

A special meeting of the Town of Avon was held on Thursday, September 1, 2022 at 4:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414.

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, Councilmen James Harrington, Paul Drozdziel, and Malachy Coyne

OTHERS: Attorney James Campbell, MRB Group Engineer David Willard, and Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: None

Supervisor LeFeber called the meeting to order at 4:02 P.M., led those in attendance in the Pledge of Allegiance. Engineer Willard explained the process for submittal of the grant application, and it follows:

RESOLUTION #179 SEQR – DESIGNATING LEAD AGENCY

On motion of Councilman Coyne, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

TOWN OF AVON
WATER SYSTEM IMPROVEMENTS PROJECT

SEQR RESOLUTION
DESIGNATING LEAD AGENCY

WHEREAS, the Town of Avon Town Board (hereinafter referred to as “Town Board”) on July 28, 2022 declared its intent to be designated the Lead Agency for the Town of Avon Water System Improvements project under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Town Board has not received any written objections from the involved agencies to the Board’s being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby designate itself as the lead agency for the Action identified above herein;

Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #180 SEQR DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

TOWN OF AVON
WATER SYSTEM IMPROVEMENTS PROJECT

SEQR RESOLUTION
DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

WHEREAS, the Town of Avon Town Board (hereinafter referred to as “Town Board”) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 including the supporting information on the Action prepared by the MRB Group (hereinafter referred to as “Town Engineer”); and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action on a separate resolution at the September 1, 2022 meeting; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action WILL NOT result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby directed to sign the Full Environmental Assessment Form (EAF) Part 3, the Negative Declaration, as evidence of the Town Board determination of environmental non-significance.

Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #181 202B WATER DISTRIBUTION FACILITIES

On motion of Councilman Coyne, seconded by Councilman Harrington the following resolution was

ADOPTED 5 NAYS 0

WHEREAS, the Town Board of the Town of Avon has determined that it is necessary to make significant improvements to the water distribution facilities within the Town of Avon Consolidated Water District, since such facilities are aging and in need of significant repair; and

WHEREAS, in order to accomplish such need, the Town Board of the Town of Avon is proposing an improvement project that will replace approximately 36,500 linear feet of 70+ year old cast-iron pipe with new PVC watermain, replace the existing East Avon PRV Vault and complete minor improvements to the East Avon water tank so that it meets current standards; and

WHEREAS, the Town Board is empowered to authorized such improvements subject to the provisions of New York State Town Law §202-b; and

WHEREAS, the Town Board in compliance with Town Law §193, duly caused a notice of a Public Hearing regarding the proposed improvements to be published in the official newspaper of the Town on August 11, 2022; and

WHEREAS, the Town Board pursuant to the above notice, held a Public Hearing on August 25, 2022, to afford all interested parties an opportunity to be heard regarding the proposed improvements; and

WHEREAS, the Town Board has complied with the requirements of the New York State Environmental Quality Review Act as set forth in 6 NYCRR 617; and

WHEREAS, a copy of the Preliminary Engineering Report dated June, 2022, prepared by MRB Group, describing the proposed improvements to be constructed therein was made available for public inspection at the Avon Town Clerk's Office prior to the Public Hearing and copies were available to the public at the Public Hearing; and

NOW THEREFORE BE IT RESOLVED, after due deliberation and consideration of all public comments received, the Town Board of the Town of Avon believes it to be in the public interest for the health, safety and welfare of the residents of the Town of Avon Consolidated Water District to authorize and hereby does authorize the replacement of approximately 36,500 linear feet of 70+ year old cast-iron pipe with new PVC watermain, replacement the existing East Avon PRV Vault and completion of minor improvements to the East Avon water tank so that it meets current standards and other improvements as more particularly described in the Preliminary Engineering Report dated June, 2022, prepared by MRB Group, which said improvements would take place within the Town of Avon Consolidated Water District; and be it further

RESOLUTION #181 202B WATER DISTRIBUTION FACILITIES -continued

RESOLVED, that the maximum amount proposed to be expended for the improvements is \$9,000,000.00; and be it further

RESOLVED, that the anticipated cost for such improvements shall be borne by the Town of Avon Consolidated Water District.

Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #182 BOND RESOLUTION DATED SEPTEMBER 1, 2022 OF THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

On motion of Councilman Harrington, seconded by Councilman Coyne the following resolution was ADOPTED AYES 5 NAYS 0

WHEREAS, the Town of Avon Consolidated Water District is a Water District of the Town of Avon, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on September 1, 2022, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on September 1, 2022, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Avon shall undertake certain capital improvements consisting of the acquisition and construction of water Improvements for the Town of Avon Consolidated Water District, to include, without limitation, replacement of approximately 36,500 linear feet of cast-iron pipe with new PVC watermain, replacement of the existing East Avon PRV Vault and completion of improvements to the East Avon water tank, 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 district use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$9,000,000 of the Town

RESOLUTION #182 BOND RESOLUTION DATED SEPTEMBER 1, 2022 OF THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH-continued

are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Avon of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$9,000,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) 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 Town and all the taxable real property in the Town 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 applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town 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

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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, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town 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 Town of Avon.

Section 7. The faith and credit of the Town 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. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town 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 applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. 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. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town 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 Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town 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 shall take effect immediately upon its adoption.

Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #183 AUTHORIZE THE SUPERVISOR TO SIGN NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT – SUPPORT & AUTHORIZATION FOR DRINKING WATER GRANT APPLICATION

On motion of Councilman Harrington, seconded by Deputy Supervisor Mairs the following resolution was ADOPTED AYES 5 NAYS 0

Town of Avon
New York State Water Infrastructure Improvement Act
Resolution of Support & Authorization for Drinking Water Grant Application

WHEREAS, the Town of Avon Town Board supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application, on behalf of the Town for water system improvements, hereinafter referred to as the “Project”; and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water infrastructure projects that improve water quality and protect public health; and

WHEREAS, an Engineering Report entitled “Preliminary Engineering Report for the Town of Avon Water System Improvements,” dated June 2022, recommends implementing the Project to help improve water quality and protect public health; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board identifies the Town Supervisor as the authorized representative of the Town to submit the WIIA application on behalf of the Town and execute all associated documents relative to and as required for the WIIA application, including the funding agreement and financial application, as applicable; and

BE IT FURTHER RESOLVED, that the Town may be obligated to provide local matching funds totaling at least 40% of the Project Costs in the form of in-kind services or cash contributions appropriated through State Revolving Fund (SRF) or other approved financing or funds, in accordance with the Bond Resolution; and

BE IT FURTHER RESOLVED that the Town of Avon Board of Livingston County fully supports the Project and submission of the WIIA grant application by MRB Group on behalf of the Town to improve water quality and protect public health.

Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #184 PRIVATE SESSION WITH ATTORNEY FOR CLIENT PRIVILEGE

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to accept the request of Attorney Campbell for a private session - Attorney/Client privilege for legal advice with the Board at 4:33 P.M.

Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk