

A Regular Meeting of the Town of Avon was held on Thursday, May 28, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, Councilmen Donald Cook, Thomas Mairs and James Blye

OTHERS: Highway Superintendent Robert Ayers, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Code Enforcement Lee Rodamaker, Code Enforcement Clerk Jennifer Sargeant, Water Superintendent Daniel McKeown, Attorney James Campbell, Youth Recreation Board Members Kim McDowell and Stephanie Dempsey and Town Clerk Sharon Knight

VISITORS: Youth Bureau Recipients Patrick Campbell, Shannon Freeman, Mary Hanchar, Patrick Campbell and Kirsten Singer's mother Debbie Singer

Supervisor LeFeber called the meeting to order at 6:05 P.M.

Pledge of Allegiance

DISCUSSION – YOUTH RECREATION REPORT

Youth Recreation Board Members Kim McDowell and Stephanie Dempsey provided the following update:

Registration was held on May 19th and will continue until the 5th of June. The following session registration numbers were shared:

Soccer 161, Tennis 52/25/28 Basketball 62/38/33 Swim 123/99/55 and Recreation 187.

Caledonia will be using the pool in the mornings for the first and second session and no one signed up for the third session. There is a concern of hiring twelve full time swimming employees and not having full time work for the third session. There was questions of where the money comes from in reference to charging Caledonia for their participation in swimming lessons and it was determined that an invoice is sent by the Supervisor Secretary. A meeting with employees will take place on Sunday and Board thoughts need to be provided to address the shortfall of swimmers. Also, additional requests for people from other Town's are asking to participate in the programs. Kids that attend local day cares have requested to sign-up and the Town of Geneseo does not have a swim program. It appears that the Town Board does not support residents outside of the Town to participate; however, a request to advertise the open slots was requested.

One or two e-mails are being received daily through the Town provided e-mail address.

Councilman Cook stated the Youth Recreation Committee has worked really hard, documenting their work, building the web page and working in positive ways. Kim McDowell stated the assistance of the Town Hall Employees is very much appreciated.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Ayers reported the shelves for Youth Recreation trailer arrived yesterday and they will be built by the next board meeting. Summer Recreation begins the 2nd of July.

The work for the County was completed on Tuesday and mowing roadsides have begun as well as work on South Avon Road.

Councilman Mairs asked Superintendent Ayers to provide a list of highway workers that are willing to work on the next dump day.

RESOLUTION #100 APPROVAL OF MINUTES

On motion of Councilman Cook, seconded by Supervisor LeFeber the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of May 14, 2009 as presented.

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Abstain, Deputy Supervisor Cole – Abstain, Supervisor LeFeber - Aye

DISCUSSION – WATER REPORT

Water Superintendent McKeown reported on the following:

The Ford Ranger was picked-up last Friday.

The Wayland Labs were sold to a firm located in Syracuse. We will change to Life Sciences as they are located in Wayland and their prices are similar. A shared service with the Village and Kraft Foods is being worked on to set up a currier to pick up samples on Tuesday and deliver to Life Sciences.

Once again we are selling water to “H2O Joe” through a fire hydrant. He is being charged the same rate as water customers.

DISCUSSION – ATTORNEY REPORT

Attorney James Campbell provided the following report:

Discussions began with Royal Springs Attorney David Henehan regarding a lease extension. Attorney Henehan was talking about an increase in rent even though a signed leased agreement had been reached.

DISCUSSION – ATTORNEY REPORT-continued

There was also discussion with Royal Springs Attorney David Henehan regarding the need for a different escrow agreement that would assure the Town Board that we will not be in the same situation with the Developer removing funds from the escrow accounts. Discussion included the bank requiring a second signature but that would require the Bank to take additional responsibility of the funds and we are not sure they would agree. Prior to the building permits being issued there needs to be something that will protect the funds for Town of Avon.

Work continues on the application to Ellen McDonald at the Comptroller's Office. He will be working closely with the Town Clerk for certified copies of documents.

There is a need to have a second resolution adopted for the SEQR for the Route #39 Water District Extension and the Board took the following action:

RESOLUTION #101 TOWN OF AVON ROUTE 39 WATER DISTRICT EXTENSION SEQR RESOLUTION – INTENT TO DECLARE LEAD AGENCY STATUS

On motion of Councilman Cook, second by Councilman Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Avon hereby announces its intent to serve as lead agency to conduct an environmental review of a project to construct a series of public water supply improvements to serve the Route 39 Water District Extension. A total of 16,150 linear feet of watermain will be installed along portions of Avon-Geneseo Road (NYS Route 39) and Hogmire Road. The project will provide public water to 27 residential properties that are currently dependent upon individual groundwater supplies that historically have produced very low yields of poor quality water.

FURTHER RESOLVED, the Town Board has determined that, as portions of the project are located within a Livingston County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, that The Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will

**RESOLUTION #101 TOWN OF AVON ROUTE 39 WATER DISTRICT
EXTENSION SEQR RESOLUTION – INTENT TO DECLARE LEAD AGENCY
STATUS-continued**

result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber – Aye

DISCUSSION – ENGINEER REPORT

Engineer Tim Rock provided the following report:

The plans are being put together for the Route #39 Water District.

He will be attending the June 2nd Planning Board Meeting for the Drive-in extension.

All information for the Parks Re-zone is prepared for tonight's public hearing.

DISCUSSION - CODE REPORT

Code Enforcement Officer Cappello reported on the following:

He met with Aldon and everything is in compliance. The permit to remove the tanks was issued.

There was a spill of hydraulic fluid behind the Opera Block and a report will be filed of the incident by Mr. Batzel.

DISCUSSION – OPERA BLOCK

Deputy Supervisor Cole provided the following update:

There was a break-in at the Opera Block as someone cut through the plastic on the windows. Damage was caused by spray painting of graffiti on some walls within the building and from the roof of the Bank on the exposed exterior sides of the Opera Block. It's visible from the street and the contractor will remove. A police report was taken and it's expected to find out who broke into the building.

All sixteen wells are completed and pressure tests are being run with the required pressure of 300psi.

DISCUSSION – OPERA BLOCK-continued

E-mails have been sent to the Board regarding the need for a change order. The Town Clerk stated she did not receive the e-mails or any updates.

There are items approved through a grant for the court room that will also be available for Town Board Meeting and they will be ordered by Deputy Supervisor Cole.

The computer and other hardware donated to the Town by the Genesee Valley Penny Saver that used to play music in the park will be given to the Village.

Jim Biondolillo will be out of Town for three days next week and Code Enforcement Officer Lee Rodamaker will be available if needed.

An update of costs associated with the Opera Block was shared. Deputy Supervisor Cole noted this does not include utilities. We were projected to spend 1.8 million and have spent 1.2 million. Grant money is very slow coming into the Town. We were not awarded the geothermal grant.

Supervisor LeFeber stated he heard that the EPF Fund would be getting money to distribute in the near future.

Deputy Supervisor Cole continued his report stating Maureen Kingston and Mary Lou Miller were given a tour on Tuesday.

Ideas for the cooper box time capsule will be solicited and will be placed in the east side of the chimney of the Opera Block. The size will be eight inches in depth and approximately eighteen inches long; the height will be determined. There will be an exterior marking of the capsule.

