

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 3rd, 2022.

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

Staff: Joseph Geer, Chief of Police
 Brian Strozewski, Fire Chief

Visitors: Dr. Ryan Pacatte, ACS Supt.
 David LeFeber, Town Supervisor
 Paul Drozdziel, Planning Board Chair
 John Barrett, Fmr DPW Supt.
 Bill Davis, MRB
 Greg McMahan, McMahan LaRue Associates, P.C.
 Richard Martin, River Street
 Ken Hobbins, Centrica
 Scott Clark, Centrica
 Ryan VanBlarcom, Centrica

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 Hoffmann and seconded by Trustee Zhe, the Board entered executive session at 5:30pm to discuss contractual issues, and the possible hiring of personnel. Invited into executive session was Clerk Randall, ACS Supt. Dr. Ryan Pacatte, Chief Joseph Geer, and Town Supervisor David LeFeber. 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 Hoffmann, the Board exited executive session at 5:52pm. 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 exiting executive session, the Board expressed that they would like to have Attorney Jake Whiting prepare an addendum for the contract for an additional SRO at the primary school

supplied by the Village Police Department and paid by the school at a rate of \$26.67 per hour. This is the current part time officer rate. This will be offered as a special assignment to all officers. The officers will be able to work this special assignment on their day off and will be paid directly by the school. Insurance will be worked out in the language of the addendum. Once complete, we will get the information to Dr. Pacatte.

Relationships with all officers in the department will grow with the students as they see the officers daily and establish continuity. Officers will attend SRO training as it becomes available. This will also give the school an opportunity to utilize an officer for special events if they choose to do so or is needed.

Trustee Batzel thanked Dr. Pacatte for working toward this second SRO position for the safety of the students. Dr. Pacatte reiterated that he is grateful to the Board, Chief Geer, and the Police Department for all of the support in getting this established.

VOUCHERS and MANUAL CHECKS:

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

#1-GENERAL FUND	\$21702.43
#4-SCHEDULE C	\$9904.39
#5-WATER	\$3168.38
#6-SEWER	\$12703.21
#TA00-TRUST & AGENCY	\$5071.73
TOTAL	\$52550.14

Electronic payments:

FED/NYS Taxes	p/r#22-19	\$16178.48
Nationwide Retirement	p/r#22-19	\$3155.66
Tompkins Community Bank	1% fee NG LOC	\$1900.00
Gen.Valley Ch. NYWEA	Annual Fall Mtg (Farrell)	\$50.00

TOTAL: \$21284.14

The motion was seconded by Trustee McCormick 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

SOLAR FIELD- ACS

The Board discussed with Dr. Pacatte the solar field located at the school. Supervisor LeFeber and Planning Board Chairperson Paul Drozdziel joined the discussion. Dr. Pacatte stated that the solar field has performed to approximately 82% of the projection for the project. The field has

changed ownership several times now, which has caused an issue with the maintenance of the facility. However, they feel that things are starting to get better. There are currently about 40 panels that need some sort of repair work. Members stated that the field is a bit of an eyesore and wonder if there is something that can be done to help. There have been no large solar projects in the Village, and the Board is looking to come up with a procedure/policy for when that will happen. What should be required? Supervisor LeFeber explained that the Town currently has 2 projects in the works, and they continually update their law in order to change with the industry. Planning Board Chairperson Paul Drozdzziel explained the uniqueness of the Village as we have agricultural land in the Village proper and we need to be prepared should someone wish to do a large-scale project. Mayor Freeman explained that the Board was holding a public hearing later that night to enact an extension to the ground mounted solar and battery storage law by a year in order to do the proper footwork to decide the best route for the Village. There will also be a joint meeting with the Village Board, Planning Board and Rob Richardson- Clean Energy Communities Coordinator for the Genesee/Finger Lakes Regional Planning Council held on October 24th, 2022, at 6pm to discuss ideas, drainage, and anything else that may come up.

RICHARD MARTIN & GREG MCMAHON- POLE BRIDGE ROAD SUBDIVISION, and REZONING OF PROPERTY

Mr. Richard Martin and Mr. Greg McMahon of McMahon LaRue Associates, P.C. attended the meeting in order to discuss and request final site plan approval from the Village Board for the Pole Bridge Road Subdivision. Mr. McMahon provided a brief description of the project explaining that the plan includes subdividing a 2.82-acre parcel into 6 lots for the purpose of building single family homes. The Planning Board approved a positive recommendation to the Village Board for the site plan, noting a few modifications. The Board reviewed and stated that they will have the attorney create a memorandum of understanding between the Village and Town for the sidewalks in the Town’s right of way as required. The Developer will be responsible for installing the sidewalks as each house is completed. Supervisor LeFeber is confident that the MOU will be accepted by the Town Board.

