

A meeting of the Board of Trustees of the Village of Avon was held in the Pocket Park of Genesee Street, Avon, New York, on September 5, 2023.

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

Staff: Ken Farrell, DPW Supt.
 Joe Geer, Police Chief
 Andy Anderson, Code Enforcement
 Mark Bailey, MRB

Visitors: Edward Forsythe, Sackett Road
 George Brown, Genesee Street
 Jimmy Harrington, Councilman, Town of Avon
 David LeFeber, Supervisor, Town of Avon

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 Trustee Zhe, the vouchers and manual checks/electronic payments were approved for payment from the following funds:

#1-GENERAL FUND	\$19708.64
#4-SCHEDULE C	\$10395.38
#5-WATER	\$3467.37
#6-SEWER	\$13469.50
#TA00-TRUST & AGENCY	\$6327.31
#V000-DEBT SERVICE	\$1157.02
TOTAL	\$54525.22

Electronic payments:

Fed/NYS Taxes	p/r 23-17	\$16934.02
Nationwide Retirement	p/r 23-17	\$2702.65
TOTAL:		\$19636.67

The motion was seconded by Trustee Batzel 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

MRB UPDATE:

Mark Bailey attended the meeting and provided the following report to the Board:

- **Award of General and Electrical Contract for the WWTP Disinfection Project-** Bids for the WWTP Disinfection Project were received and opened on August 16th, 2023 at the Village Office. MRB and the Village reviewed the bids and the following is the recommendation:
 - General Contract- Blue Heron Construction Co. LLC (Jordan, NY) bid price \$1,190,611.00. (Included base bid with Trojan equipment & Allowance)
 - Electrical Contract- M.W.Controls Service, Inc. (Hemlock, NY) bid price \$319,985.00. (Included base bid, allowance & alternate A: Backup generator & ATS for UV)

MRB, the Village and BPD (Village Fiscal Advisor) have reviewed and discussed the budget and overall project costs. It appears that the budget and project costs may exceed the original bond resolution and it was suggested by bond counsel that a supplemental bond resolution will be needed, however an award can be made at this time.

Upon a motion made by Trustee Hoffmann and seconded by Trustee Zhe, and based on the recommendation of MRB, and Supt. Farrell, the Board awarded the general contract to Blue Heron Construction Co. LLC and the electrical contract to M.W.Controls Service, Inc. 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

- **Supplemental Bond Resolution for the WWTP Disinfection Project-**

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 5th day of September 2023:

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

ABSENT: None

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

SUPPLEMENTAL BOND RESOLUTION DATED SEPTEMBER 5, 2023, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF AVON, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER 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 sewer system capital improvements to the existing Wastewater Treatment Plant authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law; and

WHEREAS, pursuant to a bond resolution dated August 2, 2021 (the “Original Bond Resolution”), the Board of Trustees of the Village of Avon, New York (hereinafter referred to as the “Village”) approved expenditures for, and the issuance and sale of, up to \$1,800,000 aggregate principal amount of general obligation bonds and bond anticipation notes relative to the construction of sewer system capital improvements; and

WHEREAS, actual project costs have proved to be approximately \$200,000 higher than the maximum estimated project costs and the Village desires to provide for the financing thereof by supplementing the Original Bond Resolution by the adoption of this Supplemental Bond Resolution; and

WHEREAS, on July 15, 2019, the Village Board of Trustees has heretofore duly determined that the purpose hereinafter described constitutes a “type II” action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder (“SEQRA”) which will not result in any significant adverse environmental impacts and such purpose is not subject to any further environmental review under SEQRA; now therefor, 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 sewer system improvements to the existing Wastewater Treatment Plant located at 11 Farmers Road, Avon, New York, including, without limitation, the installation of a new Ultra Violet Disinfection 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, as set forth in the Original Bond Resolution (hereinafter referred to as “purpose”), in an additional amount not to exceed \$200,000 and general obligation serial bonds in an additional aggregate principal amount not to exceed

\$200,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose and said additional amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is now estimated to be \$2,000,000. The plan for financing of said purpose is to provide (i) up to \$1,800,000 of such maximum cost by the issuance of bonds or bond anticipation notes as authorized under the Original Bond Resolution, and (ii) up to \$200,000 of such maximum cost by the issuance of bonds or bond anticipation notes 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 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) 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:

AYES	NAYS
Thomas Freeman, Mayor	none
William Zhe, Trustee	
Tim Batzel, Trustee	
Amanda Hoffmann, Trustee	
Patrick McCormick, Trustee	

The permissive referendum required to be posted in the LCN is set to appear on September 14, 2023.

