

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 17, 2022.

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

Staff: Ken Farrell, Supt. of Public Works
 Chis Quinlan, Treasurer
 Bill Davis, MRB

Visitors: Ken Hobbins, Centrica
 Edward Forsythe, Sackett Road

Mayor Freeman called the meeting to order at 6pm and began with the Pledge of Allegiance.

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	\$41385.22
#4-SCHEDULE C	\$6280.96
#5-WATER	\$14480.64
#6-SEWER	\$11057.27
#TA00-TRUST & AGENCY	\$931.32
TOTAL	\$74135.41

Electronic payments:

FED/NYS Taxes	p/r#22-20	\$15119.09
Nationwide Retirement	p/r#22-20	\$3121.85
Gen.Valley Ch. NYWEA	Application for Grd 2 test For Sam Rugg	\$150.00
Velocity Gun Works, LLC	Ammo	\$3224.86
TOTAL:		\$21615.80

The motion was seconded by Trustee Hoffmann 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

CENTRICA- STREET LIGHT COST PRESENTATION-

Mr. Ken Hobbins attended the meeting to review the Board’s final choices for the streetlight project. The final scope of the project will upgrade National Grid owned SL fixtures, 70 Village owned post top fixtures, upgrade municipal lot, and add 4 lights on East Main Street. There will be \$75,000 held in contingency. The Village fixture upgrade (6 lights in Milex parking lot) will be taken out of the contingency money (\$6228.00) along with 4 poles at the WWTP (\$3461.00) that will leave \$65311.00 in the contingency. The financed amount for the project will be \$593,559.00.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board agreed to the project and amount, and authorized Mayor Freeman to execute the contract when it is received from Centrica. 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

MRB UPDATE:

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

- Pebble Beach Rd PS –delivery around mid Feb. MRB is prepping contract extensions (out to July). Supt. Farrell stated that the pole has been switched over and original pole removed.
- WWTP UV disinfection – Design is complete. The electrical service is a big thing that we are currently waiting on from National Grid. The new service should be included in the project, and MRB is working on getting the finance application in. We are heading in the right direction.
- Valve Vault project – Bond resolution provided for the Board’s approval.

VALVE VAULT BOND RESOLUTION:

The following was presented to the Board for review and approval:

At a meeting of the Board of Trustees of the Village of Avon, Livingston County, New York, held at the Village Offices in Avon, New York, on the 17th day of October 2022:

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

ABSENT: None

Trustee Batzel presented the following resolution and duly moved that it be adopted and was seconded by Trustee Zhe:

BOND RESOLUTION DATED OCTOBER 17, 2022 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF AVON, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of water system capital improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on June 6, 2022, has duly adopted a negative declaration with respect to the unlisted action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF AVON, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Avon shall undertake the construction of water system improvements, to include the installation of new water distribution piping at the 2 Million Gallon Water Storage Tank and along Reservoir Road to connect to existing water distribution piping, and the construction of two above-ground enclosures to house new specialty valves critical for conveying water to the Village's water distribution system, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$950,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$950,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Avon.

Section 7. The faith and credit of the Village of Avon, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Avon together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested

only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Avon, pursuant to Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted, and the following votes were cast:

<u>AYES</u>	<u>NAYS</u>
5	0

STATE OF NEW YORK }
 } ss:
 COUNTY OF LIVINGSTON }

I, the undersigned clerk of the Village of Avon, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Village Board of Trustees of the Village of Avon, Ontario County, State of New York, was held on October 17, 2022, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Village Board of Trustees.

2. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extract.

3. Said Minutes correctly state the time and place when said Meeting was convened and the place where such meeting was held and the members of said Board who attended said Meeting.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, as modified by the Governor's COVID-19 Executive Orders, if applicable, and that all members of said Village Board of Trustees had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Village of Avon this 17 day of October 2022.

Village Clerk
Village of Avon

The permissive referendum will be placed in the LCN as required.

DPW UPDATE:

Supt. Farrell provided the following update to the Board:

DPW Activity – past weeks

- Brush Pickup is complete for the season.
- Installed conduit for Mike Rink at 2 million tank & dug out a pad and put in gravel for his building.
- Finished blacktopping road cuts from water breaks.
- Cleaned up around pocket park (gravel from pouring concrete).
- Cleaned gutters at hay storage barn & gutters on bar screen building WWTP
- Asst with electric service at Pocket Park.
- Worked on leaf machine prepped for season (oil change, new suction & discharge hoses replaced).
- Hauled manure from horse barn.
- Started working on sidewalk on Spring St. (removed old fire hydrant which was out of service).
- Pulled flower pots off of RT.5&20(around Circle Park)
- Serviced equipment.
- Cleaned up debris from Skate House at Driving Park.

Water

- Cleaned up plant for Water Inspection.
- Worked with Badger Meter and Springbrook to get new handheld reader ready for next water reads.

Wastewater

- Cleaned and put Sludge trailer away for winter.
- Cleaned out 1 drying bed.

Next 2 weeks

- Start leaves.
- Continue to work on sidewalk from River St. to Hoffmann's driveway.
- Finish planting trees (last stake outs all called in).
- Water Plant Inspection Livingston County Department of Health.

Other

- The heaters at Deputy Clerk Margiotta's desk and in the police office are not working. We have called VanHook Heating, who has been out many times. Supt. Farrell recommends replacing both units for \$2920.75 each, based on the replacement quote provided by VanHook. The Board agreed and stated that the funds can come from the building's maintenance budget.

- Pocket Park-Supt. Farrell is getting quotes for fencing around the structure, which is up. Electric has been installed.

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...response back to Ken from one of the three NYS certified MWBE paving companies. Will be comparing MWBE price vs. County bid price.
- 2018 GVBA grant...GVBA Board approved recommended portable restroom vendor and paving at their 10/12 meeting. Working on grant paperwork including MWBE waiver for submission to NYS Ag for approval.
- 2019 GVBA grant ideas w/pricing discussed with GVBA at their 10/12 meeting. GVBA Board agreed to proceed with grant but not particular projects yet.
- 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 recommendations follow-up by whom? It was suggested that Trustee McCormick bring the request to the Planning Board for a member to help with this, along with a member of the parks commission.

New

- 98% of taxes collected to date with approximately \$28K outstanding. Turned over to County on 10/7.
- Pocket Park timber structure and roof were completed on 10/11 and 10/14 respectively. The bills for these payments have been submitted for approval tonight.
- Mural artist was here on 10/11...painted over the graffiti, added additional donor, and applied anti-graffiti sealant.
- AHS Art Teacher going to try to color match for other mural's graffiti.
- LivCo First Impressions grant submitted on 10/11.
- Third quarter FED & NYS tax reporting completed & submitted on 10/14.
- Completed Excellus Annual Group Information Form & submitted on 10/17.

POLICE UPDATE:

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

- Officer Moran has accepted a full-time position with the Monroe County Sheriff's Department. His last day with the department will be Friday October 22, 2022.
- Chief Geer has a Halloween detail set up for October 31st.

SRO CONTRACT:

The Village Board has reviewed the second SRO Contract that has been provided by Attorney Jake Whiting for approval. Upon review, the Board agreed that they were satisfied with the contract and requested that it be forwarded to Supt. Ryan Pacatte for review and approval.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board authorized Mayor Freeman to execute the proposed second SRO contract for an additional officer at Avon

Central School, tentative upon the acceptance of the contract by Supt. Pacatte. 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 supply the signed contract to ACS for review and approval.

AIR PACK FUNDING- FIRE DEPARTMENT

At the October 3rd meeting, the Board approved the quote for the MSA Air packs. Tonight, Treasurer Quinlan reviewed with the Board the funding for them.

Upon a motion made by Trustee Batzel and seconded by Trustee Hoffmann, the Board agreed that the funding for the air packs would be distributed among the following- \$120,000 taken from debt service bond proceeds, and the remaining balance be split evenly between the equipment reserve fund and ARPA. 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

GVBA BILL OF SALE:

Treasurer Quinlan reviewed the GVBA grant projects the Village has been working on with them cooperatively. The Breeder’s Association is the grant recipient, but they do not want to own anything. Attorney Whiting has prepared a bill of sale for structures that have been built and equipment that has been purchased that allows the Village to purchase all for \$1. The bill of sale has been sent to GVBA for review and once accepted by them, the Board can accept it.

CLERK UPDATE:

The following items are updates from Clerk Randall:

- **Christmas Tree Bids-** Clerk Randall sent out 14 letters to local tree farms requesting bid for Village Trees and a notice to LCN that will run in the October 20th publication. Bids will be due back to the Village by November 4th and the bid will be chosen by Board at the November 7th. meeting. Trees will be to be delivered to the Village on Monday Nov. 28th.
- Received notification from Livingston County First Impressions Program 2022-Winter session that the Village was awarded \$1500.00 for a project with the scope of work to include a Christmas tree and lights. The Board has been asked to accept the award by executing the required paperwork.

Upon a motion made by Trustee Batzel and seconded by Trustee Zhe, the Board accepted the grant award in the amount of \$1500 for the Pocket Park tree and bistro lights and

authorized Mayor Freeman to execute the required paperwork. 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 Cancer Benefit Renewal for 2023:** Cancer Benefit renewal for 2023 is coming due. Our insurance company has provided the renewal rates for the coming year. Updates to the policy includes the following:

- Must include both interior and exterior fire fighters, and inactive members for 5 years

- Must choose statutory (required by NYS) or enhanced rider (includes all cancers.)

The department currently has 31 active members (up from 19 last year to include exterior firefighter). The rates for active members are as follows:

- w/o rider- 31x\$120= \$3720.00

- w/rider-31x\$165=\$5115.00

There are currently 6 inactive members that are required to be covered.

- w/o rider-6x\$106=\$636.00

- w/rider-6x\$145=\$870.00

Upon a motion made by Trustee Batzel and seconded by Trustee Hoffmann, the Board accepted the renewal rates for the cancer benefit for the fire department and included the rider for all active and inactive members for a total of \$5985.00. 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

- **Memorandum of Understanding-** Attorney Whiting provided a memorandum of understanding for sidewalks in the Town of Avon right of way for the Martin Subdivision for review and approval. It has also been sent to the Town of Avon for approval.

Upon a motion made by Trustee Zhe and seconded by Trustee Hoffmann, the Board accepted the memorandum of understanding and authorized Mayor Freeman to execute the document. 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

- Barilla Notice of Entry, Stipulation of Settlement and judicial order was provided to the Board and has been sent to Attorney Whiting.

- Special Meeting notices provided. (See important dates.)
- **Important Dates:**
 1. October 17th, 7pm- MSA Air pack Demo w/ Fire department 7pm
 2. October 24th, 6pm- Joint meeting with Village Board, Planning Board and Rob Richardson- Solar discussion (notice provided)
 3. October 25th, 6pm-Joint Meeting with Town of Avon (notice provided)

MINUTES:

Upon a motion made by Trustee Zhe and seconded by Trustee Hoffmann, the minutes from the October 3, 2022, meeting minutes 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

JENCAP PROPOSAL-CYBER SECURITY INSURANCE QUOTE:

Village office staff has been working with Hurricane Technologies to implement more aggressive security in light of recent hacking and phishing scams in municipalities around NYS. The Village has already been doing security awareness training and phishing simulations this year and Hurricane has reviewed and moved forward with enhancements such as the SonicWALL Security Appliance with Total Secure Subscription, and Content Filtering, which has been enabled. FastVue Reported has been set up to allow for reviewing live and historical network traffic and receive alerts of threats. The computers have layers of protection as well as on the server and all accounts have a multifactor authentication enabled. This has helped our insurance company find the best policy for our municipality.

We received the recommended policy from Livingston Insurance, who provided the proposal from JENCAP in the amount of \$2827.94. The Board discussed the importance of cyber security insurance coverage, especially in this time of cloud-based storage and electronic communications and agreed to move forward with the policy.

Upon a motion made by Trustee McCormick and seconded by Trustee Hoffmann, the Board agreed to the cyber security insurance quote provided by JENCAP in the amount of \$2827.94. 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 Zhe and seconded by Trustee Batzel, the Board entered executive session at 7:10pm to discuss contractual obligations. 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 7:20pm. 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 Hoffmann and seconded by Trustee Zhe, the Board- after review and discussion of the modified loan agreement with Avon on the Green- agreed to accept the submitted modified loan agreement. The payment will remain the same and extend for an additional 10 years. The Board asked to have added to the agreement an understanding that the financials will be provided to the Village for review every three years. 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 7:25pm. The motion was carried by a unanimous vote.

Respectfully submitted,

Heather Randall
Village Clerk