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The Joint meeting of the Village Board of Trustees and Town Board was held at the Avon Village Hall, 74 Genesee Street, Avon, New York on Monday, February 17, 2014.

- Present: Thomas Freeman, Mayor  
Mark McKeown, Trustee  
William Zhe, Trustee  
Robert Hayes, Trustee
- Absent: Timmy Batzel, Trustee
- Staff: Tony Cappello  
John Barrett
- Visitors: David LeFeber, Supervisor  
Thomas Mairs, Deputy Supervisor  
James Blye, Councilman  
Robert Ayers, Councilman  
Richard Steen, Councilman  
Bill Davis, MRB  
Matt Rankin, Larsen Engineers  
Kevin Schulte, CEO Sustainable Energy Development, Inc.  
Matt Vanderbrook, Sustainable Energy Development, Inc.

Mayor Freeman called the meeting to order at 6:00 p.m.

**BILL DAVIS, MRB:**

Mayor Freeman reported that a draft of the Waste Water Treatment Plant Engineering Report had been given to the Board and Superintendent Barrett for review.

Bill Davis mentioned that we want to get it to NYSEFC as soon as possible because the current report doesn't match up with the application.

MRB submitted an amendment to the original proposal for professional services for the Waste Water Treatment Plant.

A motion was made by Trustee Zhe authorizing Mayor Freeman to execute the revised agreement. The motion was seconded by Trustee Hayes and carried by the following vote:

|                       |        |     |
|-----------------------|--------|-----|
| Thomas Freeman, Mayor | Voting | Yes |
| Mark McKeown, Trustee | Voting | Yes |
| William Zhe, Trustee  | Voting | Yes |
| Timmy Batzel, Trustee | Absent |     |
| Robert Hayes, Trustee | Voting | Yes |

Bill Davis discussed a change in plans with the D'Angelo Development due to drainage issues. We are looking at putting in a French drain. There is a lot of water and the game plan is to do a revision to our original letter. We would need two easements from property owners to do this. I believe it is less obtrusive and the best way to go. We'll have a letter to you in a week and discuss at the next Village Board meeting.

Trustee McKeown – Would it be one French drain?

Bill Davis – We need to take some shots and grades and run some calculations. We need drainage easements which would require maintenance but should mitigate some of the problems.

Mayor Freeman – If it were being designed today would the plans be different?

Bill Davis – The regulations have changed, there would probably be a pond required. By next Board meeting we'll have a letter for you with guidelines for John to install the system which should be ready by spring.

Mayor Freeman – By starting the process and having this conversation today, at least we are on top of it and hopefully can avoid future problems.

## **LARSEN ENGINEERING:**

Larsen Engineers and Sustainable Energy Developments spoke to the Village Board members about the prospective solar project site at the Village WWTP site on Farmers Road to obtain feedback and address questions. The proposed location for solar panels presents a unique opportunity for the Village not only to take advantage of solar energy, but also to educate the community about its smart sustainable growth strategies as they travel to the newly revamped Erie-Attica trail. Village Board members and the Mayor were supportive of the proposed project site and wish to conduct a site visit in the near future to gain a greater visualization of the proposed project.

Larsen Engineers and SED are exploring the possibility of a 500 kW to 700kW solar project at their water tank site on Reservoir Road. Feedback from the Board was positive. The NYSERDA grant program for this project will be open very soon, and Larsen, SED, and the

Village will work together to prepare an updated site plan and PPA proposal for the Village to consider for reapplication of this project.

Superintendent Barrett – The Waste Water Plant is no problem. I would like to see that area cleaned up. Currently it is a storage area and gravel pile, the area proposed is a dead area. All we do is mow it.

Trustee Hayes– It seems close to Farmers Road we have a lot of traffic there now and it would be a concern.

Kevin Schulte - From protecting what we would own we would run 1000 volts and it would be enclosed for its own protection.

Mayor Freeman– Is the selection of fences something we could be part of because we're trying to protect the area while inviting people to the trail.

Kevin Schulte - We would allow that within reason.

Trustee McKeown – How high off the ground are the panels?

Kevin Schulte - Two feet off the ground at bottom and six feet off the ground at the top. We would put gravel underneath.