Upon a motion made by Trustee Hoffmann and seconded by Trustee McCormick, the Board approved the Martin Pole Bridge Road site plan based on the Planning Board’s positive recommendation and pending the receipt of the Memorandum of Understanding with the Town of Avon for sidewalks in the Town’s right of way. 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

Mr. Martin also wished to discuss the 3.2-acre parcel behind Salvatore’s. this land was previously zoned as commercial and in the rezoning structure adopted by the Village a few years ago, it was rezoned as agricultural. He would like to get it back to commercial and would like to know what he needs to do to start the process. Mayor Freeman referred him to the Planning Board with his map and a request for rezoning. After that, it would come back to the Village

Board, who has to hold a public hearing. Then they will vote whether to approve the rezoning request.

CENTRICA- STREET LIGHT COST PRESENTATION-

Mr. Ken Hobbins, along with Mr. Scott Clark and Mr. Ryan Vanblarcom, attended the meeting to provide the costs for the Street Light project and the options the Board has to choose from. The presentation provided showed that the financed cost after buyback and incentives would be approximately \$552,000. After the first year, there would be an estimated cost savings of \$65,000. Centrica proposed several ideas to upgrade to include the following:

- LED Street Lighting Village wide
- Circle Park fixture upgrades
- Decorative fixture replacement on Genesee Street

Options that are not included in the scope of the project but could be added on include the following:

- Another decorative fixture options
- Relocation of pole on West Main Street
- New pole in the Circle Park
- 8 additional fixtures on East Main Street
- Upgrades to municipal lot
- Village fixture upgrades
- Driving Park

After some discussion, the Board decided to review the menu items on their own, and drive around the Village in order to make a more calculated decision. The Board will be meeting on October 12th for a presentation and will vote on their choices then.

GVBA GRANT- John Barrett:

Former Supt. of Public Works John Barrett attended the meeting to discuss the GVBA grant and use of the funding. Since his retirement, Mr. Barrett has been assisting Treasurer Quinlan and GVBA with the use of funds for the Driving Park. The next item being worked on is a portable ADA compliant restroom. Mr. Barrett provided the Board with three options and made a recommendation to move forward with Montando Trailer. Montando Trailer is a local business (Buffalo, NY) is a 16'x8' handicap accessible hydraulic drop 3 station restroom. It has the largest waste tank and can be used four seasons. It should be winterized or stored away if not in use during the winter. They are looking at a cost of nearly \$70,000, hoping for availability by early next summer. Mr. Barrett would like to get the Board's approval to continue to move forward with this as we need to start preparing paperwork now and the Village generally fronts the money until the grant is awarded. All members of the Board agreed and encouraged Mr. Barrett to continue moving forward. They are confident in the grant reimbursement and the relationship the Village has with GVBA.

Mr. Barrett also stated that they are also looking to possibly upgrade the tractor with funds from the next grant.

MRB UPDATE:

Bill Davis of MRB gave the following update to the Board:

- Pebble Beach Rd PS – expect Pump station delivery around mid Feb, we have a change order expected for the electrical service upgrade from the relocated pole in the range of \$10K (John B presented), Contractor will need an extension due to the delay in obtaining the pump station and MRB will be working on this change order with the contractors (likely extension needed until July)
- WWTP UV disinfection – Nat Grid cannot upgrade existing service and does not want to touch it unless being replaced entirely. They are willing to provide separate service. MRB and Jadestone looked at an existing service just to serve the UV system (approx. \$200K) compared to a new service that could serve a future WWTP (over \$1 million). At this time, due to the uncertainty and the cost associated with an oversized electrical service; it is apparent the Village may want to budget and plan for the upsized service when more is understood about the future needs of the WWTP. It is likely that the SPDES limits will change and will lead to major improvement (or replacement) needs to the WWTP processes.
- Valve Vault project – design on going. Updated budget provided to the Village. Financial meeting to review scheduled for 10/7/2022.

DPW UPDATE:

Supt. Farrell was unable to attend but provided the following update to the Board electronically:

DPW Activity:

- Brush Pick up
- Poured concrete for sidewalk on Genesee St. & Lacy St.
- Poured concrete for picnic table pad at Erie Attica trail and placed table
- Poured concrete entrance into Pocket Park
- Installed Dead End sign at South end of Temple St.
- Stake outs called in for tree work on Genesee St. & rest of trees
- Stake out called in for sidewalk work on Spring St.
- With rain this last week cleaned up around shop
- Worked on 1 of John Deere zero turn mowers pulled engine (3 of 4 motor mounts bolts broke off, extracted bolts out of engine block and repaired broken exhaust) mower back together
- Prepped road cuts from water leaks for black top

Water

- Water break on Genesee St.
- Working with Springbrook software & Badger meters to get new meter reader to work with software (old reader still limping along).
- Installed electric meter backer board at pump station

Next 2 weeks

- Repair (black top) road cuts from water leaks
- Work on Installing trees
- Start on sidewalk work Spring St.

- Assist Mike Rink with antenna wire

Erie Electric Change Order- at the 9/19 meeting, a change order was presented to the Village Board for electrical service modifications due to a pole relocation in the amount of 26115.44. John Barrett presented a modified change order in the amount of \$10599.16. He was able to negotiate changes in order to lower this dollar amount and asked the Board to vote to accept the new change order.

Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, the new change order in the amount of \$10599.16 from Erie Electric for electrical service modifications due to the pole relocation was accepted. 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 was unable to attend but 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...response back to Ken from one of the three NYS certified MWBE paving companies. Will be comparing MWBE price vs. County bid price.
- 2019 GVBA grant...John, Ken, Jon Bates and I reviewed three portable restroom quotes...preferred vendor to be shared with GVBA at their 10/12/22 meeting. Meanwhile working on grant paperwork for submission to NYS Ag for approval.
- 2018 GVBA grant ideas discussed with John, Ken, Jon Bates and I. Team working on obtaining pricing estimates.
- NYS retirement deductions still need to be corrected.
- The Board needs to determine additional use(s) of the ARPA funds.
- PTNY Bike-Around Assessment insight report attached for your review.
- 98% of taxes collected to date with approximately \$28K outstanding. Turning over to County by 10/7/22.
- Graffiti on both Avon murals reported to APD on 9/15/22. Artist didn't come out to apply anti-graffiti sealant & addition to donor wall as promised. Board send letter to artist?

New

- GTSC seatbelt grant reimbursement and progress report submitted on 9/21/22.
- Final progress report for Letchworth Gateway Villages grant filed on 9/26/22.
- National Grid checklist items for streetlight closing submitted on 9/15/22. Revised certificate of insurance and workers comp self-insurance letter submitted to National Grid on 9/28/22.

- NYS DEC grant progress report submitted on 9/29/22.
- NYMS-TA extension request letter with attachments submitted on 9/30/22 (see attached).
- Pocket Park timber structure to be raised on 10/7/22 with the tongue and groove shortly thereafter. Roof scheduled for mid-Oct.
- GTSC regular enforcement reimbursement and progress report submitted on 9/30/22.

POLICE UPDATE:

Chief Geer was unable to stay but asked Clerk Randall to present the following update:

- Last DOT check for the year to be held this Friday.
- Chief Geer will be in Albany Friday for the NYS Chief’s Board of Directors meeting.

FIRE DEPARTMENT UPDATE:

Chief Strozewski gave the Board the following update:

- The Fire Department will be working with the school on an evacuation drill Thursday 10/6. Students will evacuate the school and walk to the Fire Department.
- Chief Strozewski updated the Board on the air pack quote. At the previous meeting, the chief stated that there was an original quote for MSA Air Packs in the amount of \$194,090.00. This included 20 packs, 40 carbon wrap cylinders, 20 face pieces, a bank charger for rechargeable batteries, 6 rechargeable batteries, and 2 adapters. The Board encouraged Chief to see if he could continue to negotiate the price. The Chief provided an updated quote which included the above listed items, plus the following: a regulator kit (4), transfill hose with pouch (4), Zico High Cycle Clips (10) in an amount totaling \$175,486.00.

Upon a motion made by Trustee Hoffmann and seconded by Trustee McCormick, the Board accepted the quote for the MSA Air Packs totaling \$175,486.00. 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

The department will put the old packs up for sale. The MSA rep will help the department facilitate the sale.