DPW UPDATE:

Supt. Farrell provided the following update to the Board:

DPW Activity – past weeks

- Brush
- Cut trees with Caledonia DPW assistance (bucket truck).
- Worked on sidewalk, North Ave. (dug out, poured & topsoiled behind)
- Cleaned catch basins.

WWTP

- Ran sludge trailer.
- Cleaning out drying beds. (Per DEC letter)
- Started cleaning out vegetation in aeration tanks (Per DEC letter).
- Met with Kraft regarding permit & personnel with Bill Davis of MRB. Will review this at the next Board meeting when Mr. Davis is able to attend.

Water

- Lead & Copper sample prep.
- Stake out for National Grid, installing underground vault close (8'-10') to Village 20' transmission line.

Next 2 weeks

- Continue North Ave sidewalk.
- Repair sidewalks.
- Install X-walk & signage.
- Grind brush dump with Zoladz.
- Work on WWTP per DEC letter.

Pave Linden Street- Supt. Farrell stated that he has received a quote from Spallina Materials for milling and paving Linden Street from Genesee Street to the tracks in the amount of \$28288.18, which includes asphalt, trucking, equipment, labor to mill and installation of pavement. Supt. Farrell says he has monies left over from CHIPS that he would like to use.

Upon a motion made by Trustee Hoffmann and seconded by Trustee Zhe, the Board authorized Supt. Farrell to move forward with paving Linden Street with the quote from Spallina Materials in the amount of \$28288.18. 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

Mayor Freeman took a moment to thank Supt. Farrell for setting up the meeting in Pocket Park, including the tent. Mayor Freeman briefly discussed the continued effort to start a farmer's market, explaining the vision for the event, including what it would look like with the tents set

up. Supt. Farrell continued the discussion by showing those present a “mapped out” location for the driveway to the back parking lot.

Three Way Stop Sign at Genesee Street and Clinton Street- Mayor Freeman asked the Board if it was still a discussion to have or if everyone is against it. Trustee Hoffmann stated that she would be supportive of a three way stop at this location if she heard that more residents were in favor of it. She does not feel there is enough community support for it, saying that she thinks there are other options to consider, such as bump outs, eliminating parking on one side of the street, or even changing the speed limit in the business district. Trustee Batzel agrees. Trustee McCormick stated that he believes that a stop sign would be the most cost-effective way to move forward and that it would be relatively simple to reverse if the Village found it wasn't a suitable solution. Trustee Zhe, at this point, is not in favor of a stop sign at this location.

Mayor Freeman suggested that someone approach the library board to discuss eliminating parking spots on the east side of the street between Clinton Street to the gray house. After discussion, Mayor Freeman and Trustee McCormick will try to get on the agenda for the next library meeting. The Board will not be moving forward with a public hearing at this time.

POLICE UPDATE:

Chief Geer provided the following update to the Board:

- The 2023/2024 school year starts tomorrow. Speed signs are up on Clinton Street and Hal-Bar Road.
- Officer Matthew Tetreault is doing well at the academy and will be starting FTO later in September.
- Chief Geer will be in Albany on Thursday 9/7 for the quarterly chief's meeting.
- Firearms training was held. All the officers passed.

FIRE DEPARTMENT UPDATE:

Chief Piampiano provided the following update to the Board:

- BFO training has started and there are 3 members attending. More training is coming up in the year.
- Tough call on Rochester Street where several agencies were in attendance. 18 people were on the call, and everyone worked well across the agencies.
- Department busy with drills and calls.
- The Board and Chief discussed the proposed Firefighter tax exemption.

CODE ENFORCEMENT:

Code Officer Anderson provided the following update:

- Bob Alexander will be starting his training on September 11, 2023.
- Walk through ACS at all buildings went well.
- Inspections continue.

CLERK UPDATE:

The following items are updates from Clerk Randall:

- Copy of public hearing notice for the Property Tax Exemption for Fire Fighters/Ambulance workers was provided. It will run in the LCN on Thursday. Clerk Randall is waiting for the draft of the local law from Attorney Whiting, who is taking the law passed by the county and reworking to fit the Village. This local law will provide a partial exemption from real property taxes to qualifying volunteer firefighters/ambulance workers. The adoption of this exemption is optional and must be decided by each taxing entity. There are certain eligibility requirements that will need to be met by the volunteer and will be monitored by the tax assessor.
- Provided- Avon Chamber minutes.
- Provided- a copy of the letter submitted by the Village to DOT requesting the elimination of the crosswalk at Richmond Lane and 5 & 20. Response letter back is also provided, which they state they will review after school has started. It was also expressed in a separate correspondence email that the paving on 5 & 20 will replace the lane markings with what is there now (no bike lanes are being added). The paving is supposed to start Sept 5 (traffic circle in the evening). We were also provided with the permit for the sidewalk/crosswalk work on Spring Street and Wadsworth.
- Provided- TOA Letter re: water meeting with Town, Village, Lima etc. Mayor Freeman reviewed the meeting and discussion was had by the Board, along with Supervisor LeFeber and Councilman Harrington. Mayor Freeman stated that he will review the correspondence with Bill Davis of MRB and will provide a written response back to Supervisor LeFeber and the Town Board.
- Provided- a copy of the proposed budget from the Conesus Lake Watershed Council for 2024. The total proposed cost share for the Village of Avon is \$23318.26 (\$18298.75 for the Inspection Program and \$5019.51 for Watershed Manager services.)
- St. Agnes Annual 9/11 Remembrance Ceremony will be held Monday September 11th at 9:30am at the Circle Park. All are invited.
- A flu clinic will be held on Wednesday September 27th, 2023 at Village hall between the hours of 12:30pm-2:30pm and 5pm-7pm in conference room b. Most major insurances will be accepted, including Medicare. The out-of-pocket cost is \$75 payable by cash or check. HD “Senior Dose” vaccinations will be available. Visit FluPreventionPartners.com for more information.
- Congratulations to community member Lynne Mignemi who will be among several women being honored at the Inaugural Athena International Awards Luncheon and Celebration on Tuesday October 3rd, 2023. This event honors local women dedicated to community professionalism and leadership.

MINUTES:

Upon a motion made by Trustee Zhe and seconded by Trustee Hoffmann, the minutes from the August 21, 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	Yes

TRUSTEE UPDATE:

- ✚ Trustee Zhe brought a request from Mary Lou Marks, wife of former Parks Chairperson John Marks, who recently passed away. She would like to have a tree planted in memory of her husband at Case Park. Mrs. Marks has offered to pay for the tree; however, Trustee Zhe asked the Board if they would consider paying for the tree. Mr. Marks was a valued member of the staff of the Village of Avon for many years, and in many capacities. But his love was for nature, the parks, and trees. The Village has been designated a Tree City USA by the Arbor Day Foundation 2 years in a row thanks in no small part to the hard work and dedication of Mr. Marks. The Board agreed that planting a tree would be the perfect way to honor Mr. Marks and authorized Supt. Farrell to do so.
- ✚ Mayor Freeman opened the floor to the public. Mr. George Brown requested a few moments of the Board’s time and stated that he would like to discuss the requirements pertaining to Open Meetings Law. He expressed that the website is not updated regularly and feels that the municipality needs to do a better job posting more information on the website per the open meetings law. Mayor Freeman thanked him for bringing it to the attention of the Board and will have Attorney Whiting review the law and give his legal advice to the Village. Clerk Randall stated that she will reach out to other clerks to find out what they do and will also be more diligent in the postings on the website.
- ✚ Councilman Harrington asked for an update on the Driscoll Property on West Main Street. He asked if the building had been condemned, which Code Officer Anderson explained that it had been deemed “uninhabitable”.
- ✚ Supervisor LeFeber asked if the Board can provide him with contribution estimates that he should submit to the Town Board going into the next budgetary season (parks, driveway to parking lot, etc)

EXECUTIVE SESSION:

Upon a motion made by Trustee Hoffmann and seconded by Trustee McCormick, the Board entered executive session at 7:34 pm in order to discuss a contractual matter. The Board exited executive session at 7:40 pm. The motions were 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

There was no action taken.

ADJOURNMENT:

Upon a motion made by Trustee McCormick and seconded by Trustee Batzel, the Board adjourned at 7:40 pm by a unanimous vote.

Respectfully submitted,

Heather Randall
Village Clerk