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PROJECT ENGINEERING REPORT FOR THE WASTEWATER TREATMENT PLANT
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A special meeting of the Village Board of Trustees of the Village of Avon, Livingston County, New York was held at the Village Offices in Avon, New York, on the 14th day of January, 2014:

PRESENT: Mayor Thomas Freeman
Mark McKeown, Trustee
William Zhe, Trustee
Robert Hayes, Trustee
Timmy Batzel, Trustee

STAFF: John Barrett, Superintendent of Public Works

VISITORS: Chuck Bastian, Bernie P. Donegan, Inc.
Jason Schwartz, Bernie P. Donegan, Inc.
Bill Davis, MRB
David W. Lippitt, Attorney
Christian Casini, Attorney

Mayor Freeman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

Mayor Freeman began by saying that we the Board need to understand the SEQR Resolution that is required for the Wastewater Treatment Plant Improvement Project. The improvements and upgrades are needed to comply with the current New York State Department of Environmental Conservation State Pollutants Discharge Elimination system Permit requirements and provide the Village with a Waste Water Treatment Plant that will consistently meet the requirements for the next 20 years. They will include the influent screen replacement, upgrades to accommodate the new phosphorus limit, and rehabilitation of the existing digesters.

Bill Davis explained that it is a Type II SEQR process. The Mayor will sign Part I. SEQR is inclusive of the whole project.

Mr. Davis read through the SEQR application listing improvements and the two new structures being proposed and the replacement of outdated equipment. The proposed action is for 7.8 acres.

SEQR RESOLUTION

*DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE
ON
VILLAGE OF AVON
WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT
VILLAGE OF AVON, LIVINGSTON COUNTY, NY*

WHEREAS, the Village of Avon Board of Trustees (hereinafter referred to as Village Board) has reviewed and accepted the State Environmental Quality Review (SEQR) Short Environmental Assessment Form (EAF) Parts I, II & III on the above referenced Village of Avon Wastewater Treatment Plant Improvements Project (hereinafter referred to as Action); and

WHEREAS, the Village Board has determined that the proposed improvements and upgrades to the existing Wastewater Treatment Plant (WWTP) are needed to comply with the current New York State Department of Environmental Conservation (NYSDEC) State Pollutants Discharge Elimination System (SPDES) Permit requirements and provide the Village with a WWTP that will consistently meet the requirements for the next 20 years; and

WHEREAS, the Village Board has determined the Action to be Type II Action under Part 617.5 © (2) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has determined that the Action is subject to a single agency review pursuant to Part 617.6 of the SEQR Regulations; and

WHEREAS, The Village Board has given consideration to the criteria for determining significance as set forth in Section 617.7 © (1) of the SEQR Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617.6.

NOW, THEREFORE, BE IT RESOLVED THAT the Village Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

Motion made by Trustee Hayes and seconded by Trustee Zhe.

The above Resolution was duly adopted on January 14, 2014 by the Village of Avon Board of Trustees.

Chuck Bastian of Bernard P. Donegan, Inc. reviewed with the Board the key components of a bond resolution.

- Scope of Project – Bill Davis from MRB will be able to provide us with the scope. We would like to have a scope that doesn't limit us.
- Maximum Finance Cost – The estimated maximum project cost is \$3M
- Plan of Financing – The plan of financing is to be offset with up to \$3M in bonds, up to \$400K wastewater capital reserve and/or \$400K sewer fund balance. We would like to have flexibility so that we may or may not use capital reserve and fund balance monies. (you can bond \$3,000,000 but can't spend a penny more)
- PPU – The ppu (Period of Probable Usefulness) is 30 or 40 years whatever is regulated.

Mayor Freeman– When do we make that determination?

Chuck Bastian - The Board will have the Chief Fiscal Officer assign terms and conditions on notes and bond sales. You don't have to set that up yet.

Mayor Freeman – We understand it's up to \$3,000,000 is it ok to modify description?

Chuck Bastian – If there is uncertainty, we could stop it tomorrow. From the cash with EFC they had a deadline date of February 3rd. If you adopt tonight you need to post and publish the permissive referendum within 10 days of adoption which expires in 30 days than publish the Notice of Estoppel which would expire March 12 so we won't meet the deadline. We will try to file the application by February 3rd. We will need certified, sealed bond resolution, Certificate of Title and the application.

Mayor Freeman – We're doing maintenance items and have the potential of Lakeville coming in.

Chuck reminded the Board that the Bond Resolution is good for ten years.

Trustee McKeown – What if we want to borrow or bond only \$2.5?

Once the project is complete and we know what the actual amount spent is, and then the short term will be rolled into a bond borrowing. This will only need to be for the amount spent – not the amount authorized.

Chuck Bastian – We would say \$3,000,000 and you can make the adjustment later on if you want \$2.5. If something else comes along after maintenance, it could piggy back on to the existing bond.

Trustee Batzel – In the bond resolution it states we could take a ban out? We won't ever have to get a ban?

Chuck Bastian – That's correct.

ADOPTING BOND RESOLUTION

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

BOND RESOLUTION DATED JANUARY 14, 2014 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 include wastewater treatment plant improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, on January 14, 2014 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 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 sewer system improvements at the Village of Avon Wastewater Treatment Plant, to address a SPDES permit effluent limit for Phosphorus and remedy condition and efficiency concerns with the existing processes, and which may include, without limitation, improvements to the influent facilities, chemical treatment, rehabilitation and upgrades to the existing structures and equipment, 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 \$3,000,000 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, are estimated to be \$3,000,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized to be offset and reduce dollar by dollar by the amounts expended, if any, from (a) the existing Wastewater Capital Reserve Fund, presently estimated to be up to \$400,000, and (b) unappropriated sewer fund balances, presently estimated to be up to \$400,000.

