

PLANNING & TOWN MEETING THURSDAY, MARCH 12, 2020

MEMBERS PRESENT: PLANNING: KATHY COLE, CLARA MULLIGAN,
BRIAN THORN, KATHY MANNIX

TOWN: DAVID LEFEBER, JIMMY HARRINGTON,
MALACHY COYNE, PAUL DROZDZIEL, TOM MAIRS

ABSENT: PLANNING: MICHAEL MILES, THOMAS
MCGOVERN, RANDY KOZLOWSKI

OTHERS: BRIAN GLISE (CEO, AVON), LANCE BRABANT
(MRB ENGINEER), JIM CAMPBELL (TOWN
ATTORNEY)

VISITORS: MIKE BOGOJEVSKI (BME ASSOCIATES), DEBBIE
MCCRAY (NOYES HEALTH), RICHARD TYLER
(GENESEE CONSTRUCTION), MICHAEL DONEGAN
(NOYES HEALTH)

CLERK: KIM MCDOWELL

DAVID LEFEBER, TOWN SUPERVISOR, CALLED THE TOWN MEETING TO
ORDER AT 6:00PM AND READ THE POSTING FOR THE SPECIAL MEETING
REGARDING SPECIAL USE AND SITE PLAN APPROVAL RESOLUTIONS FOR
NOYES HEALTH ON TEC DRIVE.

PLANNING BOARD MOTION TO OPEN THE MEETING WAS MADE BY KATHY
MANNIX, SECONDED BY CLARA.

KATHLEEN COLE -AYE
TOM MCGOVERN - ABSENT
RANDY KOZLOWSKI – ABSENT
KATHLEEN MANNIX – AYE
CLARA MULLIGAN – AYE
MICHAEL MILES – ABSENT
BRIAN THORN – AYE

CARRIED 4-0

U OF R NOYES HEALTH/LOT 19 TEC DRIVE/TAX PARCEL#35.-1-13.526 – TOWN
BOARD SPECIAL USE RESOLUTION AND SITE PLAN APPROVAL

Lance stated the first step is for the Planning Board to complete their environmental
review of the application before the Town Board can do the special use resolution.

Lance stated we have received the letter from the Village of Avon regarding the sewer capacity abilities for this building. Supervisor LeFeber asked Lance and Attorney Campbell if the Town is in a position to move forward with the actions presented tonight and they both agreed we are.

Kathy Cole stated the Planning Board's first action is to do the SEQR – Designating Lead Agency Resolution. Lance stated this is an unlisted action under SEQR and the Planning Board has conducted a coordinated review which they have referred out the application to other involved agencies including the Town Board, we started that process January 7, 2020. The process was concluded in February and we have not received any objections to the Planning Board being lead agency.

TOWN OF AVON PLANNING BOARD RESOLUTION
UR MEDICINE/NOYES HEALTH
LOT 19 - TEC DRIVE
UR MEDICINE/NOYES HEALTH
FINAL SITE PLAN REVIEW

SEQR – DESIGNATING LEAD AGENCY RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Site Plan approval for the construction of a ±3,000 s.f. (phase 1) UR Medicine/Noyes Mental Health and Wellness Program building with associated parking and access. Phase 2 will be an additional ±3,000 s.f. building, as described in the Site Plans dated December 24, 2019, last revised February 17, 2020 and all other relevant information submitted as of March 12, 2020 (the current application); and

WHEREAS, the Planning Board has determined the proposed action referenced above to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has on Tuesday, January 7, 2020 declared its intent to be designated the Lead Agency for the proposed Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

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

WHEREAS, the Planning 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 Planning 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 Planning Board does hereby designate itself as the lead agency for the Action identified above herein;

The above Resolution was offered by Clara Mulligan and seconded by Brian Thorn at a regular scheduled Planning Board meeting held on March 12, 2020. Following discussion, a voice vote was recorded:

Kathleen Cole - AYE
Randy Kozlowski - ABSENT
Kathy Mannix - AYE
Thomas McGovern - ABSENT
Michael Miles - ABSENT
Clara Mulligan – AYE
Brian Thorn – AYE

I, Kim McDowell, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Avon Planning Board for the March 12, 2020 meeting.

Kim McDowell _____, L. S.
Kim McDowell, Clerk of the Board

Lance stated the second step is the Short EAF form that they received from the applicant and Lance completed a draft of Part 2 and Part 3 for the Board’s consideration. Based on our overall review we have identified no to small impact and he asked if the Board agrees. If they agree the next step is to move forward with SEQR or if they have any questions to please ask at this point. Kathy Mannix asked if this is for both phases of the project and Lance stated it is. If there are any changes with what has been approved tonight than the applicant will have to come back in for approval for those changes.

TOWN OF AVON PLANNING BOARD RESOLUTION
UR MEDICINE/NOYES HEALTH
LOT 19 - TEC DRIVE
UR MEDICINE/NOYES HEALTH
FINAL SITE PLAN REVIEW
SEQR – DETERMINATION OF SIGNIFICANCE RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Site Plan approval for the construction of a ±3,000 s.f. (phase 1) UR Medicine/Noyes Mental Health and Wellness Program building with associated parking and access. Phase 2 will be an additional ±3,000 s.f. building, as described in the Site Plans dated December 24, 2019, last revised February 17, 2020 and all other relevant information submitted as of March 12, 2020 (the current application); and

WHEREAS, the Planning Board has determined the above referenced Action to be an Unlisted Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Planning Board determined that said Action to be subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Planning Board has been designated the lead agency, under the provisions of Part 617.6 (3) and (4) of article 8 of the State Environmental Conservation Law; and

WHEREAS, the Planning Board has given consideration to the comments provided by the involved agencies and interested agencies at tonight's meeting; and

WHEREAS, the Planning Board has completed its review of Parts 2 and 3 of the Short Environmental Assessment Form (EAF); and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby accept the findings contained in Parts 2 and 3 of the EAF and directs the Planning Board Chairperson to sign and date the EAF Part 3.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) the site is will not negatively impact an identified archaeological sensitive area;
- (vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;

- (viii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED THAT based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Planning Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

The above Resolution was offered by Brian Thorn and seconded by Kathy Cole at a regular scheduled Planning Board meeting held on March 12, 2020. Following discussion, a voice vote was recorded:

Kathleen Cole - AYE
Randy Kozlowski - ABSENT
Kathy Mannix - AYE
Thomas McGovern - ABSENT
Michael Miles - ABSENT
Clara Mulligan – AYE
Brian Thorn – AYE

I, Kim McDowell, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Avon Planning Board for the March 12, 2020 meeting.

Kim McDowell _____, L. S.
Kim McDowell, Clerk of the Board

Lance stated the next step is for the Town Board's review. Attorney Campbell stated the Town Board has to consider whether the proposed use for a mental health treatment facility is appropriate for the PDD zoning. This is an action requiring the Town Board to make a resolution for the special use in the PDD not to be confused with a Special Use Permit. Attorney Campbell read the pertinent items in the resolution presented to the Town Board. If the Resolution is adopted by the Board it is subject upon the applicant

taking title to the property and site plan approval, otherwise this resolution will become null and void. If they intend to incorporate any other use, they would have to come back and have the additional uses approved.

Councilman Mairs asked if they wanted to do afterhours in the building would they have to come back. Attorney Campbell stated they would have to come to both the Town Board and the Planning Board for approval. Supervisor LeFeber also stated they would need to come back regarding the sewer since this approval is based on 200 gallons of water per day. Debbie McCray, Noyes Health, stated the 200 gallons a day is for both phases of the project.

Since the Planning Board has done the SEQR review, the Town Board can piggyback on that review.

Councilman Harrington asked about the sewer and if they were supposed to get NYS DEC approval as well. Attorney Campbell stated since the pipe is already installed, the DEC doesn't need to give approval.

TOWN BOARD
TOWN OF AVON
COUNTY OF LIVINGSTON

RESOLUTION #52 AUTHORIZING A SPECIAL USE PERMIT

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

At a regular meeting of the Town Board of the
Town of Avon, Livingston County, State of New York,
held at the Avon Town Hall on March 12, 2020

WHEREAS, the Code of the Town of Avon (hereafter "Code") establishes the zoning classification of Planned Development District (hereafter "PDD") as set forth in §130-18 thereof; and

WHEREAS, the intent of the PDD is to permit the development of land for commercial and industrial purposes where tracts of land suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis; and

WHEREAS, the Town Board has the authority and responsibility under §130-18 to approve of all uses contemplated in a PDD, which such uses are also subject to site plan approval by the Town of Avon Planning Board (hereafter "Planning Board"); and

WHEREAS, after initial approval, construction and occupancy of a PDD, §130-18 H provides that the Town Board shall approve any changes in use by way of a special permit; and

WHEREAS, UR Medicine/Noyes Health (hereafter “Applicant”) is the contract vendee of the approximately 2.22 +/- acres of property known as Tax Identifier Map Parcel No. 35.-1-13.526 and also known as Lot 19 Tec Drive in the Town of Avon, County of Livingston and State of New York (hereafter “subject property” or “parcel”) located in the James Steele Commerce Park (formerly known as the “Crossroads Commerce Park Planned Development District” (hereafter “PDD”); and