DISCUSSION – PRESENTATION OF CERTIFICATES TO THE YOUTH BUREAU RECEIPENTS

Supervisor LeFeber presented Youth Bureau Recipients Patrick Campbell, Shannon Freeman, Mary Hanchar, Patrick Campbell and Kirsten Singer's mother Debbie Singer with a framed certificate as follows:

Patrick Campbell is one of those rare students who, when asked to help out with school activities, never questions why something must be done but rather cheerfully lends a helping hand. He is an active student athlete in the Avon School district. Throughout his three years of high school he has participated in various athletics including: football, basketball, and baseball, where he was honored by being named the junior varsity Captain. Besides athletics, Patrick is a member of the National Honor Society and a student representative to the School Improvement Team. He constantly works hard to make his school a better place. Whether it be by re-sodding the football field, a project that took almost 20 hours of labor to complete, contributing to make the National Honor

**DISCUSSION – PRESENTATION OF CERTIFICATES TO THE YOUTH
BUREAU RECEIPENTS-continued**

Society activities, such as the senior citizen dance or the chicken barbeque fund raiser for Multiple Dystrophy, a success, or even assisting fellow peers and community members moving into new homes, Patrick always finds a way to be a helpful asset. Even after facing the death of his beloved grandmother Patrick continued to have a positive attitude. This makes him an exceptional role model to those around him and a shining star to those who are lucky enough to know him.

Nominated by Polly Stapley, Dean of Students, Avon High School

Shannon Freeman is a compassionate individual whose love for dancing helped raise money and awareness for the Missing and Exploited Children agency and the Golisano Children's Hospital. She has also participated in many other volunteer programs as a member of the Avon High School Student Council. These include cooking and serving dinner at the Rochester Ronald McDonald House and helping organize the Senior Citizen Prom. In her spare time she likes to teach dance to young children at the local dance school. Shannon is focused on helping others in all of her endeavors. She has such a positive and optimistic outlook on life that she inspires the teachers and peers around her.

Nominated by Polly Stapley, Dean of Students, Avon High School

Mary Hallahan continually strives for excellence, whether in school or in her many outside activities. She is a role model for perseverance, going the extra mile and always doing her best. Mary is always kind to others, and can be depended upon to produce quality work, and to follow through on her commitments. Some of Mary's activities include Tracks to Excellence Program, HFL Assets Committee, Music Boosters, Irish Dance, Girl Scouts, and she is also a "Peer Helper" at HFL Middle School. Peer Helpers volunteer time to help orient new students and assist with creating a positive school atmosphere. She is a high honor role student with perfect attendance, she volunteers at her church, and she tutors Spanish. Mary is known as the go-to-person if you need anything done. Her only challenge is to fit all her activities into a 24-hour day!

Nominated by Middy Zemans, School Counselor, Honeoye Falls-Lima High School

Mary Hanchar is a very talented and creative young woman. She is a member of the Drama Club where she has loaned her artistic abilities repeatedly through the creation of stage scenery, props, posters, banners and backdrop designs. She is a very dedicated student who consistently scores above average grades. She is very active in school and church activities and extremely generous with her time and sharing of her many talents. She has demonstrated an ability to give to her community on many levels. She maintains a confident, happy demeanor in all that she does.

Nominated by Jeffrey Hancock, Teacher/Art Director, St Agnes School

Patrick Hayes is a wonderful young man who gives unselfishly to his community. He is always respectful and a bright star in school and community; his enthusiasm is infectious! He has been captain of the baseball and basketball teams and coaches youth basketball camp and modified girls basketball. He helped put up Christmas trees around town, rang

**DISCUSSION – PRESENTATION OF CERTIFICATES TO THE YOUTH
BUREAU RECEIPENTS-continued**

the bell for the Salvation Army and taught second grade students basketball skills at the Pee Wee Basketball program at St. Agnes Elementary School. He is Vice President of his class and headed committees to plan the Junior Prom and the Snow Ball. He is an outstanding student who is a member of the National Honor Society and the ACS Student Council. Patrick likes to volunteer because he feels the Avon athletic program has given him so much that he wants to give back to his community. Patrick is a natural leader and role model for his peers.

Nominated by Polly Stapley, Dean of Students, Avon High School

Marcy Manning, a natural leader, has been very involved in a variety of activities both in school and in the Avon community. She is a member of the St. Agnes Youth Group, a St. Agnes Eucharistic Minister, a member of the Avon Central School mentoring program, a Braves Builder who helps 9th graders transition to the high school. Marcy has been captain of the varsity Soccer and Basketball teams, participated in the Lupis and CROP Walks, and coached youth basketball. She is a member of the National Honor Society. Marcy is an exemplary student and individual and a leader among her peers.

Nominated by Polly Stapley, Dean of Students, Avon High School

Kirsten Singer is a caring, compassionate individual who organized a community leaf-raking project last fall. She solicited volunteers from the student body, identified families in the community who needed help, and spent a Saturday raking leaves. Through her efforts she has shown the Avon community that young people today do care and can make a difference in the lives of others. Kirsten is active in the School Book Club and participates in the Page Turner Book Club where she reads the program books and then competes against other schools. Kirsten is well respected and involved in the community and school activities.

Nominated by Polly Stapley, Dean of Students, Avon High School

Mary Kate Taylor is extremely generous with her time and always eager to volunteer within her community. Through St. Agnes Church, Mary Kate participates regularly in her youth group and is always quick to freely give of her time along with her many gifts. Recently, Mary Kate lent her artistic talents to the creation of a very large stage backdrop for a concert fundraiser for St. Agnes School. Her willingness to assist made this very difficult task very successful. Mary Kate's willingness to help, with whatever the task, is refreshing and she is a great role model to all who know her.

Nominated by Jeffrey Hancock, Art Director /Teacher, St. Agnes School

Elizabeth (Lizzie) VanHarken is very charismatic, charming, and intelligent. Her tenacity with deadlines and assignments and her thirst for knowledge are second to none. The way she carries herself and speaks with others reflects a genuine knack for human relationships. She is a very effective leader and advocates for others daily through her actions. Lizzie volunteers at Camp Mishewah in Killaloe, ON, is a mailing assistant for Compass Care Pregnancy Services, leads Bible school study, is captain of the varsity

**DISCUSSION – PRESENTATION OF CERTIFICATES TO THE YOUTH
BUREAU RECEIPENTS-continued**

volleyball team, and a member of GLOW compassion ministries. She received the Varsity Volunteer Award through Camp Good Days. Lizzie has an aura of compassion and attention to her classmates and teachers. She is committed to her education and willingly helps others.

Nominated by Patrice Tate, Counselor, Honeoye Falls-Lima High School

**DISCUSSION – OPEN PUBLIC HEARING LOCAL LAW T-1A-2009 –
CHAPTER 49 - EXTERIOR LIGHTING REQUIREMENTS**

Supervisor LeFeber opened the Public Hearing by read the following legal notice:

**TOWN OF AVON
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW**

PLEASE TAKE NOTICE that, for the purpose of this article is to protect and promote the public health, safety and welfare of the residents of the town of Avon, as well as preserve the quality of life, retain the rural character of Avon and afford the public the ability to view the night sky, by establishing regulations and a process for review of exterior lighting, a public hearing will be held by the Town Board at the Village Hall in the Town of Avon, on the 28th day of May 2009, at 7:00 P.M., to consider the enactment of the proposed local law described and summarized below:

**LOCAL LAW T-1A-2009
CHAPTER 49 – EXTERIOR LIGHTING REQUIREMENTS**

This local law:

- (1) States the legislative intent of the Town Board in adopting the local law.
- (2) The general purpose of this chapter is to protect and promote the public health, safety and welfare of the residents of the Town of Avon, as well as preserve the quality of life, retain the rural character of Avon and afford the public the ability to view the night sky, by establishing regulations and a process for review of exterior lighting.

Copies of the local law described above are on file in the office of the Town Clerk of the Town of Avon, where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

**DISCUSSION – OPEN PUBLIC HEARING LOCAL LAW T-1A-2009 –
CHAPTER 49 - EXTERIOR LIGHTING REQUIREMENTS-continued**

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Avon will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above and, as deemed advisable by said Board, taking action on the enactment of said local law.

DATED: May 7, 2009
PUBLISH: May 14, 2009

BY ORDER OF THE TOWN BOARD
TOWN OF AVON
Sharon M. Knight CMC/RMC, Avon Town Clerk

**DISCUSSION – OPEN HEARING – LOCAL LAW T-2A-2009 – PARCEL
NUMBER 44-1-47.613 RECLASSIFIED TO AGRICULTURAL DISTRICT (A)**

Supervisor LeFeber choose to recuse himself from involvement from consideration of the Local Law T-2A-2009 as he has a purchase offer on the property.

Supervisor LeFeber opened the Public Hearing by read the following legal notice:

**TOWN OF AVON
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW**

PLEASE TAKE NOTICE that, for the purpose of this article is to modify the boundaries of a certain zoning district currently known as Limited Residential District within the Town, changing such certain specified area to Agricultural District, a public hearing will be held by the Town Board at the Village Hall in the Town of Avon, on the 28th day of May 2009, at 7:15 P.M., to consider the enactment of the proposed local law described and summarized below:

**LOCAL LAW T-2A-2009
A LOCAL LAW TO AMEND THE BOUNDARIES OF THE LIMITED
RESIDENTIAL DISTRICT AND EXTEND THE BOUNDARIES OF THE
AGRICULTURAL ZONING DISTRICT OF THE TOWN OF AVON, LIVINGSTON
COUNTY, NEW YORK**

This local law:

- (1) States the legislative intent of the Town Board in adopting the local law.
- (2) Provides the existing Limited Residential District located along the north side of Littleville Road, in the Town of Avon, New York, east of the property owned by the L.A. & L. Railroad and encompassing in its entirety an approximately 41 +/- acre parcel known as Tax Identifier Map Parcel Number 44-1-47.613, shall be reclassified to

**DISCUSSION – OPEN HEARING – LOCAL LAW T-2A-2009 – PARCEL
NUMBER 44-1-47.613 RECLASSIFIED TO AGRICULTURAL DISTRICT (A)-
continued**

Agricultural District (A), and the official Zoning Map of the Town of Avon shall be amended to reflect such reclassification (although not contemporaneously with the adoption of this Local Law).

Copies of the local law described above are on file in the office of the Town Clerk of the Town of Avon, where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Avon will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above and, as deemed advisable by said Board, taking action on the enactment of said local law.

DATED: May 8, 2009

PUBLISHED DATE: May 14, 2009

BY ORDER OF THE TOWN BOARD
TOWN OF AVON
Sharon M. Knight CMC/RMC, Avon Town Clerk

Attorney James Campbell stated that Local Law T-1A-2009 has been reviewed by himself, the Engineer, Town and County Planning Boards. This law is at the cutting edge and seems to make good sense. The lack of knowledge of the need to comply with this local law is expected.

Councilman Blye stated this legislation is long overdue. While serving on the Planning Board that Board could only make suggested recommendations; however, with the adoption of this proposed local law the Planning Board would require the new lighting.

RESOLUTION #102 CLOSE THE PUBLIC HEARING FOR LOCAL LAW T-1A-2009

On motion of Deputy Supervisor Cole, second by Councilman Cook the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to close the public hearing regarding Local Law T-1A-2009.

RESOLUTION #102 CLOSE THE PUBLIC HEARING FOR LOCAL LAW T-1A-2009-continued

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber – Aye

RESOLUTION #103 – ADOPT LOCAL LAW 1-2009

On motion of Councilman Cook, second by Councilman Blye the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to adopt Local Law 1-2009 as follows:

LOCAL LAW NO. 1 OF THE YEAR 2009
OF THE TOWN OF AVON

A local law to amend the Code of the Town of Avon, Livingston County, New York to create a new chapter of said code entitled “Chapter 49 – Exterior Lighting Requirements”, also known as “Town of Avon Lighting Ordinance.”

Be it enacted by the Town Board of the Town of Avon as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as “A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK TO CREATE A NEW CHAPTER OF SAID CODE ENTITLED “CHAPTER 49 – EXTERIOR LIGHTING REQUIREMENTS.”

SECTION 2. PURPOSE.

The purpose of this chapter is to protect and promote the public health, safety and welfare of the residents of the Town of Avon, as well as preserve the quality of life, retain the rural character of Avon and afford the public the ability to view the night sky, by establishing regulations and a process for review of exterior lighting.

SECTION 3. APPLICABILITY OF EXTERIOR LIGHTING REQUIREMENTS.

This chapter shall apply to all zoning districts within the Town of Avon as specified within said chapter.

SECTION 4. BODY OF TEXT FOR NEW CHAPTER 49 – EXTERIOR LIGHTING REQUIREMENTS.

Chapter 49 - Exterior Lighting Requirements

§ 49-1. Purpose.

The general purpose of this chapter is to protect and promote the public health, safety and welfare of the residents of the Town of Avon, as well as preserve the quality of life, retain the rural character of Avon and afford the public the ability to view the night sky, by establishing regulations and a process for review of exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:

- A. To provide safe roadways for motorists, cyclists and pedestrians;
- B. To protect against direct glare and excessive lighting;
- C. To ensure that sufficient lighting can be provided where needed to promote safety and security;
- D. To prevent light trespass in all areas of the Town;
- E. To protect and reclaim the ability to view the night sky;
- F. To allow for flexibility in the service of lighting fixtures;
- G. To provide lighting guidelines;
- H. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this article;
- I. To promote the conservation of energy for exterior lighting;
- J. To reduce the impact of artificial lighting on human health, flora, fauna, and the environment.

§ 49-2. General provisions; conflict with other laws.

- A. Title. Chapter 49, together with the amendments thereto, shall be known and may be cited as the "Town of Avon Lighting Ordinance."
- B. Conflict with other laws. In a case where this article is found to be in conflict with a provision of a zoning, fire, safety, health, water supply, subdivision, or sewage disposal law or ordinance, or regulation adopted pursuant thereto or other law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

§ 49-3. Applicability.

- A. New lighting. All exterior lighting installed after the effective date of this article shall conform to the standards established by this article, except exterior lighting required to protect and promote public health and safety.
- (1) Upon adoption of this article as established by its effective date, all subsequent installation, replacement, alteration, change, repair, or relocation of any nonconforming luminaire shall conform with the provisions of this article.
 - (2) All exterior lighting installed shall comply with §§ 49-5 and 49-7D of this article regarding glare, light pollution, light trespass, and skyglow as defined in this article.
 - (3) The following exterior lighting, existing or installed prior to the effective date of the adoption herein, which does not conform with the provisions of the article, shall be exempt provided the following requirements are met:
 - (a) Pre-existing residential floodlight luminaires are exempt, provided that the total light output for the fixture does not exceed 1,800 lumens (equivalent to 100 watts incandescent) regardless of the number of lamps; and angled downward or shielded so as not to cause glare or light trespass or beam spread beyond the intended target or across property lines. This exemption expires no later than December 31, 2010, at which time full conformance is required.
 - (b) Pre-existing unshielded residential fixtures mounted on the primary structure are exempt, provided the light output, regardless of the number of lamps, is no greater than 900 lumens (60 watts incandescent). This exemption expires no later than December 31, 2010, at which time full conformance is required.
 - (c) Pre-existing nonconforming nonresidential luminaires rated over 1,800 lumens (100 watts incandescent), regardless of the number of lamps, shall be altered to the greatest extent possible to prevent visible glare across property lines by re-aiming, shielding, adding louvers, re-lamping, or other means, to meet the definition of fully or partially shielded. This exemption expires no later than December 31, 2010, at which time full conformance is required.

