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The meeting of the Village Board of Trustees was held at the Avon Village Hall, 74 Genesee Street, Avon, New York on Monday, March 31, 2014.

- Present: Mark McKeown, Deputy Mayor
William Zhe, Trustee
Robert Hayes, Trustee
Timmy Batzel, Trustee
- Absent: Thomas Freeman, Mayor
- Staff: Tony Cappello
John Barrett
Christine Quinlan

Reid Whiting, Village Attorney
- Visitors: Frank Garguiolo, KVS Information Systems, Inc.
Joe McGuire, Senior Product Specialist; Springbrook
Dan Driscoll
Thomas Barr, TG-CoTops
David W. Lippitt, Attorney
Christian Casini, Attorney
Kevin Schulte, Sustainable Energy Developments
Matt Vanderbrook, Sustainable Energy Developments

Deputy Mayor McKeown called the meeting to order at 5:00 p.m.

KVS INFORMATION SYSTEMS, INC.

Frank Garguiolo gave a brief background of KVS which was founded in 1969 and was acquired by Springbrook out of Portland Oregon last year. KVS does strictly municipal government. Any new state or federal mandates KVS must be able to adhere to. They have an OGS contract. They are a solution based company. They offer remote diagnosis/web support/web training, and a Western NY User Group. The system is capable to integrate with 3rd party integration, like time clocks, and credit cards. They offer full back ups and updates along with electronic bank reconciliation.

Why KVS:

Support

NYS Experience – OGS Contract PT63243

Projects are finished on time and on budget

A demonstration was presented to the Board on Municipal Software showing the capabilities and benefits to the Village in making major advancements in technology.

Trustee Hayes commented by saying that audit trails and system security are big things and that's one of the good things of being cloud based.

COMMERCIAL SEWER UNITS:

The Board reviewed the proposed commercial sewer unit changes. Two letters were received from commercial users asking that their accounts remain the same. B & B submitted a letter for 310 West Main Street. They asked that the Board take into consideration that during the summer months of 2013, they were undertaking a capital improvement project that involved painting the exterior of the main building. As part of the project the exterior of the building required an extensive power washing process that required an unusual amount of water to complete prior to the final painting of the building.

A letter from TG-Cotops was also acknowledged stating that during November 2013 the water bill was abnormally high, however, the February 2014 billing showed a 47% decrease in consumption. They are not currently aware of why the consumption for the months of August through October would have been as high as they were, but will be investigating it. They believe it to be an isolated occurrence and requested that the account remain unchanged.

Dan Driscoll requested that for 58 West Main Street their account be kept the way it is. He had received a letter from Kirk Vanderbilt stating that the records show that there may be a potential leak due to high water volume. Mr. Driscoll reported that he had changed the mechanics inside each toilet to see if that would make a difference. Between November 1st and February 1st the water bill went up \$100.

Superintendent Barrett suggested that Kirk will take a look at the meters and check for possible leaks. Superintendent Barrett noted that the older meters ran slow and the new meters are more accurate.

Deputy Mayor McKeown reported that there are three sewer items to remain open pending Kirk's investigation, therefore, the public hearing will remain open until the April 7th Village Board meeting.

<u>Acct.</u>	<u>Name</u>	<u>Present</u>	<u>Proposed</u>
1001300	Matthew Murphy	3	4
2006700	Edward Coyne	W-28,SE-24	W-27,SE-23
2006800	Community Bank	2	1
4001000	ACS Elementary School	10	8
300100	Pizza Land	3	5
300700	St. Agnes School	3	2
4001100	ACS High School	26	24
500200	Richard Martin	1	4
500600	PEMM, LLC	22	26
5001125	Avon Towne Plaza	1	2
5001500	Tom Wahl's	16	18
5002050	McDonalds	9	7
5002100	Peppermints	6	7
5002250	Tops Markets	9	8
5002251	Cole Real Estate Investment	6	11
6006800	Community Integrated Svcs.	2	1
7005300	Michael Oros	1	2
11002500	B&B Precision	3	4
12004300	Star Headlight	18	11
12004600	Gray Metal Products	8	9
12004800	Aldon	8	6
12005500	A.B. Eqt. Co.	2	3
	TOTAL W	187	188
	TOTAL SE	183	184

EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe, the Board went into executive session at 6:20 p.m. to discuss contractual issues. Trustee Batzel seconded the motion and the Board exited executive session at 6:30 p.m. The motion was carried by a unanimous vote.