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 consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, 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
Mark McKeown, Trustee
William Zhe, Trustee
Robert Hayes, Trustee
Timmy Batzel, Trustee

DAVID W. LIPPITT:

EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe, the Board went into executive session at 7:00 p.m. to discuss contractual matters. Trustee Hayes seconded the motion and the Board exited executive session at 7:25 p.m. The motion was carried by a unanimous vote.

PROJECT ENGINEERING REPORT FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS:

Bill Davis of MRB Group suggested that the Village's engineering report be amended to show the phases (or separate projects). The three main items at the WWTP are:

- Replacement of the influent screen
- Installation of chemical feed for phosphorus treatment
- Rehabilitation of the Anaerobic digesters

The remainder of the items identified in the report will be pursued as needed in the future.

With our application to NYS EFC, Bill suggested that the engineering report be amended to show this. The report needs to match up with the Bond Resolution and provide the back-up needed by NYS EFC to substantiate this project and this decision.

A proposal was submitted by MRB to modify the Engineering Report. It should be modified by the February deadline so that it can accompany the Financial Application. This should answer some questions that NYS EFC will have up front and avoid up going back and forth on the matter. It will provide back-up for this immediate project as well as outline what future projects will be needed when the time comes.

MRB Group shall complete the tasks noted in the proposal for a fee of \$4,600.

Mayor Freeman – Are we confusing MRB on our thoughts and why we were surprised to get the new proposal with an additional \$4,600 fee?

Bill Davis – No that's not new. The difficult part is things went very fast. My concern

was meeting the funding deadline and keep things going and not to let it die. We need to change the report because of the \$10,000,000. There are many meetings you don't get billed for, your long time clients and that's how we give back to you. We're not charging for all our time.

Mayor Freeman – We rolled the dice with the industrial park, we have the potential of Lakeville, and we see the potential to make some money. We want the Village to have a good plan. We don't want to worry about things breaking down. We are going to be making some changes in the plant. We didn't know we were getting a grant. What I didn't know was that it is going to take a week of Clem's time to adjust the report. MRB is a vendor and we are responsible for spending taxpayer's money.

Bill Davis - \$4600 is 5 days of Clem's time. He spent 3 days putting a draft together. There will be one electronic copy and two hard copies sent to NYSEFC, and one electronic and eight hard copies of the final report will be for the Village.

DEC and EFC may have comments so when we submit the report, we won't be done. There are reports to get to Chuck Bastian. We need to make sure we meet the deadline and get things done. We want to have a good relationship with you. I apologize I did send it quickly. I didn't mean to catch you off guard.

Bill Davis stated that MRB's original fee to do the Engineering Report was \$32,000; the rest was required by EFC.

Mayor Freeman – We're going to move forward with this. In my mind you have justified that you have that amount of time in it. There's no one that knows the plant better than you guys.

Trustee Zhe – I think MRB has done an excellent job over the years.

John Barrett – It's not personal, it's business.

A motion was made to accept the proposal for professional services by Trustee Zhe and 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
Robert Hayes, Trustee	Voting	Yes
Timmy Batzel, Trustee	Voting	Yes

A letter was distributed by Bill Davis for the North Avenue Heights Subdivision for Lots 1 and 21 from Kurt Rappazzo pertaining to Certificate of Occupancies.

Mayor Freeman suggested that the letter be sent to Attorney Whiting for his input.

Superintendent Barrett reported that two drives (20 hp drives) on pumps in the basement at the WWTP that have variable speeds on them are not working properly. One does not run at all. We've been trying to keep them working. LMC quoted one at \$2500 both drives can be replaced for \$4650.

Mayor Freeman suggested that we could buy the drives and have LMC requote the pumps.

Mayor Freeman informed the Board that Chief Benedict and he will meet with Sheriff Dougherty on Thursday to introduce themselves and update the Sheriff on the new format of the Village since we now have a part-time Police Chief.

John Barrett submitted a tree service proposal by Urban Forestry. We used them six or seven years ago.

2014 DOWNTOWN PARTNERSHIP PROGRAM:

Mayor Freeman informed the Board that he had met with Louise Wadsworth and Julie Marshall to go over the Downtown Project.

The County asks that the Village sign and return the Memorandum of Understanding to the Livingston County Development Corporation if they wish to continue their involvement with the Partnership Program.

A motion was made by Trustee Zhe authorizing Mayor Freeman to sign the Memorandum of Understanding between the Village and the County. The motion was seconded by Trustee Batzel and carried by the following vote:

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

A sign and façade improvement program grants informational meeting is going to be held on Tuesday, February 11, 2014 at 6:00 p.m at the Livingston County Government Center. The maximum award is \$5,000 and it will be a 50% reimbursement for awarded projects. The deadline for applications is March 25th.

Trustee Batzel questioned the \$15,000 left to be spent on the Downtown Street Scape Project. Trustee Zhe said that between the Parks Commission and Bonnie Davis and Phil Swanson they came up with the idea of benches, trash receptacles and planters for the downtown area.

Upon a motion the meeting was adjourned at 8:25 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk