of the product. Trustee Batzel will assist in the negotiation to help extend the October 1<sup>st</sup> rate increase. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

A second demonstration of the MSA air packs will be held on October 17<sup>th</sup> at 7pm. Chief Strozewski invited the Board to stop in for the review.

Mayor Freeman asked what the status is on the grant that was applied for. Chief Strozewski stated that there has been no word on grant awards and said that they applied for \$185,000. Mayor Freeman would like to find out if there is the ability to be reimbursed with grant monies if the Village fronted the money for the order. Chief said he would have to look into what the rules and requirements would be.

- Chief Strozewski discussed call volume for the department saying there has been an increase. They reviewed a few of the recent calls including a stove fire on Wadsworth Avenue. There has been a good turn out for crew members on these calls running usually with six to ten people on them.
- Golf tournament had a great turn out this year.

**CLERK UPDATE:**

The following items are updates from Clerk Randall:

- Provided- Email from Ashley Comeau- Holiday Spectacular- busy planning this year’s event. Noted the skating rink. Ashley has also put in a request for two people to attend the Liv.Co. Destination Conference to be held 10/3 at a cost of \$70 total. Meeting pre-approved by Mayor & Deputy Mayor. This is for grant opportunity, community destination ideas, networking.

Upon a motion made by Trustee Zhe and seconded by Trustee Hoffmann, the Board approved attendance to the Livingston County Destination Conference for two people in the amount of \$70.00. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes



- Provided- copy of ad for building department position. Run in Pennysaver 9/16. Also provided, copy of ad for leaf pick up- to run in Pennysaver at the end of September. Leaf pick up will begin the week of October 17<sup>th</sup>, 2022, and will continue, weather permitting until December 23<sup>rd</sup>. Clerk Randall will ask the Fire Department if they can post it on the Fire Board as it gets closer to the start date.
- Proposed Local Law 2 of 2022- this is proposed to extend the moratorium of ground mounted solar and battery storage by a year. The previous law is set to expire October 4<sup>th</sup>, 2022. Clerk Randall recommends setting a public hearing for October 3<sup>rd</sup> to review the proposed extension.

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, the Board set a public hearing date of October 3<sup>rd</sup>, 2022, at 7pm to review proposed local law #2 of 2022, which will extend the moratorium of ground mounted solar and battery storage by one year. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

Clerk Randall will advertise the public hearing in the LCN as required.

- Provided- Complaint from Shawn Markham- 59 Genesee Street- according to Andy, he has been evicted since he brought in this complaint.
- Provided- proposed calendar for Village Board Meetings for 2023.

**MINUTES:**

Upon a motion made by Trustee Batzel and seconded by Trustee Hoffmann, the minutes from the September 6, 2022, meeting, were approved as submitted. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

**SEWER RATE ADOPTION: LOCAL LAW 1 of 2022:**

Upon a motion made by Trustee Hoffmann and seconded by Trustee Zhe, the Board opened the public hearing at 7pm by having Clerk Randall read the notice published in the LCN as required. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

Clerk Randall read the following notice:

### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held before the Village of Avon Board of Trustees of the Village of Avon on September 19th, 2022, at 7p.m. in Conference Room B at the Village Hall, 74 Genesee Street, Avon, New York on the following matter:

Proposed Local Law No. 1 of 2022 amending Local Law 2 of 2016, to increase quarterly sewer rents for all users, except those users who have individual agreements with the Village, to \$67.00 per quarter for each 2,000 cubic feet of water consumed and pro-rata charge for any portion of the last 2,000 cubic feet of water consumed. Any users with individual agreements with the Village shall be charged under the terms of the individual agreement.

The Village Board will, at the aforesaid time and place, hear all persons in support of this change or objections thereto. Persons may appear in person or by agent or attorney. A copy of the proposed local law is available for review at the Village Clerks office located at 74 Genesee Street, Avon, NY, from 8:00am to 4:00pm Monday through Friday.

Dated: August 15th, 2022

By Order of the Board of Trustees  
Village of Avon, New York

Thomas Freeman, Mayor

The Board reviewed the law that was proposed for the final time. The proposed law will change the current sewer rate from \$57.00 quarterly to \$67.00 quarterly. The proposed law reads as follows:

#### A LOCAL LAW AMENDING SEWER RENTS TO BE IMPOSED UPON PROPERTIES WITHIN THE VILLAGE OF AVON

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

##### Section 1. Purpose and Intent

The Board of Trustees of the Village of Avon (the "Village"), by Local Law 2 of 2016, Imposed sewer rents, effective August 1, 2016, at 57.00 per quarter.

NOW, the Village finds and determines that an increase in sewer rents is necessary to: Defray the costs and maintenance of the sewage treatment plant operated by said Village and to further enhance the health, safety, and welfare of its residents.

##### Section 2. New Sewer Rates



Effective February 1, 2023, the base quarterly sewer rents for all users, except those users who have individual agreements with the Village, shall be \$67.00 per quarter. In addition, all users except those users who have individual agreements with the Village, shall pay \$67.00 per quarter for each 2,000 cubic feet of water consumed and a pro-rata charge for any portion of the last 2,000 cubic feet of water consumed. Any users with an individual agreement with the Village shall be charged under the terms of the individual agreement.

Section 3. Amendment; Not Repeal

This Local Law shall only amend the sewer rates of Local Law 2 of 2016 as explained in Section 2 above. The remainder of Local Law 2 of 2011 shall remain intact and enforceable.

Section 4. Separability Clause

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to the other persons or circumstances, and the Board of Trustees of the Village hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

September 19th, 2022


\_\_\_\_\_  
 Heather Randall  
 Village Clerk

There was no public comment.

Upon a motion made by Trustee McCormick and seconded by Trustee Zhe, the Board adopted Local Law 1 of 2022 as presented, changing the sewer rate to \$67.00 effective February 1, 2023, and closed the public hearing at 8pm. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

**TRUSTEE UPDATE:**

-  BDP Municipal Finance (Donegan;s Office) provided an updated addendum letter to the Letter of Services they have on file for the Village of Avon for the Board’s review and records.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board acknowledged the updated addendum to the Letter of Services for BDP Municipal Finance. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

- ✚ Skate House at Avon Driving Park- Trustee Hoffmann provided a description of the repairs that need to be made on the skate house, which the Holiday Spectacular committee intends on refurbishing in order to use for ice skate donations to use with the ice rink. The committee plans to do the work themselves and requests the village to provide funding for the materials needed in the amount of \$3000.00.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board agreed to fund the materials needed in the amount of \$3000.00 as requested by The Avon Holiday Spectacular Committee. The motion was carried by the following vote:

Thomas Freeman, Mayor	Voting	Yes
William Zhe, Trustee	Voting	Yes
Tim Batzel, Trustee	Voting	Yes
Amanda Hoffmann, Trustee	Voting	Yes
Patrick McCormick, Trustee	Voting	Yes

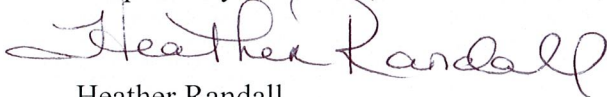
Trustee Hoffmann also asked Supt. Farrell if he can help her find a snow machine.

The Board briefly discussed ideas on how to become a “winter destination” stating that the ice rink, sledding hill and trails that promote snow shoeing and cross-country skiing are wonderful things to promote this winter season. Scheduled events on the weekends could also build up our reputation as place to visit.

- ✚ Trustee McCormick reviewed the meeting with Centrica held on September 15<sup>th</sup>. Centrica wanted to present current costs and savings for the project. This enabled them to discuss what parts of the project should be presented and included in the final scoping. Options were presented for review and discussion, along with several menu items that the Village may be interested in adding to the scope. Trustee McCormick stated that Centrica will be present at the October 3<sup>rd</sup> meeting to review the choices the Village has made, see if there are additional items needed or desired, and is hopeful that we can keep up the momentum continuing to move forward.

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

Respectfully submitted,



Heather Randall  
Village Clerk