- New member- Chief Strozewski requested the Board review and accept the application of potential new member Jacob Towsley at the recommendation on the department.

Upon a motion made by Trustee McCormick and seconded by Trustee Hoffmann, the Board accepted the application of Jacob Towsley as the newest member of the fire department. 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 UPDATE:

The following items are updates from Clerk Randall:

- The Board received a proposed 2023 budget for the Conesus Lake Watershed Council.
- The Board received a copy of an email from the Holiday Spectacular Committee. The email stated that the official time for the Spectacular will be 3pm-8pm on December 3rd, 2022, and a list of confirmed events to be held.
- The Board received a copy of the Avon, NY Bike Around Insight Report.
- Deputy Clerk Margiotta provided copies of letters mailed to stall renters requesting updated insurance certificates.
- A copy of the Avon Chamber minutes was provided to the Board.
- A complaint was received by the Village Board in regard to election signs in the Village. The complaint was given to the Code Department.
- The 2023 Meeting Calendar was reviewed by the Board. The dates were accepted. Clerk Randall will put the calendar on the website.
- Clerk Randall discussed training provided by Genesee/Finger Lakes Clean Energy Communities in November available to staff. Registration is available online.
- Progress meeting minutes on the Pebble Beach Pump Station project provided.
- Draft of the updated code book is available for review.
- Important dates for October are as follows:
 1. Oct.12-7pm- Joint meeting with the Town of Avon, Water Works Committee, & LCWSA to discuss the Leicester/York Regional Water Supply Project.
 2. Oct.17-7pm- MSA air pack demo with the Fire Department
 3. Oct.24-6pm- Joint meeting with Planning Board and Mr. Rob Richardson to discuss solar opportunities.
 4. Oct.25-6pm-Tentative joint meeting with the Town of Avon. Clerk Randall will confirm with the Town Board if the date works for them.

MINUTES:

Upon a motion made by Trustee Hoffmann and seconded by Trustee Zhe, the minutes from the September 19, 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

MORATORIUM EXTENSION OF GROUND MOUNTED SOLAR AND BATTERY STORAGE: LOCAL LAW 2 of 2022:

Upon a motion made by Trustee McCormick 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 Board of Trustees of the Village of Avon on Monday, October 3, 2022, at 7:00 p.m. at the Village Hall, 74 Genesee Street, Avon, New York on the following matters:

A local law extending the one-year moratorium on ground-mounted solar projects and battery storage an additional year.

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 19, 2022

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

The proposed law is as follows:

LOCAL LAW NO. 2 OF 2022

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

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 previously, and was adopted by the Village Board October 4th, 2021,

NOW, THEREFORE, based upon the prior recommendation of the Village Planning Board, as of the date this Local Law is approved by the Village Board, there shall be an extension of one-year to the moratorium on installation or placement of ground-mounted solar projects and battery storage within the Village of Avon to expire October 4, 2023.

October 3rd, 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 2 of 2022 as presented, extending the moratorium by one year to expire October 4, 2023, and closed the public hearing at 8:30pm. 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

COURT AUDIT RESOLUTION, 2022:

Trustee Zhe completed the court audit for 2022 on September 21, 2022. The records have been examined and the fines therein collected have been turned over to the proper officials of the Village of Avon as required by law.

Upon a motion made by Trustee Batzel, and seconded by Trustee Hoffmann, the Board accepted the Court Audit as presented by Trustee Zhe. 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

EXECUTIVE SESSION:

Upon a motion made by Trustee McCormick and seconded by Trustee Hoffmann the Board entered executive session at 8:30pm in order to discuss the employment history of a particular person or corporation leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation. 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 Batzel and seconded by Trustee Hoffmann, the Board exited executive session at 8:52pm. 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 Batzel and seconded by Trustee Hoffmann, the Board appointed Andy Anderson to the position of Code Enforcement Officer through March 31st, 2023. 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 Batzel and seconded by Trustee Hoffmann, the Board agreed to increase Code Officer Anderson’s rate of pay by \$1200.00 per month through March 2023. 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

ADJOURNMENT:

Upon a motion made by Trustee McCormick and seconded by Trustee Hoffmann, the Board adjourned at 9:17pm. The motion was carried by a unanimous vote.

Respectfully submitted,

Heather Randall
Village Clerk