

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 September 18, 2023.

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

Staff: Ken Farrell, Supt. of Public Works  
Dave Piampiano, Fire Chief  
Ashley Comeau, Parks Commission Chair

Visitors: Bill Davis, MRB Group  
Jan Rogers, Livingston Insurance  
George Brown  
Edward Forsythe  
Jim Harrington

Mayor Freeman called the meeting to order at 6 p.m.

#### **FIRE DEPT. UPDATE:**

Chief Piampiano related that the out of service truck will be going to school. Chief Piampiano has spoken with Ashley Comeau regarding the Holiday Spectacular and is working out the details. Otherwise, it has been business as usual for the Fire Department.

Mayor Freeman stated that the public hearing for the property tax exemption for volunteer firefighters and ambulance personnel will open at 7 p.m. Mayor Freeman plans to adjourn the public hearing, knowing that the Fire Department officers meet tomorrow evening. This adjournment will allow additional time for review and discussion of the proposed local law.

#### **INSURANCE UPDATE:**

Jan Rogers from Livingston Insurance provided the Board with information regarding the Village's upcoming renewal. Mr. Rogers reviewed his renewal proposal, paying particular attention to the Statement of Values, Uninsured Buildings List, Business Auto Schedule and Inland Marine Schedule. Pricing on the Public Officials/Police Professional and Cybersecurity policies haven't been finalized yet. Mr. Rogers stressed the importance of receiving the completed forms from Clerk Randall.

The Board noted that the ice skatehouse was renovated and should be placed on the insured list at \$50K replacement cost. The judges stand/hay storage should be taken off the uninsured list. Treasurer Quinlan will check if the streetlights insurance, annual cost of \$5K, can be removed as the project is complete. Trustee Batzel asked if a separate Inland Marine could be written for the streetlight coverage. Mr. Rogers will look into this and provide deductible options.

Mr. Rogers expressed that we are in a “hard” market whereby insurance companies are accepting less risk and getting more premium. Factors for this “hard” market include natural disasters, inflation, cost of reinsurance.

Mr. Rogers stressed the need for the Village to use the sample agreement for any/all contractors and subcontractors that he provided to Clerk Randall. The Village Attorney should review and modify this sample as appropriate.

Bill Davis will provide the timeline and completed value for the Pebble Beach Pumpstation project and the Wastewater Disinfection project for inventory purposes. Mr. Rogers needs the size of each Village-owned detention pond. An additional insured is Fire Marshal Robert Alexander under the Public Officials Liability Section. Treasurer Quinlan will provide the new street furniture and portable restroom trailer invoices to Livingston Insurance.

Mr. Rogers emphasized the importance of the Industrial Appraisal fixed asset information as that is the basis for keeping the insurance information updated.

## **PUBLIC HEARING:**

Trustee Zhe read the public hearing notice at 7 p.m. as follows:

Please take notice that a public hearing will be held before the Board of Trustees of the Village of Avon on Monday September 18, 2023, at 7pm at the Village Hall, 74 Genesee Street, Avon, New York on the following matters:

1. A local law providing a partial tax exemption from real property taxes to certain eligible volunteer firefighters and volunteer ambulance workers.

The proposed local law is available for review at the Village Hall located at 74 Genesee Street, Avon, New York, 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: August 21st, 2023

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

The proposed local law 6 of 2023 reads as follows:

Providing a partial tax exemption from real property taxes to certain eligible volunteer firefighters and volunteer ambulance workers.

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



**Section 1.** The intent of this Local Law is to adopt a real property tax exemption for certain qualifying volunteer firefighters and volunteer ambulance workers in accordance with New York State Real Property Tax Law §466-a.

**Section 2.** Real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the Village of Avon shall be exempt from taxation to the extent of 10% of the assessed valuation for Village purposes provided the owner(s) meet the qualifications set forth in Section 3 below.

**Section 3.** To be eligible for the exemption authorized by Real Property Tax Law §466-a and implemented by this Local Law, the real property must be owned by an enrolled member of an incorporated fire company, fire department, or incorporated voluntary ambulance service residing in the Village of Avon, subject to the following additional requirements: (a) the enrolled member resided in the Village which is served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; (b) the property is the primary residence of the enrolled member; (c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the enrolled member's residence but it is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and (d) the enrolled member has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service for at least two (2) years.

**Section 4.** Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the Village of Avon who accrues more than twenty (20) years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated ambulance service, who also meets all the requirements set forth in Section 3, shall be granted the 10% exemption as described above for the remainder of his or her life as long as his or her primary residence is located within the Village of Avon.

**Section 5.** An un-remarried spouse of volunteer firefighter or volunteer ambulance worker killed in the line of duty shall be eligible to receive the 10% exemption as described above provided that: (a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated, volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member; and (b) such deceased volunteer had been enrolled member for at least five (5) years; and (c) such deceased volunteer had been receiving the exemption prior to his or her death.

**Section 6.** An un-remarried spouse of a deceased volunteer firefighter or volunteer ambulance worker shall be eligible to receive the 10% exemption as described above provided that: (a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member; and (b) such deceased volunteer had been an



enrolled member for at least twenty (20) years; and (c) such deceased volunteer an un-remarried spouse had been receiving the exemption prior to the death of such volunteer.

Mayor Freeman asked if there were any public comments. George Brown stated that he believes there isn't sufficient information at this time to make an informed decision regarding the proposed local law. What is the definition of an enrolled member? Fire Chief Piampiano eluded that this exemption may reduce other exemptions. Governor Hochul is proposing modest compensation for volunteer members. A consideration is that the State Law refers to a residence within the County whereas the Village law refers to a residence within the Village.

**HOLIDAY SPECTACULAR:**

Chair Ashley Comeau thanked the Board for their continued support of the Holiday Spectacular. According to data from the Livingston County Economic Development office, the event brought in close to 5,000 visitors in 2022, with approximately 40% of visitors coming from outside of Avon. On average, ongoing operating costs total \$5K. Historically more than \$2500 is raised to benefit community programs. Chair Comeau asked the Board for financial support of \$1500 to assist with the event planning. Upon a motion made by Trustee Zhe and seconded by Trustee McCormick, the Board authorized a \$1500 contribution for the Holiday Spectacular. The vote was carried as follows:

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

**PARKS COMMISSION:**

Parks Chair Ashley Comeau addressed the Board regarding pavilion reservation fees for Churches. After review and discussion, the Board agreed to waive the pavilion reservation fee for local Avon churches. An insurance certificate is required from each local Avon church. Upon a motion by Trustee Zhe and seconded by Trustee McCormick, the vote was carried as follows:

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:**

- Discussed NYS DEC Violation letter, received August 22, 2023 and response required by DEC by September 22. We requested a response from Kraft for specific items related to their pretreatment system and received a letter back from Kraft to accompany our letter to DEC. MRB assisting Village with response.
- WWTP Disinfection project has been awarded. MRB working on getting bonds/insurances from contractors, will schedule a Pre-con mtg soon

- Pebble Beach Rd PS – Issue with pump reaching maximum capacity specified. Supplier of pump station proposes to make a suction piping change. It is agreed by all that this should be the next step. Supplier to confirm timing and costs associated with change to pump station.
- Joint water study – MRB to meet with LCWSA to discuss interconnection in a bit more detail. Mtg with Village and Town after this meeting is needed to review final recommendations/conclusions of report. MRB will arrange when appropriate.

### **CANNABIS GROWER:**

Justin Merkel, Starlit 420, from Geneseo, spoke to the Board about offering a grower's showcase pop-up event in Avon. This would need to happen before December 31<sup>st</sup>. Mr. Merkel explained the event where legal cannabis would be sold, a 13% tax with 4% going to the municipality. Mr. Merkel further described his agribusiness.

Mayor Freeman suggested Mr. Merkel speak with Police Chief Geer, and invited Mr. Merkel to come back to another Board meeting for further discussion.

### **DPW UPDATE:**

Supt. Farrell provided the following update to the Board:

#### DPW Activity – past weeks

1. Set up 9/11 Ceremony.
2. Worked on sidewalks North Ave.
3. Picked up Tree & Planted at Case Park (John Marks)
4. Painted Spring St. wall
5. Tables & Chairs for Pocket Park put together & in place at Park.

#### WWTP

1. Ran sludge trailer.
2. Hauled sludge.
3. Working on cleaning drying beds
4. Aeration tanks cleaned (vegetation cleaned out)

#### Water

1. Lead & Copper samples taken.

#### Next 2 weeks

1. Finish North Ave sidewalks.
2. Repair sidewalk.
3. Seal mural on Genesee St.
4. Schedule grinding/paving on Linden St.



5. Provide detailed estimates to replace the sidewalk plow as the hydraulic pump shaft sheered off. The repair estimate is \$5K. The plow is 12 years old and has many hours on it. Trustee Batzel suggested a Ventrac model.

Trustee Batzel questioned the status of the generator at Village Hall. Superintendent Farrell is contacting Penn Power to run testing on the generator and the switchgear.

Trustee McCormick expressed his disappointment with the grinding and resurfacing project on Routes 5&20.

**CLERK UPDATE:**

Clerk Randall was unable to attend but provided the following update for the Board:

- Provided Conesus Lake Watershed Management Program letter
- Provided Letchworth Gateway Villages Initiative key achievements for 2022/2023
- Important Dates:  
Board meetings on October 2 & October 16  
Ribbon cutting ceremony for Library on Sat., September 23, 1 p.m.

**MINUTES:**

Upon a motion made by Trustee Hoffmann and seconded by Trustee Batzel, the minutes from the September 5, 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

**TREASURER UPDATE:**

Treasurer Quinlan provided the following update to the Board:

*Ongoing*

- Gathering cost estimates for 2019 GVBA grant.
- The Board needs to determine additional use(s) of the ARPA funds.
- 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.
- Organizing sign & hitch rail purchase for Erie-Attica.
- 2017 GVBA grant reimbursement request to be made after water work is complete and all checks have been cashed.

- 2018 GVBA grant reimbursement request to be made after all checks have been cashed.
- National Grid has setup new streetlighting account. Reimbursement for outstanding credit received today. Still waiting on approval to install arms.

*New*

- Freightliner purchase approved by DOT for CHIPS reimbursement.
- Tax collection in progress with 98% collected to date. Outstanding amount of \$28,404. Resolution to relevy unpaid taxes to Livingston County Treasurer.
- NYS Parks contract for modified Five Arch Bridge project awaiting contract execution. Working on RFP for consultant. After review and discussion, the Board agreed to use the Avon-on-the-Green repayment monies in the amount of \$100,000 to match the NYS DEC grant of \$100,000 for the Five Arch Bridge project.

Upon a motion made by Trustee Zhe and seconded by Trustee Hoffmann, the motion was carried by the following vote:

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

**TAX RELEVY RESOLUTION:**

Trustee Batzel offered the following resolution and moved for its adoption:

RESOLUTION

Whereas, the Village of Avon hereby requests that the County of Livingston collect certain delinquent Villages taxes for the tax levy of June 2023, and

Whereas, the Village of Avon will take no action to recover said unpaid taxes pursuant to Section 1440 of the Real Property Tax Law of the State of New York and no sale on account of said unpaid taxes will be held pursuant to law,

Now therefore be it resolved that the Village of Avon officially requests that the County of Livingston collect certain delinquent Village taxes for the tax levy of June 2023 as of October 1, 2023, pursuant to Section 1442 of the New York State Real Property Law.

And it is further resolved that a copy of this resolution, duly certified by the Treasurer of the Village of Avon shall be transmitted forthwith to the Livingston County Treasurer and the Clerk of the Livingston County Board of Supervisors.

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

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

**BRING BACK THE FOX:**

The Board received a letter from Richard Neth, President, The Avon, NY Ahrens-Fox Full Circle Preservation Society, Inc. requesting a donation. The Board discussed the request and at this time tabled it until the fundraising effort reaches a conclusion.

**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	\$ 92,978.03
#4-Schedule C Fund	\$ 82,291.27
#5-Water Fund	\$ 23,105.86
#6-Sewer Fund	\$ 51,799.60
#44-Capital Project WWTP Disinfection	\$ 6,275.14
#TA00-Trust & Agency Fund	\$ 806.44
<b>TOTAL</b>	<b>\$257,256.34</b>

Electronic payments:

• FED/NYS Taxes	P/R#23-16	\$16,234.15
• Nationwide Retirement	P/R#23-16	\$ 2,672.59
	<b>TOTAL:</b>	<b>\$18,906.74</b>

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

**ADJOURN PUBLIC HEARING:**

After review and discussion, the Board decided to adjourn the public hearing to October 2, 2023, at 7 p.m. 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 Zhe, the Board entered executive session at 8:30pm 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 Zhe and seconded by Trustee Batzel, the Board exited executive session at 8:40 p.m. 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

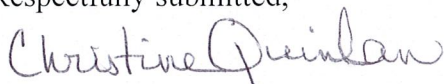
Upon a motion made by Trustee McCormick and seconded by Trustee Hoffmann, the Board agreed to have Attorney Whiting handle the negotiation re: 52 West Main St., and forego up to \$6,000 in water/sewer to Livingston County with the stipulation that the County gets the property. The motion was carried 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 Zhe, the Board adjourned at 8:45pm. The motion was carried by a unanimous vote.

Respectfully submitted,



Christine Quinlan  
Treasurer