485N PUBLIC HEARING:

A public hearing was held before the Board of Trustees for the Designation of Commercial/Mixed Use District under Real Property Tax Law S485-n.

The abatement program is offered in a designated benefit area, as identified by the Commercial Mixed Use Incentive Board for properties that are converted, created, modernized, rehabilitated, expanded or otherwise improved.

The area shown on the attached map as the Commercial/Mixed Use district is the area which will be subject to the exemptions and benefits provided there under.

The commercial/mixed use exemption would authorize a 12 year tax abatement program to targeted downtown areas which is likely to stimulate investment in commercial and mixed use properties.

Attorney Whiting added that this local law provides capital improvement which won't cause an increase in assessment as long as the criteria is met.

The tax exemption on the change to assessed value of buildings that have commercial or residential construction work done shall be computed with respect to the exemption base and according to the following schedule:

<u>YEAR OF EXEMPTION</u>	<u>PERCENTAGE OF EXEMPTION</u>
1 THROUGH 8	100% OF EXEMPTION BASE
9	80% OF EXEMPTION BASE
10	60% OF EXEMPTION BASE
11	40% OF EXEMPTION BASE
12	20% OF EXEMPTION BASE

The Town and School have to do their own resolutions. It takes a year to get it implemented.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Avon hereby adopts Local #1 of 2014 entitled "Assessment Exemption Pursuant to Real Property Tax Law S485".

A motion was made by Trustee Hayes and seconded by Trustee Batzel to approve Local Law #1-2014 entitled Assessment Exemption Pursuant to Real Property Tax Law S485-n. The motion was carried by the following vote:

Mayor Thomas Freeman

Absent

Trustee Mark McKeown	Voting	Yes
Trustee William Zhe	Voting	Yes
Trustee Robert Hayes	Voting	Yes
Trustee Timmy Batzel	Voting	Yes

SUSTAINABLE ENERGY DEVELOPMENTS:

At this point Kevin Schulte and Matt Vanderbrook entered the meeting.

Deputy Mayor McKeown informed the visitors that Trustee Zhe attended the Town Board meeting last week where they discussed the idea of solar panels and the Solar Facility Lease.

Kevin Schulte said that he was unaware of the meeting last week and he has talked to the Town Attorney and would like to get into a real conversation on this. Sustainable Energy Developments provided an agreement that would work. We heard that the Town has some questions on it, but have not heard from them. We're looking for a good deal to lower your cost of power.

Deputy Mayor McKeown – Do you have the benefits and risk by going to solar panels?

Kevin Schulte stated that last week they were sent out to the Mayor. The project would consist of a single 200kW system located at 11 Farmers Road that will be interconnected to the Wastewater Treatment Plant. SED's analysis includes the design, supply, installation, fencing, and long-term operation of a net metered grid connected solar energy generation system. The system as proposed is for a 25 year power purchase agreement starting at \$.1025/kWh with annual escalation of 3%.

Attorney Whiting – What provisions if any does the power agreement have for providing new technology or new panels? Does it allow for replacement of obsolete panels?

Kevin Schulte – No, once the investment is made, it's a 25 year commitment on the Village.

Deputy Mayor –We have not decided we're going to move forward, right now we're going to follow the Town's lead and we're not going make a decision tonight. Their Attorney has done extensive research on this and they do not feel comfortable with your proposal. We want to fully understand what you are proposing; we would like to do a workshop with you guys to know what we would be signing up for. So for now, we're putting the project on hold.

Kevin Schulte - The #1 company called Solar World is the last remaining American manufacturer because of Chinese backing, they are highly financeable. Right now I pay 75 cents a watt. The Governor has helped NYSERTA incentives go down over time so my price has to go down or the price of modules has to go down. There are Federal Incentives on the tax side

through 2016. Lastly, I offer to Attorney Whiting and the Board that everybody has to win. I want to negotiate a deal that makes sense to everyone.

Deputy Mayor McKeown – We’ll have to figure out a time to get you back and we will get in touch with you.

The Board agreed to have a workshop on Monday, April 21st starting at 5 p.m. with Sustainable Energy Developments.

DAVID W. LIPPITT & CHRISTIAN CASINI ATTORNEYS:

EXECUTIVE SESSION:

Upon a motion made by Trustee Zhe, the Board went into executive session at 7:25 p.m. to discuss contractual issues. Trustee Hayes seconded the motion and the Board exited executive session at 7:45 p.m. The motion was carried by a unanimous vote.

VILLAGE BOARD MEETING MINUTES:

Upon a motion made by Trustee Zhe the minutes from March 10, 2014 meeting are hereby approved as submitted. Trustee Hayes seconded the motion and it was carried by the following vote:

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

Upon a motion made by Trustee Hayes the minutes from March 24, 2014 meeting are hereby approved as submitted. Trustee Zhe seconded the motion and it was carried by the following vote:

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

DPW UPDATE:

- Pricing for River Street sidewalks were distributed.
- WWTP - Got all letters out for the industrial user surveys. $\frac{3}{4}$ of them are back. Then we'll meet with MRB on making a decision.
- Started work down at the playground by laying out sidewalks. Construction will begin the 1st week in June.
- Colleen Mann – Where are we with the berm? Who will bear the cost? Mann's developer wants to know if he needs to schedule the work.

Deputy Mayor McKeown understood that Mayor Freeman was going to speak with Judy D'Angelo and discuss sharing the cost.

Tony Cappello – Once the easements are obtained, I believe the Village will bear the cost, according to Mayor Freeman.

Trustee Hayes – It's gone from a berm to a curtain drain.

Deputy Mayor McKeown – Mayor Freeman needs to tell us what is to be done along with Bill Davis.

NYS put out bidding pricing, governor wants to get rid of it, OGS cut so much that State government created a piggy back law that says if Livingston County bids out a pickup truck you can piggy back off theirs in a Federal Contract. I would like to send the law over to Attorney Whiting so we could adopt the law.

Trustee Batzel – As long as wording is in the original contract then you can piggy back. OGS is supposed to be getting better.

Superintendent Barrett announced that Livonia has increased the assessment on the pump house by 50% and piping 25%.

Trustee McKeown spoke to the Assessor and said he would like to hold taxes at the same amount and she said she can't do that. I will write a letter requesting that the assessments be held at prior levels and go to the Grievance Board.

Attorney Whiting – They will be hard pressed to show infrastructure appreciates in value.

Superintendent Barrett reported that he had talked with an electric broker and had sent copies of all our bills to them so they had our rate structure. They go out to bid and come back with the

lowest three. Con Ed came back at 6.6 cents per kilowatt hours for 3 years. I am waiting for the others to come back and hopefully we can make a decision at the next meeting.

VOUCHERS:

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

General Fund	\$ 39,809.73
Schedule C Fund	\$ 10,264.70
Water Fund	\$ 5,026.85
Sewer Fund	\$ 30,242.44
Fund #10	\$
Fund #11	\$
Fund #17	\$ 8,385.43
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	\$	
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	\$	3,321.25
Fund #83	\$	
Fund #84	\$	
Fund #85	\$	
Fund #86	\$	
Fund #87	\$	
Fund #88	\$	
Fund #91	\$	
Fund #92	\$	
Fund #93	\$	1,007.55

Fund #94	\$
Fund #95	\$
Fund #96	\$
Fund #97	\$
Fund #98	\$
Fund #99	\$
TOTAL	\$ 98,057.95

Manual Checks:

Pebble Avon Associates – NYMS Grant Pmt.	\$44,051.25
Nextel Partners/Sprint DPW Cell Phones (reissue)	\$ 580.55
Nextel Partners/Sprint STP Cell Phones(reissue)	\$ 250.48
NYS Child Support Proc. Center – Child Support	\$ 1,023.00
Nationwide Retirement Solution – Deferred Comp.	\$ 1,000.00
Progressive Bus. Compliance – Posters	\$ 120.24
TOTAL:	\$47,025.52

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

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

CLOSED PROJECTS:

Upon a motion made by Trustee Batzel, the following projects are hereby closed and the appropriated monies returned to its original source:

H43-Water Meters	\$0	
H57-Chemical Feed Pumps	\$2178.89	HR33-Water Filt. Res.
H58-Curb Repairs	\$4969.97	HR24-Streets Reserve

The Board chose not to close Project H70-Genesee Street Crosswalks until they discuss it with Superintendent Barrett at the next Board meeting.

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

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

Trustee Batzel questioned why the Board has not received bank reconciliations.

Deputy Mayor McKeown stated that he would call Deputy Clerk Margiotta and discuss it with him.

CODE ENFORCEMENT OFFICER UPDATE:

Code Officer Cappello updated the Board on the following items:

- Letter prepared to send out to North Avenue Heights homeowners regarding the proposed sidewalks. Plans will be put in place to have this part of the site plan put into effect.
- I notified the homeowner on Genesee Street to get the sign that's on Village property out of there. I want John to pick it up and take it out of there since it's on Village property. You need a permit to put a sign up.

Trustee Hayes reviewed and cited the Village Sign Regulations with the Board and Attorney Whiting. It states that portable and temporary signage does not require permits in the residential district. The Attorney will go view the sign and get back to the Board with his opinion.

TRUSTEE'S UPDATE:

The Village Board agreed their **ANNUAL MEETING** will be held on April 7, 2014 at 6:00 p.m.

CONFERENCE ATTENDANCE:

A Conference Attendance Request was submitted by Kirk Vanderbilt to attend New York Water Event to be held on May 14, 2014 at the Rochester Riverside Convention Center. The reasons

for attending are for recertification and competing in Western New York in a Meter Madness Competition.

A motion was made by Trustee Hayes and seconded by Trustee Zhe to permit Kirk Vanderbilt to attend the seminar as requested. The motion was carried by the following vote:

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

CORRESPONDENCE REVIEW:

PLANNING BOARD MEMBERS:

According to Attorney Whiting, the Village Board may decrease the membership of the Planning Board from seven to five by Local Law. The decrease becomes effective upon the expiration of the next two terms of the existing members. Whenever a vacancy occurs, the Mayor shall appoint a new member for the unexpired term.

Village Law does allow for establishment of alternate members of the Planning Board by Local Law S7-718(16). However, participation by the alternates is limited by that section to substitution only in the event of a conflict of interest, not merely because of absences creating a lack of quorum.

The Board feels that the Planning Board should be left as a seven member board the way it was intended.

WATER PENALTY REQUEST:

A note was sent from a resident who resides at 355 North Avenue requesting that their late fee be waived since they spend winters out of state the post office forwards their mail to them they did not receive their bill until March 15th.

The Board agreed to waive the penalty by Trustee Zhe and seconded by Trustee Hayes and carried by the following vote:

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

WATER/SEWER RESOLUTION:

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

RESOLUTION

WHEREAS, the Village of Avon residents are billed quarterly for the use of water and sewer within the Village, and

WHEREAS, the February 1st billing is the last billing prior to the yearend fiscal closing, and

WHEREAS, there are delinquent water and sewer accounts, it is therefore

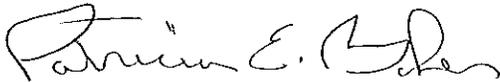
RESOLVED, that all delinquent water and sewer amounts not paid prior to April 9th, 2014 are, added to the Village of Avon tax roll for each specific delinquent account.

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

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

Upon a motion, the meeting was adjourned at 8: 20 p.m.

Respectfully submitted,



Patricia E. Baker
Village Clerk