

A meeting of the Board of Trustees of the Village of Avon was held in the Whitney Room of Village Hall, 74 Genesee Street, Avon, New York, on May 15, 2023. The Town of Avon Board joined the meeting at 7pm for updates and discussion.

Present: Thomas Freeman, Mayor David Lefeber, Town Supervisor
 William Zhe, Trustee Tom Mairs, Deputy Supervisor
 Tim Batzel, Trustee Paul Drozdziel, Councilman
 Amanda Hoffmann, Trustee Jim Harrington, Councilman
 Malachy Coyne, Councilman

Staff: Christine Quinlan, Treasurer
 Ken Farrell, DPW Supt.
 Bill Davis, MRB
 David Piampiano, Fire Chief

Absent: Patrick McCormick- Trustee

Visitors: Edward Forsythe, Sackett Road

Mayor Freeman called the meeting to order at 6:00pm and began with the Pledge of Allegiance.

VOUCHERS and MANUAL CHECKS:

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

#1-GENERAL FUND	\$40554.98
#4-SCHEDULE C	\$4733.53
#5-WATER	\$9728.56
#6-SEWER	\$23634.54
#TA00-TRUST & AGENCY	\$1151.64
TOTAL	\$79803.25

Electronic payments:

Fed/NYS Taxes	p/r 23-09	\$13788.96
Nationwide Retirement	p/r 23-09	\$3142.98
	TOTAL:	\$16931.94

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	Absent

DPW UPDATE:

Supt. Farrell provided the following update to the Board:

DPW Activity- past weeks:

- Prepped for sidewalk concrete Driving Park.
- Poured concrete, Driving Park.
- Worked on Gazebo at Driving Park. (Back on new concrete pad, need to fix a couple of post on Gazebo due to rot, then we will bolt to concrete).
- Working on restoring excavated spot though out Village
- Order trees from Northern Nurseries. (Delivery date is 5/19)
- Ran sewer on Wadsworth Ave & Genesee St. behind stores to South Ave.
- Worked on equipment, pull behind roller & took all salt/snow equipment out /off trucks.
- Volunteers for Arbor Day/ Earth Day put mulch around trees in Circle Park.
- The fence at Pocket Park is finished.

WWTP

- Clear dying bed
- Tom, Sam, John & Ken met with Kraft’s interim Manager & staff regarding the operation of the new equalization tank. A letter was sent to them regarding the meeting. (See attached)

Water

- Hydrant flushing
- Pump Station Internal Electrical panel is being shipped. Should have tracking information tomorrow.

Next 2 weeks

- Continue sidewalk at Driving Park. (Another pour is scheduled for Wednesday)
- Work on Memorial Day set up/cleanup.
- Work on Gazebo
- Prep for Horse Show at Track. (Roll infield)

Driving Park Lights- Supt. Farrell stated that Snyder Electric can do the electric and buy lights at a cost of \$1700.00, while Centrica gave a price of \$3500.00. Supt. Farrell said that they will do the lights themselves.

Lawn Mower Purchase Order- Supt. Farrell presented a purchase order for approval from C & B Small Engine Repair for an ISX3300 HP B&S Vanguard “Big Block” at \$17,999 with a buy board discount in the amount of \$3059.83. The total amount due is \$14939.17.

Upon a motion made by Trustee Batzel and seconded by Trustee Hoffmann, the Board approved the purchase order. 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	Absent

The permissive referendum has already been published in the LCN as required.

CHIPS Project- Supt. Farrell discussed and requested the Board to open a CHIPS project in the amount of \$68,000 for the milling and paving of Hosmer and Collins Streets.

Upon a motion made by Trustee Batzel and seconded by Trustee Hoffmann, the Board opened a CHIPS project in the amount of \$68,000 for the milling and paving of Hosmer and Collins Streets. 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	Absent

The Board briefly discussed the roads in Avon Commons, specifically near Amalfi. Mayor Freeman asked if we should reach out to the developer to find out what the intention is. After discussion, the Board agreed that the mayor should reach out to Attorney Whiting to further the conversation.

Finally, Supt. Farrell says he has a bid for a dump truck and is waiting to receive the second bid. For a base model, the cost is approximately \$270,000. Trustee Zhe suggested that we use ARPA funds for this purchase. Supt. Farrell hopes to have a more specific price for the next meeting.

FIRE DEPARTMENT UPDATE:

Mayor Freeman welcomed newly elected Fire Chief David Piampiano to the meeting. The Chief discussed with the Board his ideas for moving the department into the future. He explained some of the difficulties trying to get members trained as sometimes schedules and training that is offered do not coincide. However, he still sees good things happening in the department and looks forward to the coming year.

Chief Piampiano expressed his desire to better the relationship between the Village and the East Avon departments, and also improve the communication with the Board as well.

During the discussion, the Board asked about compliant gear. This was an eyeopener for the Board during the review of the Fire Department budget and they wanted to get a better understanding of the requirements. The chief explained that all interior firefighters need to have compliant gear in order to work fires and train. Gear falls out of compliance after approximately 10 years and can be used for new volunteers to start their training. However, once you go down the path to become an interior firefighter, all gear must comply per NYS regulations. There are a few firefighters in the department this year who need new gear. The desire is to get into a cycle where we replace a few on an annual basis in order to limit the continued rising costs.

To conclude, Clerk Randall administered the Oath of Office and had Chief Piampiano sign the Oath Book for his term.

TREASURER UPDATE:

Treasurer Quinlan provided the following update to the Board:

- Gathering cost estimates for 2019 GVBA grant.
- The Board needs to determine additional use(s) of the ARPA funds.
- Awaiting a response from National Grid re: streetlight bill charges.
- Continued review of IT policies w/Shawn Petti, Hurricane Technologies. Future Board approval.
- Heather working on reporting salary & contributions as our former employee does want to retire from NYS.
- Attorney Whiting responded to NYPA re: outstanding invoice. No response from NYPA yet.
- Awaiting response from NYS Parks re: modified project and budget for Five Arch Bridge.

New

- Received GVTT grant award notification for wayfinding signage and hitching posts on Erie-Attica Trail.
- Providing additional information to Standard & Poor’s for credit rating.
- Attending WIIA/IMG webinar on 5/16.
- Attending 2024 Solar Eclipse presentation on 5/24.
- Attending CWSRF & DWSRF IUP webinar on 5/25.
- Attending Liv Co Main St. LLC presentation on 6/12.
- Streetlight project update.

Treasurer Quinlan provided to the Board the GVBA Grant purchase orders for approval. The Purchase orders were as follows:

1. Doug Carman- Install 200-amp service, lights, receptacles, switches, and feed to service \$13,560.00.
2. Montondo Trailer-Specialty trailer- \$67495.00
3. Spallina Materials- milling and blacktop- \$38237.58

These have all been reviewed previously and Treasurer Quinlan is comfortable with these purchase orders.

Upon a motion made by Trustee Zhe and seconded by Trustee Hoffmann, the Board accepted the GVBA grant purchase orders for payment as submitted by Treasurer Quinlan. 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	Absent

Finally, Treasurer Quinlan received a request from Maureen Wheeler, Deputy Director of Livingston County Economic Development for the Villages support in their application to the

Northern Boarder Regional Commission Catalyst Program to obtain funding to begin the implementation of the Livingston County Wayfinding Master Plan. The expense would amount to \$224831 for the Village, which would include vehicular directional signage, pedestrian wayfinding signage, and parking signage. This would be covered by the grant and there is no match required, however, a letter of support would be advantageous.

Upon a motion made by Trustee Hoffmann and seconded by Trustee Zhe, the Board authorized the execution of a letter of support for Livingston County Economic Development’s application to the Northern Border Regional Commission Catalyst Program. 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	Absent

BUDGET ADJUSTMENTS:

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the following budget adjustments were approved as submitted by Treasurer Quinlan. These adjustments are for ARPA monies allocated to the police vehicle accessories, SCBA and BLSFR programs, and the tourism grant match. 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	Absent

Increase	A4089	Federal Aid	\$60,547.05
Increase	A3120.2	Police- Eq.	\$17,329.66
Increase	A3410.2	Fire Dept-Eqt.	\$27,743.00
Increase	A3410.4	Fire Dept- Misc	\$12,474.39
Increase	A7550.4	Celebrations- Misc	\$3,000.00

CODE ENFORCEMENT UPDATE:

Code Officer Anderson provided the following update electronically:

- Responses to certified letters as follows:
 - Anthony Longo- Wadsworth- spoke to resident 5/8 cleaning up. Andy set to reinspect 5/23
 - Theresa Baldassare- Macaroni Factory- spoke to Catherine Schollnick (daughter) today 5/15 and gave her until 5/31 for complete cleanup of the property as there have been several conversations over the past year. June 1st, Andy will issue a citation which will go to Jake for prosecution (fine up to \$250- or 15-days imprisonment)
 - Scott Sutherland- Linden Street- no response as of 5/15/23 no certified card returned stating it was received or letter returned unclaimed.

- Dick Lyttle- Linden Street- spoke 5/11- provided name/address of owner of car. Andy sent a certified letter to the owner of the car today 5/15/2023.
- Responses to Regular Mail as follows:
 - Avon Town Plaza- Peter Tamoutselis- spoke 5/10- parking lot repairs have been scheduled and are almost complete. Will inspect repair work week of 5/22.
 - James Root- River Street-spoke 5/10- will reinspect 5/25/23.
- Sent 2 letters to residents (car as referenced above), and 380 North Ave- Michael Zane for property maintenance.
- Permit inspections ongoing
- Fire Inspections- completed 142 Genesee Street (rental prop) and Avon Town Plaza (all storefronts)
- Meeting with Bob Alexander 5/25
- Will provide current list of permits at the first meeting in June.

POLICE UPDATE:

Chief Geer was unable to attend, but provided the following update to the Board electronically:

- The Special Olympics Torch Run went well.
- Ready for the Memorial Day Parade and ceremony.
- All of the information for the background check for Officer Kendall Mitchell has been completed. Chief Geer asked the Board to approve his hire as part-time non-civil service. He will start his FTO next Monday and should be on his own by July.

Upon a motion made by Trustee Hoffmann and seconded by Trustee Batzel, the Board approved Officer Kendall Mitchell as a part time non-civil service hire for the police department to begin his FTO training on Monday, May 22nd. 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	Absent

- Chief Geer also asked for the approval of the Board to rescind an offer of conditional employment previously approved as the potential candidate was unable to fulfill the requirements for academy entrance.

Upon a motion made by Trustee Zhe and seconded by Trustee Hoffmann, the Board approved Chief Geer’s request to rescind the conditional offer of employment as the candidate was unable to fulfill the requirements for academy entrance. 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	Absent

CLERK UPDATE:

The following items are updates from Clerk Randall:

- Trustee Zhe will be meeting Court Clerk Cullinan on Tuesday May 16th to complete the annual court audit. Once complete, the Board will accept the audit at the next meeting, and the audit will be sent to the Audit Unit as requested.
- Destruction of records- water/sewer payment stubs from 2015-2017. Bank receipts for A fund, C fund, F fund G fund 2015-2016.
- Received 2023 assessment notification for 2 properties-
 - Pocket Park-2022-\$20500 2023-\$46800 (increase \$26300)
 - Farmers Road (2.3 acres) 2022-\$26300 2023-\$76300 (increase \$50000)
 - Grievance Day is May 24th
- GLOW Region upcoming Event- Paint Collection- Saturday June 10th in Pavilion- Appointments are required.
- The Tom Moran Memorial Golf Tournament will be held this year on August 5, 2023. Sponsorship information is available for those interested. Proceeds this year will go to support the Ronald McDonald House.
- Clerk Randall reminded everyone that the Village will be closed on Monday May 29th, 2023, for the Memorial Day holiday.

MINUTES:

Upon a motion made by Trustee Hoffmann and seconded by Trustee Batzel, the minutes from the May 1st, 2023, 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	Absent

PUBLIC HEARING- SPECTRUM FRANCHISE AGREEMENT RENEWAL:

Upon a motion made by Trustee Hoffman and seconded by Trustee Batzel, the Board opened the public hearing at 7:00pm. Trustee Zhe read the following notice, published in the LCN as required:

LIVINGSTON COUNTY

NOTICE OF PUBLIC HEARING

For the approval of a Cable Television Agreement between Spectrum Northeast, LLC and the Village of Avon

PLEASE TAKE NOTICE that the Village of Avon will hold a Public Hearing on Monday May 15th, 2023, at 7 p.m. at the Avon Village Hall, 74 Genesee Street Avon, NY regarding granting a cable television franchise agreement by and between the Village of Avon and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications.

A copy of the agreement is available for public inspection during normal business hours at the Village Clerk’s Office, 74 Genesee Street, Avon, New York. At such public hearing, all persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement, if necessary.

Dated: April 17, 2023 By Order of the Board Village of Avon

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	Absent

Clerk Randall stated that the new agreement, along with the old agreement was reviewed by Attorney Whiting, who said he had no issues with the contract and recommended the Board move forward.

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the Board closed the public Hearing at 8:05pm. There were no comments from the public. 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	Absent

Upon a motion made by Trustee Zhe and seconded by Trustee Batzel, the Board accepted the renewal contract with Spectrum. 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	Absent

The following resolution will be provided to Spectrum:

SPECTRUM FRANCHISE AGREEMENT RENEWAL:

STATE OF NEW YORK

Village of Avon

County of Livingston

In the Matter of the Granting of a Cable Television Franchise Held by **Spectrum Northeast, LLC** in the **Village of Avon, County of Livingston, New York**

RESOLUTION

An application has been duly made to the Board of the **Village of Avon, County of Livingston**, New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Avon Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Village of Avon, New York on May 15th, 2023, at 7:00 P.M. and notice of the hearing was published in the Livingston County News on May 4th, 2023.

NOW, THEREFORE, the Board of the Village of Avon finds that:

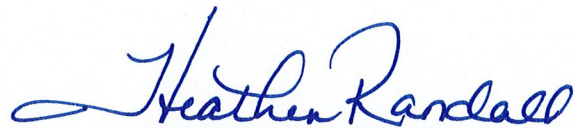
1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the **Village of Avon** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Village of Avon** for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the **Village of Avon** hereby confirms acceptance of this franchise renewal agreement.

The foregoing having received a yes vote was thereby declared adopted.

Dated: May 15, 2023.



Village of Avon Clerk

JOINT MEETING WITH TOWN OF AVON:

Mayor Freeman welcomed members of the Town Board into the meeting at 7pm in order to discuss common business.

- Bill Davis of MRB also joined and provided the following update for both the Village and Town:
 - Pebble Beach Road Pump Station is still awaiting some electrical components before the pump station can be started up.
 - WWTP disinfection project is almost ready for bidding. MRB is addressing NYS DEC/NYS EFC comments.
 - Village has decided to use the Joint Water Tank report to include a combined project with the valve vault project and the rehabilitation of the 2 MG tank (along with modifications so the water distribution system from the 2 MG tank to improve THM's in the Town). MRB is incorporating these items in the conclusion of the report with the goal of submitting to NYS EFC in mid-June for potential funding.
 - Provided an update on the Joint Water Tank report and explained what options are being evaluated in the report. Two final options are being fully evaluated in order for the Village/Town to compare. One option would include a new water storage tank at the location of the Village WTP and elimination of the Agar Rd Pump Station. The other option would include the utilization of the new pump station at S Lima Rd/Rt 256 to supplement fire flow to the Town in lieu of the tank. Under both options, an interconnection with LCWSA is included along with a pump station to allow water to flow in both directions between the LCWSA and Avon at

the point of the intersection. Discussion continued on the details of the options being evaluated and the benefits/issues with each.

- Mayor Freeman stated that Mr. Martin has sold his lots on Pole Bridge Road to the current owner of the Avon Town Plaza.
- The boards discussed solar projects and legislation. Both the Town and Village are working on legislation.
- Councilman Drozdziel updated both boards on the library project. Construction has started and it has been very busy. If all goes well and there are no delays, the project could be completed by Corn Fest.
- Mayor Freeman shared with the Town Board Chief Piampiano's update to the Village.
- Mayor Freeman and Supervisor LeFeber both feel that the continued conversations between the Village and Town exhibit a united front to the residents, other towns and villages, and the County. They look forward to another joint meeting, hopefully this summer should schedules allow to keep both Boards updated on the current happenings and the water discussions with MRB, the Town and Village of Geneseo, and LCWSA.

ADJOURNMENT:

The Board adjourned at 8:10pm by a unanimous vote.

Respectfully submitted,



Heather Randall
Village Clerk

VILLAGE OF AVON

in the Genesee Valley

74 Genesee Street
Avon, New York 14414

THOMAS FREEMAN, MAYOR
WILLIAM ZHE, DEPUTY MAYOR
TIMOTHY BATZEL, TRUSTEE
AMANDA HOFFMANN, TRUSTEE
PATRICK MCCORMICK, TRUSTEE

Telephone: (585) 226-8118
Fax: (585) 226-6284

HEATHER RANDALL, CLERK
CHRISTINE QUINLAN, TREASURER
JOSEPH GEER, CHIEF OF POLICE
KEN FARRELL, SUPT OF PUB WORKS
BRIAN STROZEWSKI, FIRE CHIEF
ANDY ANDERSON, CODE ENF. OFF.

May 12, 2023

Mr. Terry Sawyer, General Manager
Kraft/Heinz Corp.
140 Spring Street
Avon, NY 14414

Terry,

On behalf of the Village of Avon, let me thank you and your staff for meeting with representatives of the Village on Friday, May 5, at your environmental control facility. We enjoyed the opportunity to tour the Phase I installations and to discuss the current issues and future solutions involved with the wastewater stream from the Kraft/Heinz facility.

Previous to the installation and start up of the Phase I equalization tank, all of Kraft/Heinz effluent had been directed towards a large clarification tank where it settled solids to the bottom of the tank. Decanted water was then pumped off the top and sent to the Village of Avon Sewer System. While not ideal for either entity, this did allow at least some clarification of the wastewater before leaving the Kraft/Heinz facility. This process saw a slight reduction in BOD loading and a more significant reduction in total suspended solids loading entering the waste stream to the Village's facilities.

The current 200,000-gallon mixing tank installed as Phase I of the Kraft/Heinz ECF upgrade- while a necessary piece of the process chain for the future- has actually negatively impacted the effluent loading leaving the Kraft/Heinz facility and entering the Village system. With Kraft/Heinz averaging 80,000 GPD/effluent, with peak days of 120,000-150,000GPD, there is no time for any settling of solids as previously experienced with the diversion to the clarifier tank. This has resulted in a significant increase in BOD and total suspended solids in the effluent stream exiting Kraft/Heinz. The result of this at the Village of Avon's Wastewater Treatment Plant (WWTP) facility has been the use of MORE chemical coagulant to attempt to settle out more solids and an increase in the turbidity, settleable solids, and BOD numbers in our effluent to the Genesee River. We have had our BOD and TSS limits on our SPEDES permit violated twice in the past month as we attempt to learn how to adjust the flow and loadings to the Village from the new Phase I tank.

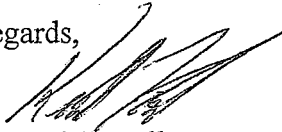
In the long term, the answer to all of these issues is the design, installation, and start up of the Phase II biological treatment chain, initially proposed and approved by Kraft/Heinz and the Village of Avon, to treat the BOD and TSS loadings. Phase II will allow Kraft/Heinz to achieve a more

manageable effluent stream exiting to the Village of Avon facility.

Since the building of the Village of Avon's Wastewater Treatment Plant in 1968, Birdseye, General Foods, Kraft, and now Kraft/Heinz Corporations have had a great working relationship with the Village of Avon. We appreciate your willingness to allow our wastewater operators the opportunity to learn and assist during the Phase I start up procedure at the ECF. We look forward to hearing about the plans, and especially the timeline, of the Phase II biological treatment chain implementation. I believe it is in the best interest of both parties to expedite this plan.

We would appreciate a written response from you within ten (10) days of receipt of this letter.

Regards,



Kenneth Farrell
Supt. Of Public Works
Village of Avon