Trustee McKeown – Are they like bleachers?

Kevin Schulte - It will be a slope.

Mayor Freeman – What about maintenance?

Kevin Schulte - We would do annual maintenance care.

Mayor Freeman – Could we get a list of similar size sites to visit.

Kevin Schulte - Sure, this program is up and coming in New York. We have a site in Clyde, New York and starting construction in Williamson.

Mayor Freeman - We were fortunate in Avon to have Bill LaBine who is way ahead of the curve on solar panels and it would be beneficial to ask Bill to join us on the tour.

Kevin Schulte reported that the program Matt Rankin is recommending will change at the end of March from open enrollment to block bidding. It is highly recommended getting the grant application in. You can change the site down the road, but we don't want to change the size of the project. But we would like to get moving to get Avon those funds.

There will be a standard contract and lease and any cost savings that we incur will come back to the Village.

John Barrett reported that one big problem at Reservoir Road is that there are two 40' deep holes 100x100. It was the original open reservoirs.

Kevin Schulte noted that a shading analysis will be done and that Sustainable Energy Developments would be happy to meet with Bill LaBine at the site and any Board member who is interested.

SED will be sending the Village a solar power purchase agreement proposal along with their project portfolio at which time the Village Attorney will review.

## **DPW UPDATE:**

### **SCHOOL PROJECT UPDATE:**

Superintendent Barrett updated the Board on a preconstruction meeting he attended at the school regarding drainage.

Hunt Architect is doing the drainage proposal. They're putting in a turf field and talked about different options. One was a detention pond by the football field. Another option was an underground detention pond at the football field so it would drain out slowly.

Since 1965 the drainage went in front of the bleachers across the tennis courts and back toward Csapo's. Superintendent Barrett asked that they entertain the idea of a regional detention facility to the south of the football field. The Village is looking at ways to slow it down. I told them I would take it to the Board. The detention facility would not have to hold water all the time, just slow it down.

Bill Davis – If the Village wants to team up with school, than we could do the calculations and see if it is feasible, and figure out who is paying for it.

Mayor Freeman suggested that Superintendent Barrett work with MRB to guide the school in a direction that will benefit all of us. Mayor Freeman asked John to get Bill in touch with Hunt Engineering.

Mayor Freeman stated that we're not proposing to build this. Everyone agreed to head in this direction.

Superintendent Barrett updated the Board:

- Currently working on the budget
- Will take reconciliation of Schedule C to the Water Committee
- Electric bills significantly increased. The power rate has doubled. National Grid no longer is our power provider. They just buy off the grid. I'll look at the state bid and come back with a recommendation.
- Working with a control guy at the WWTP. Pumps aren't working properly
- New drives are in, making a lot of repairs

## TOWN/VILLAGE JOINT MEETING:

A joint meeting of the Town of Avon and Village Board was held at 7:00 p.m. at the Village Hall in Conference Room B.

The meeting reconvened and Larsen Engineers and Sustainable Energy Developments discussed the solar projects proposed for both the Town and Village jointly. The Town and Village were both supportive of each project. The Town will have their lawyer review Sustainable Energy Developments solar power purchase agreement document to review the terms.

Matt Rankin reminded the Town Board that the deadline is the end of March. The incentive levels will change and become more competitive. We're hoping the Town will submit an application.

The premises will consist of the property located at the Town of Avon Highway Garage at 5390 Agar Road and Pump Station at 5500 Agar Road, Avon, New York.

Kevin Schulte – We applied for NYSERTA funds and we had originally asked for too much money so we offered to hold the price we gave the Town last summer. As we have told the Village if we can find cost savings we will return that to the town. If I can buy Village and Town solar panels at the same time I know I can save money.

David LeFeber – If we go with grant money and we can't work a deal we feel is favorable, do we need to move forward?

Kevin Schulte – No. We need to move relatively expeditiously.

Supervisor LeFeber – The agreement will spell out that your company is responsible for maintenance, what about in five years if something happens to your company?

Kevin Schulte – We've been in business twelve years. The solar PPA contract explains the implications of the solar developer and/or financier going out of business.