- (d) Pre-existing nonconforming automated teller machine (ATM) lighting; fuel filling and gas service station canopy lighting shall be in full compliance with the provisions of this article no later than December 31, 2010.
- (e) Pre-existing nonconforming commercial and industrial parking lot lighting illuminating less than 20 parking spaces shall be in full conformance with the provisions of this article no later than December 31, 2012.
- (f) Pre-existing nonconforming commercial and industrial parking lot lighting illuminating 20 or more parking spaces shall be in full conformance with the provisions of this article no later than December 31, 2017, and may be achieved by partial areas of complete renovations regarding lighting levels, pole heights and lamp types in increments of 10% of the parking lot area per year.

§ 49-4. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

AREA LIGHT — A luminaire equipped with a lamp that produces over 1,800 lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

AVERAGE HORIZONTAL FOOTCANDLE — The average level of illuminance for a given situation measured at ground level with the light meter placed parallel to the ground.

CODE ENFORCEMENT OFFICER — The officer or employee designated by the Town Board to enforce the zoning provisions of Avon Town Code as well as the related applicable provisions of the New York State Code of Rules and Regulations and New York State Building Code.

CORRELATED COLOR TEMPERATURE (CCT) — A measurement on the Kelvin (K) scale that indicates the warmth or coolness of a lamp's color appearance. The higher the color temperature, the cooler the color appearance. Typically, a CCT rating below 3,200 K is considered warm, while a rating above 4,000 K is considered cool.

EXTERIOR LIGHTING — Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine

outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this article.

FLOODLIGHT — A luminaire rated to produce 1,800 lumens (100 watts incandescent) or more, regardless of the number of lamps, and is which is designed to flood an area with light.

FOOTCANDLE (FC) — The American unit used to measure the total amount of light cast on a surface (illuminance). One footcandle is equivalent to the illuminance produced by a source of one candle at a distance of one foot. For example, the full moon produces 0.01 fc as measured with a light meter.

FULL CUTOFF LUMINAIRES — A luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. (See Figure 1). Further, no more than 10% of the lumen output should be provided at angles between 90° and 80° below the lowest light-emitting part of the luminaire.

FULLY SHIELDED — A luminaire constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below a horizontal plane through the luminaire's lowest light emitting part, as designed and installed. (See Figure 1).

GLARE — Stray, unshielded light striking the eye that may result in:

- A. Nuisance or annoyance glare such as light shining into a window;
- B. Discomfort glare such as bright light causing squinting of the eyes;
- C. Disabling glare such as bright light reducing the ability of the eyes to see into shadows; or
- D. Distracting glare, such as light which diverts the eye from a visual task.

HOLIDAY LIGHTING — Temporary lighting used to celebrate holidays. Holiday lighting includes, but is not limited to, strings of small individual lights, illuminated menorahs, illuminated nativity scenes, illuminated candles, and various yard decorations seasonal in nature.

IESNA — Illuminating Engineering Society of North America (IES or IESNA); the professional society of lighting engineers.

IESNA RECOMMENDED PRACTICES — The current publications of the IESNA setting forth illuminance levels.

ILLUMINANCE — The amount of light falling on any point of a surface measured at footcandles.

LAMP — The generic term for an artificial light source, to be distinguished from the whole assembly (see “luminaire”); commonly referred to as “bulb” or “light bulb.”

LANDSCAPING LIGHTING — Non essential low lumen output fixtures (maximum of 500 lumens or 40 watts incandescent) used to illuminate residential walkways and foliage.

LED (Light Emitting Diode) — A semiconductor device that emits light when an electric current passes through it.

LIGHT — The form of radiant energy acting on the retina of the eye to make sight possible.

LIGHTING — Any or all parts of a luminaire that function to produce light.

LIGHT POLLUTION — Any adverse effect of man-made light, including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the uncomfortable distraction to the eye, or any man-made light that diminishes the ability to view the night sky.

LIGHT TRESPASS — Light falling on the property of another or the public right-of-way when it is not required to do so.

LUMEN — The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging. For example, a sixty-watt incandescent lamp produces 950 lumens while a fifty-five-watt low-pressure sodium lamp produces 8,000 lumens.

LUMINAIRE — A complete lighting unit, consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power; when used, includes ballasts and photocells; commonly referred to as “fixture.”

MUNICIPAL RECREATIONAL FIELDS — Includes, but is not limited to, tennis, basketball and handball courts; football, baseball, softball and soccer fields; hockey, skating and skateboarding rinks constructed by or at the behest of the Town of Avon.

NONESSENTIAL LIGHTING — Lighting that is not necessary for an intended purpose after the purpose has been served; does not include any lighting used for safety and/or public circulation purposes.

PARTIALLY SHIELDED — A light fixture which incorporates an opaque barrier, shield, louvers, or other means, so that the light source is not visible across property lines or into roadways.

REPAIR OF A LUMINAIRE OR SIGN — Any service normally provided by a licensed electrician upon a luminaire or sign. Repair shall be considered to include replacement or modification of any of the following: poles, mounting arms, housings, hardware, wiring, ballasts, lenses, reflectors, diffusers, baffles, shields, sensors, switches, relays, power supplies, and lamp replacement modules which contain any of the items listed above. Replacement of a user-serviceable lamp will not by itself be considered a repair.

SKYGLOW — The overhead glow from light emitted sideways and upwards. Skyglow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere. Skyglow reduces one's ability to view the night sky.

TEMPORARY LIGHTING — Lighting that is intended to be used for a special event for seven days or less.

UPLIGHTING — Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

§ 49-5. Exterior lighting standards.

A. General standards.

- (1) All exterior lighting shall be designed, located and lamped in order to prevent:
 - (a) Overlighting;
 - (b) Energy waste;
 - (c) Glare;
 - (d) Light trespass;
 - (e) Skyglow.
- (2) All nonessential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not

in use. Lights on a timer are encouraged. Sensor-activated lights are encouraged to replace existing lighting that is desired for security purposes.

- (3) Canopy lights, such as service station lighting shall be fully recessed and full cutoff luminaires so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties.
- (4) Area lights. All area lights shall be full-cut-off-type luminaires.

B. Type of luminaires.

- (1) All exterior lighting, with an exemption granted to municipal recreational fields, rated to be lamped at 1,800 lumens (100 watts incandescent) and greater shall use full cutoff luminaires as determined by photometry test or certified by the manufacturer and installed as designed with the light source directed downward. Municipal recreational fields, at a minimum, shall utilize partially shielded fixtures to direct light to the field of play, and to minimize up-glow and light trespass.
- (2) All exterior light fixtures rated to emit 1,800 lumens (100 watts incandescent) and less, regardless of the number of lamps shall use fully shielded fixtures (See Figure 1) and shall be installed as designed.
- (3) Privately owned or leased light fixtures located on public utility poles or located in the public right-of-way are prohibited.

C. Exempt exterior lighting. The following types of exterior lighting are exempt from the provisions of this section.

- (1) Holiday lighting lit between November 15 and January 15 of the following year.
- (2) Motion sensor-activated luminaires, provided:
 - (a) They are fully shielded and located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way: and
 - (b) The luminaire is set to only go on when activated and to go off within five minutes after activation has ceased;

- (c) The luminaire shall not be triggered by activity off the property; and
 - (d) The luminaire, regardless of the number of lamps, does not exceed 1,800 lumens and not rated to exceed 100 watts.
- (3) Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.
 - (4) Uplighting for flags; provided the flag is not used for advertising and the total maximum lumen output is 1,300 lumens.
 - (5) Lighting of radio, communication and navigation towers; provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with Chapter 49, and that the provisions of Chapter 49 are otherwise met.
 - (6) Runway lighting. Lighting on any landing strip or runway, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this article.
 - (7) Neon lights. Neon lights as permitted pursuant to the Town of Avon Sign Regulations.
 - (8) Residential landscape lighting as defined herein, provided the lamp or lamps are not visible across property lines and, in addition, are not triggered by a dusk-to-dawn timer.

D. Prohibited exterior lighting. The following types of lighting are prohibited:

- (1) Searchlights, except those used for governmental, emergency and law enforcement purposes.
- (2) Strobe lights, laser lights, or revolving lighting.
- (3) Neon lights, except as legally permitted.
- (4) Blinking, pulsating, tracing, or flashing lights unless temporarily triggered by a security system.
- (5) Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational markers.

- (6) Lighting that is determined by municipal law enforcement personnel to contribute to disabling or distracting glare into a public roadway.
- (7) Any light fixture located within a designated nature preserve, easement, or waterway.
- (8) Illuminated signs without a municipal permit.
- (9) Nonmunicipal recreational field lighting, including but not limited to tennis, basketball and handball courts, and sports fields, including but not limited to baseball, soccer, and football without site plan approval and a building permit.

§ 49-6. Placement and height of luminaires.

- A. Luminaires, exclusive of municipal streetlighting, and municipal recreational fields, shall be mounted no higher than 16 feet from the level ground to the lowest light-emitting part of the fixture.
- B. Luminaires on commercially used properties shall be located and shielded in a manner to prevent light projection beyond the property line. (See Figure 3.)
- C. Luminaires used for municipal recreational fields and municipal outdoor recreational uses shall be exempt from the height restriction, and illuminance levels, provided all other provisions of this article are met and the light is used only while the field is in use.
- D. Sign lighting. Lighting shall be mounted on the top of the sign directed downward and positioned and shielded so that the light source meets all the requirements set forth in this article. No individual lamp shall exceed 1,000 lumens. Mounting height of lights shall not exceed 20 feet.
- E. Mounting height of residential luminaries may not exceed 14 feet.

§ 49-7. Illuminance and type of lamp.

- A. Illuminance levels for parking lots, sidewalks, and other walkways affected by side-mounted building lights and freestanding sidewalk lights (not streetlights) shall not exceed illuminance levels listed in the IESNA Recommended Practices, either PR33 or RP20, depending on the application. (See Tables 1, 2 and 3.) The Town of Avon recognizes that not every such area will require lighting.
- B. Parking lot lighting shall not exceed an overall average illumination as listed on Table 1.

- C. Streetlight luminaires shall be full cutoff luminaires and be lamped with high-pressure sodium or compact fluorescent light source. The Town Engineer shall make a determination for the type of light distribution, the height, and lumen value of the light source for each location, based on the manufacturer's supplied photometric information, in order to meet the streetlighting warrants. The criteria for evaluating the warrant of streetlights shall be nonconformance to the American Association of State Highway Transportation Officials (AASHTO) standards and or a safety hazard as determined by the Town Engineer. The Town Engineer shall reserve the option to alter the type of light, light intensity of public roads and public facilities in areas where public safety is an issue. Streetlight luminaires shall be brought into compliance with this section no later than December 31, 2017.
- D. All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting.
- E. Gas station under-canopy fixtures shall be lamped so as not to exceed light level measurements as recommended in RP33, Table 2.
- F. All ATM and bank lighting shall conform to the provisions of the New York State ATM Safety Act as contained in the New York State Banking Law § 75-a, et seq., and the provisions of this chapter.
- G. All Utility company leased pre-existing nonconforming unshielded floodlight fixtures, including GE Powerflood, Mercury Vapor fixtures, and all one-thousand watt fixtures shall not be relamped, repaired or replaced.
- H. The following types of lamps shall not be permitted:
- (1) Mercury vapor.
 - (2) Unshielded LED lamps, except as exempt for holiday lighting.
 - (3) Metal halide except as approved by the Town Engineer and only when the correlated color temperature (CCT) is less than 3,200 K and when the arc tube of the lamp is enclosed with a protective acrylic or tempered glass shroud.

§ 49-8. Figures and tables.

The attached figures and tables shall be incorporated into Chapter 49 as guidelines for the public and the Town of Avon for use in enforcing this article. The Town does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples.

- A. Figure 1: illustrations of full cutoff and full shielded fixtures.

- B. Figure 2: diagrams of generally acceptable and generally unacceptable light fixtures.
- C. Figure 3: diagrams of recommended fixture placement in relation to the property line to control light trespass.
- D. Table 1: limits of illumination for target areas for parking lots.
- E. Table 2: limits of illumination for target areas for car dealerships, sidewalks, walkways, and gas stations.
- F. Table 3: limits of illumination for roadways.

§ 49-9. Procedure.

- A. All applications for site plan review, use permits, planned unit developments, subdivision approvals, applicable sign permits, or building permits shall include lighting plans showing location of each existing and proposed outdoor light fixture, and luminaire distribution, type, lamp source type, wattage, mounting height, hours of operation, lumen output, and illuminance levels in ten-foot grids in order to verify that lighting conforms to the provisions of this article. The Code Enforcement Officer may waive the requirement for illuminance level information only, if the Town Engineer finds that the illuminance levels conform to this article. For all other exterior lights which must conform to the requirements of this Chapter 49, an application shall be made to the Planning Board showing location, luminaire and bulb type, height, hours of operation, lumen output and illuminance levels.
- B. The Planning Board shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, site plan review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permit, to determine whether the exterior lighting complies with the standards of this Chapter 49.
- C. For all other exterior lighting which must conform to the requirements of Chapter 49, the Planning Board shall issue a decision whether the exterior lighting complies with the standards of this Chapter 49. All such decisions may be appealed to the Town of Avon Zoning Board of Appeals within 30 days of the decision.

§ 49-10. Violations and legal actions.

If the Code Enforcement Officer finds that any provision of this article is being violated, the Code Enforcement Officer shall give notice by hand delivery or by

certified mail, return receipt requested of such violation to the owner and/or the occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The Planning Board shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty-day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this article.

§ 49-11. Severability.

If any clause, sentence, paragraph or section of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

§ 49-12. When effective.

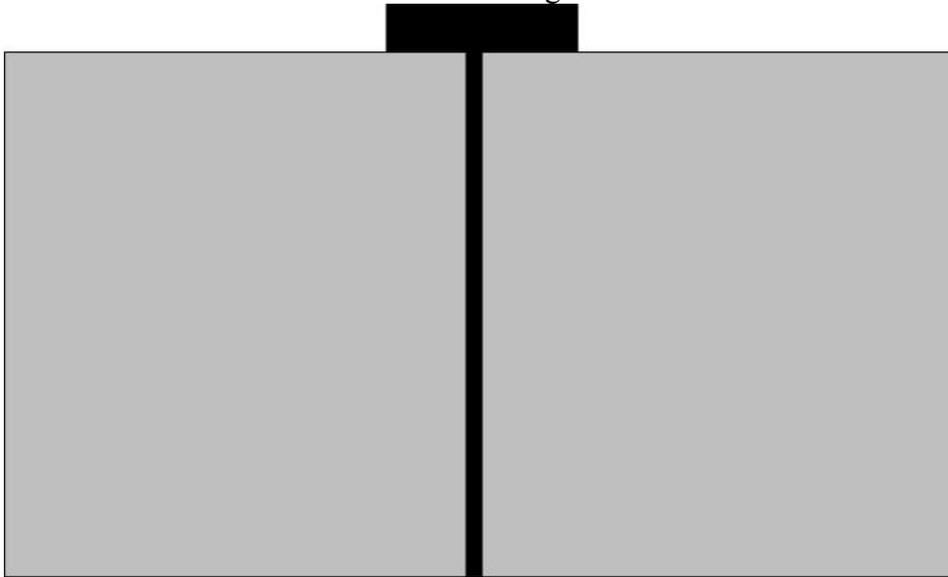
This article shall be in full force and effect from and after its passage, approval and publication.

Town of Avon
Guidelines for Exterior Lighting

Figure 1

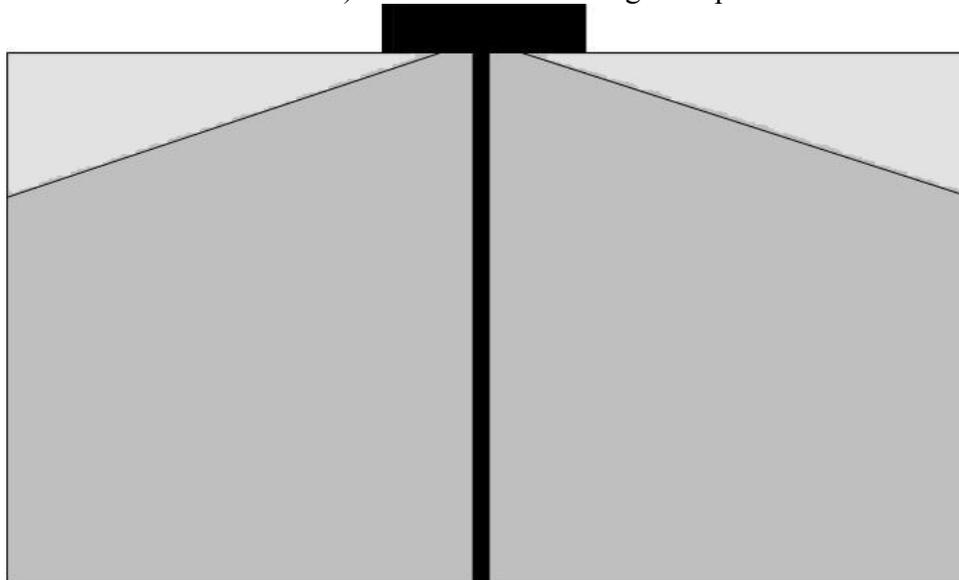
Fully Shielded Fixture

No light emitted above the lowest light-emitting part of the fixture and no restriction as to amount at various angles below the horizontal.



Full Cutoff Fixture

Additionally restricts the amount of light emitted in the "glare zone" (90° to 80° below horizontal) to 10% of the total light output.



Town of Avon Guidelines for Exterior Lighting Figure 2

Unacceptable

Fixtures that produce glare and light trespass

Unshielded Floodlights or Poorly-shielded Floodlights

Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

Unshielded Streetlight

Unshielded Bollards

Unshielded Barn Light

Unshielded 'Period' Style Fixtures

Louvered 'Marine' style Fixtures

Unshielded PAR Floodlights

Drop-Lens Canopy Fixtures

Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

Full Cutoff Fixtures

Fully Shielded Wallpack & Wall Mount Fixtures

Fully Shielded Fixtures

Full Cutoff Streetlight

Fully Shielded Barn Light

Fully Shielded Walkway Bollards

Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures

Shielded / Properly-aimed PAR Floodlights

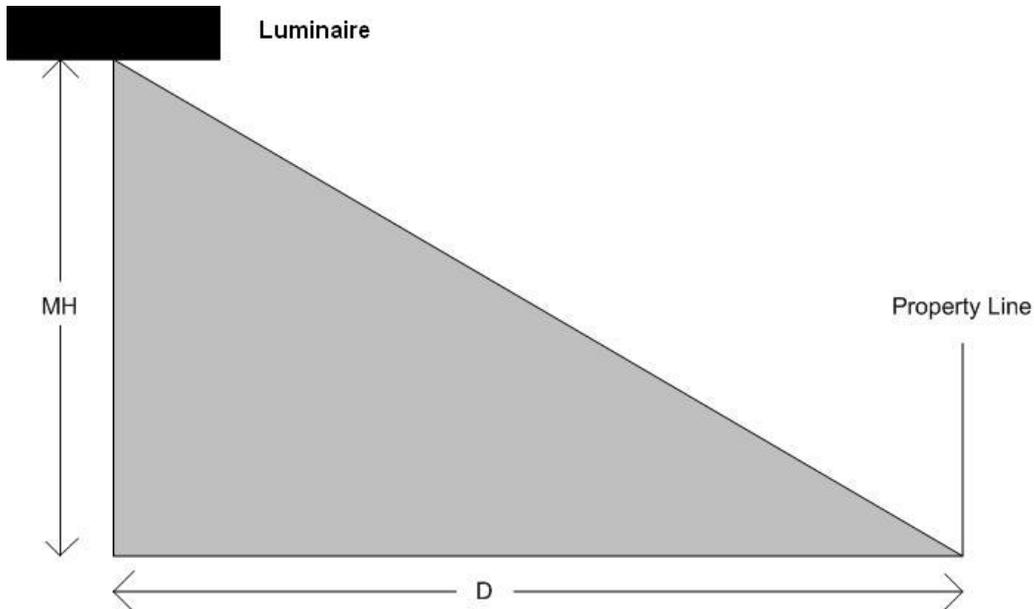
Flush Mounted or Side Shielded Under Canopy Fixtures

Rendered for the Town of East Hampton, NY by Bob Crelin ©2005

Town of Avon
Guidelines for Exterior Lighting

Figure 3
Calculating Fixture Height in Relation to Distance to Property Line

Without available photometric data to execute a lighting plan, fixture placement setbacks can help to reduce incidence of light trespass and glare across property lines.



Mounting height = $\frac{1}{3}$ distance to property line plus three feet.

A fully shielded or FCO fixture will generally contain light to a site to reduce light trespass if this formula is followed: Divide the distance (D) to the property line by three and add three feet to equal the maximum mounting height (MH). Formula: MH no greater than $\frac{1}{3}$ distance to property line plus three feet (The Kennebunkport Formula).

* Assumes common FCO luminaire. Asymmetrical "sharp cutoff" FCO luminaires that have steeper cutoff angles or shielding at the house side may be placed closer to property boundaries provided their cutoff angles do not result in light trespass and footcandle measurements can be provided on a lighting plan.

**Town of Avon
Guidelines for Exterior Lighting**

**Table I
Limits of Illumination for Target Areas
Parking Lots**

IESNA Document	Illuminance Levels						Uniformity		
	EMIN	EMAX	EAVE	EV-MIN	EV-AVE	ESC-MIN	MAX/MIN	AVE/MIN	MAX/AVE
Lighting for Parking Facilities									
RP-20-98									
Medium	0.6		2.4				20:1	4: 1	
Low	0.2		0.8				20:1	4: 1	
High	0.9		3.6				20:1	4: 1	

Light levels indicated are for active use of the facility during open business hours.
 High: Large shopping centers over 300,000 square feet of retail space.
 Medium: Community shopping centers between 5,000 and 299,000 square feet retail space.
 Low: Neighborhood shopping retail of less than 5,000 square feet.
 After hours, light levels may be cut by 50% or more.

**Table 2
Limits of Illumination for Target Areas
Car Dealerships, Sidewalks, Walkways, and Gas Stations**

IESNA Document		Illuminance Levels						Uniformity		
		EMIN	EMAX	EAVE	EV-MIN	EV-AVE	ESC-MIN	MAX/MIN	AVE/MIN	MAX/AVE
Lighting for Exterior Environments RP-33-99										
Sidewalks (roadside) and Type A Bikeways	Commercial Areas		1			2		10:1		
	Intermediate Areas			0.5		1		10:1		
	Residential Areas			0.2		0.5		10:1		
Walkways distant from roadways and Type B Bikeways	Commercial Areas			0.5		0.5		10:1		
	Intermediate Areas			0.5		1		10:1		
	Residential Areas					0.5		10:1		
Car dealerships	Secondary Business Districts									
	Adjacent to roadway		5-10					5: 1		
	Other rows		2.5-5					10:1		
	Entrances		2.5-5					5: 1		
	Driveways		1-2					10:1		
Service stations or gas pump area	Approach			1.5-2						
	Driveways			1.5-2						
	Pump island			5						
	Service areas			2-3						

Town of Avon
Guidelines for Exterior Lighting

Table 3
Limits of Illumination for Roadways

IESNA Document		Illuminance Levels					Uniformity			
		EMIN	EMAX	EAVE	EV-MIN	EV-AVE	ESC-MIN	MAX/MIN	AVE/MIN	MAX/AVE
Roadway Lighting ANSI-RP-8-00										
Walkways/bikeways, mixed use	High Pedestrian Conflict			2	1.0				4.0	
Walkways/bikeways, pedestrian use only	High Pedestrian Conflict			1	0.5				4.0	
Walkways/bikeways, pedestrian use only	Medium Pedestrian Conflict			0.5	0.2				4.0	
Collector (R2&R3)	High-Medium-Low Pedestrian Conflict			1.2-0.9-0.6					4.0	
Local	High-Medium-Low Pedestrian Conflict			0.9-0.7-0.4					6.0	

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber – Aye

DISCUSSION – PUBLIC HEARING ON LOCAL LAW T-2A-2009

Deputy Supervisor Cole read a portion of the Short Environmental Assessment Form that was completed by Engineer Rock and the Board took the following action:

RESOLUTION #104 MOTION TO ADOPT THE FINDINGS - LOCAL LAW T-2A-2009

On motion of Councilman Cook, second by Councilman Blye the following resolution was ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Supervisor LeFeber)

RESOLVE to accept the finds of Part II of the Impact Assessment.

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber - Abstain

RESOLUTION #105 NEGATIVE DECLARATION LOCAL LAW T-2A-2009

On motion of Councilman Mairs, second by Councilman Blye the following resolution was ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Supervisor LeFeber)

RESOLVE based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts.

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber - Abstain

RESOLUTION #106 AUTHORIZE THE DEPUTY SUPERVISOR TO SIGN THE DECLARATION LOCAL LAW T-2A-2009

On motion of Councilman Mairs, second by Councilman Blye the following resolution was ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Supervisor LeFeber)

RESOLVE to authorize Deputy Supervisor Cole to sign the completed SEQR.

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber - Abstain

RESOLUTION #107 CLOSE PUBLIC HEARING LOCAL LAW T-2A-2009

On motion of Councilman Cook, second by Councilman Blye the following resolution was

RESOLUTION #107 CLOSE PUBLIC HEARING LOCAL LAW T-2A-2009-continued

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Supervisor LeFeber)

RESOLVE to close the Public Hearing on Local Law T-2A-2009.

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber - Abstain

RESOLUTION #108 ADOPT LOCAL LAW 2-2009

On motion of Councilman Blye, second by Councilman Mairs the following resolution was ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Supervisor LeFeber)

RESOLVE to adopt Local Law 2-2009 as follows:

LOCAL LAW NO. 2 OF THE YEAR 2009

OF THE TOWN OF AVON

A local law to amend the boundaries of a certain zoning district currently known as Limited Residential District (LR) within the Town of Avon, Livingston County, New York, changing such certain specified area to Agricultural District (A).

Be it enacted by the Town Board of the Town of Avon as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as “A LOCAL LAW TO AMEND THE BOUNDARIES OF THE LIMITED RESIDENTIAL DISTRICT AND EXTEND THE BOUNDARIES OF THE AGRICULTURAL ZONING DISTRICT OF THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK.”

SECTION 2. PURPOSE.

The purpose of this local law is to modify the boundaries of a certain zoning district currently known as Limited Residential District within the Town, changing such certain specified area to Agricultural District.

SECTION 3. LOCATION OF MODIFIED ZONING DESIGNATION.

RESOLUTION #108 ADOPT LOCAL LAW 2-2009-continued

The existing Limited Residential District located along the north side of Littleville Road, in the Town of Avon, New York, east of the property owned by the L.A. & L. Railroad and encompassing in its entirety an approximately 41 +/- acre parcel known as Tax Identifier Map Parcel Number 44-1-47.613, shall be reclassified to Agricultural District (A), and the official Zoning Map of the Town of Avon shall be amended to reflect such reclassification (although not contemporaneously with the adoption of this Local Law).

SECTION 4. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber - Abstain

RESOLUTION #109 PAYMENT OF BILLS

On motion of Councilman Blye, second by Deputy Supervisor Cole the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2009-10 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-10 including claims as follows:

General Fund	Voucher #235 through #257 in amounts totaling \$11,699.93
Highway Fund	Voucher #97 through #106 in amounts totaling \$26,802.61
Water Fund	Voucher #71 through #75 in amounts totaling \$19,781.60
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #39 through #40 in amounts totaling \$24,600.58
Royal Springs Lighting	No Voucher
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire Protection	No Voucher
Water Capital Improvement	No Voucher

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Absent, Deputy Supervisor Cole – Aye, Supervisor LeFeber - Aye

RESOLUTION #110 CLOSE PUBLIC HEARING ROYAL SPRINGS DEVELOPMENT EXTENSION

On motion of Councilman Cook, second by Deputy Supervisor Cole the following resolution was ADOPTED AYES 5 NAYS 0

RESOLUTION to supplement resolution #92, adopted the fourteenth day of May clarifying the pending public hearing as it relates to the application of the extension of the drainage district and lighting district of Phase 2 of the royal springs subdivision is also being closed as the application has failed to provide necessary and requested information in furtherance of his application. There have been multiple requests for additional information and since it has not been provided this Board finds the application incomplete and abandoned.

FURTHER RESOLVE in the event the developer chooses the Board will consider a completed application at that time.

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber – Aye

DISCUSSION - OPEN ITEMS

Supervisor LeFeber asked for any public comments and there were none.

DISCUSSION – DISTRUCTION OF TOWN RECORDS

Town Clerk Knight presented to the Board items to be destroyed according to the adopted Records Management Schedule and identified as:

RESOLUTION #111 APPROVAL TO DESTROY RECORDS

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

RESOLVE to accept the Town Clerk destroy the records as presented:

Record Series Name or Description	MU-1 Section Number	Inclusive Dates	Cubic Feet Destroyed	Date Record Obsolete
General: Correspondences	10 [10] c	2002-2007	1 inch	0 after no longer needed
Environmental Health: Impact Review in NY Compliance - A Simplified National Guide DRAFT: State of Conesus Lake Watershed Characterization Report	8.[865]	1990		
		1992	11 inches	0 after no longer needed
		2001		
Electronic Data Processing - Novell NetWare	5 {682}	1990-1993	4 inches	0 after 3 system backup cycles

RESOLUTION #111 APPROVAL TO DESTROY RECORDS-continued

Vote of the Board: Councilman Blye - Aye, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber – Aye

DISCUSSION – PROPOSED LEGISLATION A8501 & S5661

Town Clerk Knight provided the following resolution for consideration of the Board:

Resolve to strongly oppose A8501 and S5661 in its current form – an act to amend the general municipal law, the municipal home rule law, the town law, the village law and the local finance law, in relation to the requirements for consolidating or dissolving certain local government entities and to repeal certain provisions of the town law and the village law relating thereto.

There are a number of shortcomings in the consolidation procedures proposed in this bill including:

- 1) **This legislation delegates the authority to abolish units of local governments to the counties.**
 - a) This legislation amends the Municipal Home Rule Law, §33-a to empower counties by local law subject to referenda to abolish “units of local government” when the level and quality of ongoing services of all their functions or duties are transferred.
- 2) **Allows for a consolidation plan to be enacted without a vote by the electorate.**
 - a) Under this bill the citizen-initiated petition process only requires 10% of the electors, or 5,000 voters, whichever is less, in each of the affected local government entities to sign a petition calling for a referendum on consolidation/dissolution. If a majority of the electorate in each entity votes in favor of consolidation/dissolution, then the entities’ governing body must develop a written plan for implementation. The only vote required by the electorate is on the *idea* of consolidation/dissolution, NOT on the actual final plan. Citizens can weigh in during public hearings, but the local government entities do not have to submit their final plan to a public vote. Consolidation or dissolution takes effect when the governing body or bodies approve the final version of the plan.
 - b) Even more restrictive, while it only takes 10% of the voters (and an unlimited timeframe in which to collect those signatures) to initiate the consolidation procedure, this bill requires 25% of the electorate, or 15,000 electors (and only 45 days to collect the signatures) in each local government entity, to sign a petition to require a permissive referendum on the final consolidation/dissolution plan. Therefore, this bill creates a much higher threshold to give voters the right to actually vote on the consolidation/dissolution plan than it does for the voters to vote on the theoretical *idea* of dissolution/consolidation without any actual information.
 - c) **Recommendation:** To ensure the quality, equity and transparency of the process, voter approval of the consolidation and dissolution plan should occur in

all instances, but at a minimum, it MUST occur after a final plan is drafted by the local government entity.

3) This bill allows for referenda to be held during special elections instead of general elections.

- a) Allowing these referenda to be held at special elections will increase costs to local governments and will, in most cases, lead to a lower voter turnout. These results actually operate against two of stated aims of the bill, namely to lower costs to real property taxpayers through consolidation and to grant citizens a greater voice in determining these issues. It is anomalous, therefore, to adopt a procedure that would be more costly and has less citizen involvement than it otherwise could.
- b) **Recommendation:** Given the magnitude of the provisions of this bill and enormity of the impact on local governments regarding consolidation and dissolution, all required referenda should be conducted during a general election to ensure higher voter turnout and lower costs.

4) The 10% threshold for the citizens' petition initiative is too low.

- a) Under this bill, if two or more local governments agree to develop a plan for consolidation on their own, voters must approve the final plan by a majority. However, only 10% of the electorate must be involved to a request to have the theoretical idea of consolidation appear on the ballot. If a majority of voters think the consolidation plan is good in the abstract, the plan is then drafted and could very likely be adopted with little or no voter input into the final plan.
- b) **Recommendation:** There should be a 25% signature threshold on the citizens' initiative component of the bill.

5) There are no safeguards in the legislation to protect against voter fraud, removal of a stale signature, withdrawal of a signature, or a challenge to the validity of the petition.

- a) Provisions must be included to remove signatures from a petition due to time passage, invalidity or fraud.
- b) **Recommendation:** Safeguards should be included to ensure legitimate voter participation and protect the taxpayer against the waste of taxpayer funds.

6) The planning, approval and implementation timeframe should be extended to reflect real examples of prior consolidations.

- a) The Act provides affected local government entities with 210 days or approximately seven months to complete and approve a consolidation or dissolution plan initiated by petitioners and 270 or approximately nine months if initiated by board action. This is an extremely short timeframe to complete such as task. The average time to complete a consolidation or dissolution study is between one to two years. Additionally, failure to comply with this short time frame could result in litigation thus redirecting taxpayer resources from core municipal services like public safety, plowing snow, providing clean drinking water or recreational services.
- b) **Recommendation:** Lengthen the timeframe within which the respective local governments have to study and adopt a consolidation plan to reflect the realities of past experiences. Government entities should be given enough time to conduct a substantive study and propose a meaningful final plan.

Real property taxes are high in New York State. Despite the assertion in the memorandum in support of this legislation, generally speaking, property taxes are not high due to the number of local government entities in New York State. Special improvement districts are established to assign the cost of desired services to the people who will be receiving said services. If you are not benefiting from the special district services then you should not have to pay for services that you do not receive. Our town has been sharing services for decades and significant savings have resulted. Cooperation rather than consolidation is favored because it saves taxpayer resources while keeping local democracy in tact and readily accessible to the people.

This legislation does not deal with the true costs of high real property taxes but instead purports to establish a one-stop shopping process to consolidate or dissolve local government entities.

Once again the State is trying to break down local government. It is well known that **local** government is the VOICE of our people. Local government is the closest to the people and in most cases works efficiently. As the old adage goes "if it isn't broke, don't fix it".

We respectfully request that you do not support this **disenfranchisement** of our democratic rights and encourage you to vote against this bill.

FURTHER RESOLVE to request the Town Clerk forward a copy of this resolution to the New York State Ways and Means Committee Members and the Senate Local Government Committee.

There was a lengthy discussion including:

Specific ways in which the Town of Avon would be affected if the Livingston County were to take over our water, roads, and assessing of our properties.

Cooperation takes place now and this legislation would centralize the decision making process to the County.

Before voting Board members need to have clarification of the proposed legislation. Opinions of Senator Young would be helpful and if necessary a special meeting could be held to take action. Town Clerk Knight stated individual members could contact their representatives with their individual opinions once they are determined.

RESOLUTION #112 EXECUTIVE SESSION

On motion of Deputy Supervisor Cole, seconded by Councilman Cook the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to enter into executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters

RESOLUTION #112 EXECUTIVE SESSION-continued

leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, inviting Attorney James Campbell TIME 8:05 P.M., inviting Code Enforcement Clerk Jennifer Sargeant TIME 8:56 P.M. she left then, inviting Code Enforcement Officer Lee Rodamaker, TIME 9:25 P.M. he left then, inviting Code Enforcement Officer Anthony Cappello TIME 9:40 P.M. he left at 10:40 P.M.

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Aye, Deputy Supervisor Cole – Aye, Supervisor LeFeber - Aye

RESOLUTION #113 CLOSE EXECUTIVE SESSION

On motion of Councilman Mairs, second by Councilman Blye the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 10:55 P.M.

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Aye, Deputy Supervisor Cole – Aye, Supervisor LeFeber - Aye

On motion of Supervisor LeFeber, seconded by Councilman Blye, the meeting adjourned at 10:56 P.M.

Respectfully submitted by, _____
Sharon M. Knight, CMC/RMC, Town Clerk