Supervisor LeFeber – When will you be able to fine tune the terms?

Kevin Schulte – The rate and terms of the PPA will be negotiated once all of the project costs are known which follows final layout and equipment selection, NYSERDA grant approval and utility interconnection study.

SED has offered a 25 year solar power purchase agreement (PPA) to the Town of Avon. The Town of Avon will have the opportunity to purchase and assume ownership of the solar array beginning at year seven. The buyout value is determined by the IRS as “fair market value”.

Councilman Ayers – What is the maintenance?

Kevin Schulte - Preventative, electrical, changing air filters, infrared scanning. Modules go bad; there is a 25 year warranty. It is rated for 50 mile an hour winds. It is galvanized steel. The inverters are the biggest wear part.

Mayor Freeman updated the Town Board on their discussion and said that the Village would like to use our resources together to save money. We like the concept.

Councilman Ayers – What is the kW for the Village?

200 kW at the DPW  
700 kW at Reservoir Road

Supervisor LeFeber – How far ahead would you need us to submit what you need to submit?

Kevin Schulte – I guess I have to check with our engineer, but I would guess 2-3 weeks ahead of the deadline. I will send the Village the same documents that you have.

It was the consensus of the Board to go ahead and have their attorney look at the documents and make a final decision at their next meeting.

Trustee McKeown opened the discussion in regard to the hiring for a Part Time Assistant Code Enforcement Officer. He has had meetings with Trustee Zhe, Councilman Steen and Councilman Mairs on the need for a part time individual that eventually could transition to full time. In addition to regular part time work hours the position would require attendance at all Planning Board, Town Board, and Village Board meetings. The position also would have the responsibilities of the Fire Marshall for both the Town and Village. The position would be under the supervision of the current Code Officer.

The biggest concern is finding the right person. We would like to hire by April or May. There would be classes they would have to take. There would be an investment on the person’s part taking the test. It was suggested they pay for the classes up front and upon passing they would be reimbursed.

Councilman Mairs – If you add the hours up you have with the Fire Marshall, the Code Officer and the Clerk, it could be potentially a full time job.

Supervisor LeFeber – Any interest in having them attend Zoning Board meetings?

Officer Cappello – I go only when I'm asked.

Trustee Hayes – What do you anticipate for the part-time hours?

Mayor Freeman – We need to talk about how many hours we want them to work when they first start.

Trustee McKeown – The four of us talked about meeting one more time to discuss pay, and hours.

Trustee McKeown – We're looking for everyone's approval to move forward and put the ad in the paper. Does anyone have any comments or questions?

Councilman Blye – Sounds like a plan.

Parking Lot (55-57 Genesee Street) – The Board briefly discussed the Town securing some property behind the building currently owned by Vandana Pozzanghera. The new owner seems more receptive to work out an agreement with the Town. The Village is pursuing easements along the back of the Genesee Street property owners so they would be able to maintain the property

Supervisor LeFeber reported that the Court has no designated parking spot when there are court nights.

Councilman Blye – I understand that if you have a person in shackles you can't walk them across the street like that. I don't know if that is a law.

Mayor Freeman – We have had that conversation and it was suggested you take them around the back of the building and onto the elevator because parking is a premium downtown. The Village is not interested in dedicating a parking spot in front of the Town Hall for Police Officers.

Councilman Blye – To use the key fob you would have to switch out the fob every month and that won't always work.

Mayor Freeman suggested that a lock box might be the way to accommodate the officers.

Supervisor LeFeber – That might work. I like that idea. We will look into it.

Trustee Hayes mentioned that he would like to sharpen up the Village's website a little bit.

Councilman Blye mentioned that they are getting a lot of spam.

The two Board Members volunteered to sit down with FM Design and maybe refine the website a little. If any Board member has any comments or questions within the next couple of weeks please contact either Trustee Hayes or Councilman Blye.

Supervisor LeFeber reported that Clerk Knight is in the process of doing a records grant which is due March 1st. We are struggling with the amounts of paper we have. We're looking at a possibility in 2015 or 2016 on doing a joint grant with the Village.

Mayor Freeman- A year ago maybe that would be something we would be interested in. Currently Trustee Hayes and Trustee Batzel are looking at a new computer system which would have the capability of storing records, it is cloud based. At this time we respectively bow out so we can concentrate on the new computer system.

Trustee McKeown – What would be the hesitation?

Mayor Freeman – Time involvement, this isn't something that is a priority with other grants that are out there.

Councilman Blye – If we had an electronic format, we could get rid of some of the paper. We've talked about allocating funding every year and have someone come in and work at it each year.

Mayor Freeman informed the Town Board that they will talk with Treasurer Quinlan at the next meeting about joining the Town with applying for a grant.

Councilman Steen – What was the original intent of the Village's records stored in the Town?

Mayor Freeman - Laser Fiche was our original intent.

Mayor Freeman updated the Town Board on the implementation of the commercial/mixed use exemption. As you recall, this would authorize a 12-year tax abatement program to targeted downtown areas which is likely to stimulate investment in commercial and mixed-use properties.

A five member incentive board was chosen which consisted of:

- Nicole Martin
- Jim Blye
- Bonnie Davis
- Dave Peck
- Phil Swanson

The initial duty of this Board was to designate the Benefit Area to be exempt from taxation as provided by local law. The Board agreed on an area and maps were distributed showing the Benefit Area.

A motion was made by Trustee Hayes and seconded by Trustee Zhe to approve the chosen Benefit Area as submitted. It was carried by the following vote:

|                       |        |     |
|-----------------------|--------|-----|
| Thomas Freeman, Mayor | Voting | Yes |
| Mark McKeown, Trustee | Voting | Yes |
| William Zhe, Trustee  | Voting | Yes |
| Timmy Batzel, Trustee | Absent |     |
| Robert Hayes, Trustee | Voting | Yes |

A motion was made by Supervisor LeFeber and seconded by Councilman Mairs to accept the chosen Benefit Area as submitted. It was carried by the following vote:

|                  |        |     |
|------------------|--------|-----|
| David LeFeFeber  | Voting | Yes |
| Councilman Mairs | Voting | Yes |
| Councilman Blye  | Voting | Yes |
| Councilman Ayers | Voting | Yes |
| Councilman Steen | Voting | Yes |

Supervisor LeFeber questioned the status of Schedule C. He stated that he didn't want any surprises. Superintendent Barrett assured him that they are only about \$1800 apart and will schedule a meeting with the Water Committee.

Mayor Freeman - The biggest frustration is the cost of power keeps going up.

Supervisor LeFeber updated the Board on the vacancy on the Water Committee. Louie Lee's term will be expiring in April and he submitted a letter stating that he no longer wished to serve. Apparently he has changed his mind and wants to remain on the Board.

Superintendent Barrett informed the Boards that he and Dan McKeown are discussing combining the controls, therefore, down the road we may be coming to the Boards with a proposal to smooth out the controls

Supervisor LeFeber – We should take a look at it. Maybe we can accomplish this without spending a lot.

Mayor Freeman reported that the Village is pursuing a \$3,000,000 Waste Water Treatment Plant Project to undertake the construction of sewer system improvements which is for maintenance items. Along the way we had some interest in high volume users, and we would have to put another module on the plant. We don't know what the impact would be and who would share

the cost. We need to be more aggressive and know where this pool of money will come from. We want our industrial parks to succeed. We put a grant together that cost us \$34,000. We will react if someone will come.

On motion of Supervisor LeFeber, seconded by Councilman Mairs, the joint meeting adjourned at 8:45 p.m.

## VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from February 3, 2014 meeting are hereby approved as submitted. Trustee Hayes seconded the motion and it was carried by the following vote:

|                       |        |     |
|-----------------------|--------|-----|
| Thomas Freeman, Mayor | Voting | Yes |
| Mark McKeown, Trustee | Voting | Yes |
| William Zhe, Trustee  | Voting | Yes |
| Timmy Batzel, Trustee | Absent |     |
| Robert Hayes, Trustee | Voting | Yes |

## VOUCHERS:

Upon a motion made by Trustee McKeown vouchers were approved for payment.

|                 |              |
|-----------------|--------------|
| General Fund    | \$ 34,211.16 |
| Schedule C Fund | \$ 7,302.87  |
| Water Fund      | \$ 318.75    |
| Sewer Fund      | \$ 15,883.28 |
| Fund #10        | \$           |
| Fund #11        | \$           |
| Fund #17        | \$ 2,179.00  |
| Fund #47        | \$           |
| Fund #48        | \$           |
| Fund #50        | \$           |

|          |              |
|----------|--------------|
| Fund #51 | \$           |
| Fund #52 | \$           |
| Fund #53 | \$           |
| Fund #54 | \$           |
| Fund #55 | \$           |
| Fund #56 | \$           |
| Fund #57 | \$           |
| Fund #58 | \$           |
| Fund #59 | \$           |
| Fund #60 | \$           |
| Fund #61 | \$           |
| Fund #62 | \$ 31,048.87 |
| Fund #63 | \$           |
| Fund #64 | \$           |
| Fund #65 | \$           |
| Fund #66 | \$           |
| Fund #67 | \$           |
| Fund #68 | \$           |
| Fund #69 | \$           |
| Fund #70 | \$           |
| Fund #71 | \$           |
| Fund #72 | \$           |
| Fund #73 | \$           |
| Fund #74 | \$           |
| Fund #75 | \$           |
| Fund #76 | \$           |
| Fund #77 | \$           |
| Fund #78 | \$           |
| Fund #79 | \$           |
| Fund #80 | \$           |
| Fund #81 | \$           |

|          |              |
|----------|--------------|
| Fund #82 | \$           |
| Fund #83 | \$           |
| Fund #84 | \$           |
| Fund #85 | \$           |
| Fund #86 | \$           |
| Fund #87 | \$           |
| Fund #88 | \$           |
| Fund #91 | \$           |
| Fund #92 | \$           |
| Fund #93 | \$           |
| Fund #94 | \$           |
| Fund #95 | \$           |
| Fund #96 | \$           |
| Fund #97 | \$           |
| Fund #98 | \$           |
| Fund #99 | \$           |
| TOTAL    | \$ 90,943.93 |

Trustee Zhe seconded the motion and carried by the following vote:

|                       |        |     |  |
|-----------------------|--------|-----|--|
| Thomas Freeman, Mayor | Voting | Yes |  |
| Mark McKeown, Trustee | Voting | Yes | (With the exception of Keeler and Fishers) |
| William Zhe, Trustee  | Voting | Yes |  |
| Timmy Batzel, Trustee | Absent |     |  |
| Robert Hayes, Trustee | Voting | Yes |  |

**TRUSTEE’S UPDATE:**

**COMPUTER UPDATE:**

Trustee Batzel sat down with Mike Tomaselli who is the Village’s computer consultant, and Trustee Hayes was on conference call during the meeting. Mike Tomaselli informed the Board that he is working on new things for our current computer system to make it more efficient but the Trustees felt that he wasn’t prepared and had nothing solid to present.

**CONFERENCE ATTENDANCE:**

A request was submitted by Chief Benedict to attend the Empire State Law Enforcement Traffic Safety Conference to be held in Albany April 8-9, 2014 in Albany.

A motion was made by Trustee Zhe and seconded by Trustee McKeown to approve the attendance as requested. The motion was carried by the following vote:

|                       |        |     |
|-----------------------|--------|-----|
| Thomas Freeman, Mayor | Voting | Yes |
| William Zhe, Trustee  | Voting | Yes |
| Mark McKeown, Trustee | Voting | Yes |
| Robert Hayes, Trustee | Voting | Yes |
| Timmy Batzel, Trustee | Absent |     |

**Trustee Zhe Update:**

- Sue Orman didn’t receive a w/s bill and requested that the late fee be waived. The Board was in agreement.
- Barilla donated \$20,000 for the playground project.
- Barilla asked about a sign being erected for large truck traffic. The Board agreed it can be put up at the bottom of the hill as long as they furnish the sign.

Trustee McKeown Update:

- Kraft walk thru on February 24<sup>th</sup>, everyone welcome.

Upon a unanimous motion, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,



Patricia E. Baker  
Village Clerk