WHEREAS, pursuant to §130-18 H of the Code, Applicant is seeking approval from the Town Board to construct and use a 6,000 +/- square foot medical treatment building to facilitate its Mental Health and Wellness Program and provide various mental health services for clients during regular business hours. It is anticipated that full build-out will take place in two (2) phases, each being 3,000 +/- square feet. There will also be associated site improvements, including parking areas and utilities; and

WHEREAS, the Town Board wishes to memorialize and specify the parameters of its approval of Applicant’s request for issuance of a special permit

NOW, THEREFORE, upon motion by Councilman Thomas Mairs, seconded by Councilman James Harrington, it is hereby

RESOLVED, that the Town Board of the Town of Avon, pursuant to §130-18 H of the Code, contingent upon Applicant taking title to the subject property, hereby approves of Applicant’s request (to the limited degree specifically stated herein) and authorizes a Special Permit to be issued to Applicant by the Code Department to the following extent:

1. Subject to provisions stated hereafter, Applicant, its successors and assigns shall be permitted to use the property known as Tax Identifier Map Parcel No. 35.-1-13.526 and also known as Lot 19 Tec Drive in the Town of Avon, County of Livingston and State of New York and located in the James Steele Commerce Park PDD, to construct and use a 6,000 +/- square foot medical treatment building to facilitate its Mental Health and Wellness Program and provide various mental health services for clients during regular business hours;

2. Applicant, its successors and assigns shall not use any portion of the property for any use that is not specifically approved herein or by further action of the Avon Town Board;
3. Any development of the subject parcel and subsequent use thereof as authorized herein shall be contingent and conditioned on the Applicant first obtaining Site Plan approval from the Town of Avon Planning Board in compliance with the provisions set forth in Article XI of Chapter 130 of the Code at §130-18 and §130-45 through §130-47. Any authority intended to be granted herein shall not become effective and Applicant shall have no vested rights therein until such time that final Site Plan approval has been granted;
4. Any approval of use herein granted shall continue to be contingent upon Applicant (including its successors and assigns) complying with the conditions of approval of any current or future Site Plan approval. Failure by Applicant (including its successors and assigns to comply with any conditions or requirements of any current or future Site Plan approval shall be grounds for retraction of this approval of use by subsequent action of the Town Board of the Town of Avon;
5. As a condition of the limited approvals granted herein, Applicant, its successors and/or assigns shall append, affix and maintain a copy of this Resolution to the abstract of title relating to its property identified as Tax Identifier Map Parcel No. 35.-1-13.526, Lot 19 Tec Drive in the Town of Avon, County of Livingston and State of New York and being located in the James Steele Commerce Park PDD;
6. Without restricting any other remedy provided for herein or available under the law, any failure of Applicant or its successors and/or assigns to comply with the provisions of the special permit approved hereby shall subject the violator to enforcement proceedings set forth under Article XI of Chapter 130 of the Code and/or revocation of such special permit by the Town Board; and
7. Should Applicant (or an entity of which Applicant is the majority owner) fail to take legal title to the subject property, this Resolution and the Special Permit authorized by it shall automatically become null and void and of no effect at law.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be formally made a part of the files maintained by the Town of Avon relating to the James Steele Commerce Park Planned Development District and to Lot 19 thereof.

Dated: March 12, 2020

Vote of the Board: David LeFeber AYE

Thomas Mairs	<u>AYE</u>
Malachy Coyne	<u>AYE</u>
Paul Drozdziel	<u>AYE</u>
James Harrington	<u>AYE</u>

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF AVON

Sharon Knight, MMC/RMC, Town Clerk

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

Lance has prepared for the Planning Board’s consideration a final site plan approval resolution with some conditions. Kathy Cole asked Lance to read over the conditions to all present.

TOWN OF AVON PLANNING BOARD RESOLUTION
UR MEDICINE/NOYES HEALTH
LOT 19 - TEC DRIVE
UR MEDICINE/NOYES HEALTH
FINAL SITE PLAN REVIEW

FINAL SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Avon Planning Board (hereinafter referred to as Planning Board), is also considering Site Plan approval for the construction of a ±3,000 s.f. (phase 1) UR Medicine/Noyes Mental Health and Wellness Program building with associated parking and access. Phase 2 will be an additional ±3,000 s.f. building, as described in the Site Plans dated December 24, 2019, last revised February 17, 2020 and all other relevant information submitted as of March 12, 2020 (the current application); and

WHEREAS, the Planning Board has classified the above referenced Action to be an Unlisted Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was adopted by the Planning Board on March 12, 2020; and

WHEREAS, on March 12, 2020 the Town Board, pursuant to §130-18 H of the Code, contingent upon the applicant taking title to the subject property and receiving site plan approval from the Planning Board, approved the issuance of a Special Permit; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested Site Plan with the following conditions:

1. Final Site Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions have been addressed, four (4) copies of the Final Site Plan set are to be provided to the Building & Zoning Department for signatures. Once all signatures are obtained, a PDF of the signed Final Site Plans are to be forwarded to the Building & Zoning Department and MRB for their files.
2. All comments regarding the Town Engineer's review, Town DPW Superintendent's review, and Livingston County Water & Sewer Authority's review of the site plans are to be addressed to their satisfaction prior to signatures being affixed to the Final Site Plans.
3. Final Site Plan approval is contingent upon the Statement of Operations dated November 20, 2019 and as discussed at the March 12, 2020 Planning Board Meeting.
4. **The stormwater access easement language and map is to be provided to the Town Attorney for review and approval, and filed with the County Clerk and Town Clerk prior to issuance of a Building Permit.**
5. **A stormwater maintenance agreement with the Town of Avon is required. The maintenance agreement is to be approved and filed with the Town prior to issuance of the Certificate of Occupancy.**
6. **A Surety Estimate covering erosion and sediment control measures, grading and stabilization of the site, stormwater mitigation measures, and landscaping, is to be submitted for review and approval. The surety is to be posted with the Town prior to issuance of a permit.**

The above Resolution was offered by Clara Mulligan and seconded by Brian Thorn at a regular scheduled Planning Board meeting held on March 12, 2020. Following discussion, a voice vote was recorded:

Kathleen Cole - AYE
Randy Kozlowski - ABSENT
Kathy Mannix - AYE
Thomas McGovern - ABSENT
Michael Miles - ABSENT
Clara Mulligan – AYE
Brian Thorn – AYE

I, Kim McDowell, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Avon Planning Board for the March 12, 2020 meeting.

Kim McDowell, L. S.
Kim McDowell, Clerk of the Board

Debbie McCray asked if there was a timeline for Phase 2 if it went over a certain time period. Lance stated technically no but if it is over 2 years you may need to come back to make sure everything is still in place regarding sewer capacity.

Once we sign the plans, we need to have a letter of credit and easement agreement before any permits can be issued. Attorney Campbell stated for the easement agreement he will just need a map and a description of the easement.

MOTION TO CLOSE THE PLANNING MEETING WAS MADE BY CLARA;
SECONDED
BY KATHY COLE.

KATHLEEN COLE -AYE
TOM MCGOVERN- ABSENT
RANDY KOZLOWSKI – ABSENT
KATHLEEN MANNIX – AYE
CLARA MULLIGAN – AYE
MICHAEL MILES - ABSENT
BRIAN THORN – AYE

CARRIED 4-0.

PLANNING MEETING CLOSED.

The Town Board portion of the meeting continued with the following persons present:

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

PLANNING BOARD MEMBERS: Chairwoman Kathy Cole, Members Brian Thorn, & Kathy Mannix

OTHERS: Attorney James Campbell, Code Enforcement Officer Brian Glise, Highway/Water Superintendent Thomas Crye, MRB Group Engineer David Willard, Planning Board Clerk Kimberly McDowell, Assessor Tami Snyder, and Deputy Town Clerk Ellen M Zapf

VISITORS: Cindy Kellen, Chuck Morgan, Carolyn & Robert McKee, and Janet Manko

DISCUSSION – VISITORS COMMENTS

Supervisor LeFeber asked for Visitor Comments and they follow:

Visitor Carolyn McKee spoke to the Board about the gravel pit on Oak Openings Road, regarding the test well and the house that was taken down on the property. She left the following statement with the Deputy Town Clerk.

Victor Sand and Gravel Test Well

On January 27 I asked Brian to verify whether Victor Gravel put in a test monitoring well. I have not heard back as to whether a well to monitor contaminants was ever drilled.

So...is there a well on the property to test contaminants ? I asked for photographic proof of the well, but according to Brian, Avon's Town's Counsel denied this request. On what basis was this request denied?

Why are the residents required to provide photographic proof of violations but denied proof of compliance?

Even more disturbing is the fact that Victor Gravel submitted their PROPOSAL to drill a test well to the DEC on September 14, 2018. However, they submitted a water sample to LSL labs on JULY 27, 2018, almost 2 months before they submitted their proposal to the DEC.

So...if there was no well as of Sept 14, where did the water sample come from that they submitted for testing on July 27th????

In addition, according to the LSL laboratory, there was NO Chain of Command followed to verify where the sample was taken. All Victor did was drop off a water sample to the lab. We have no idea where the water sample was taken. When Livingston County submits water samples to be tested, they are required to follow a chain of command to verify where the sample was taken.

A well to monitor contaminants was required by the ZBA when they issued Victor their Special Use Permit. Several homes near the pit have wells that are only 20 feet below the pit area. WHY IS THIS REQUIREMENT NOT BEING ENFORCED??

We also submitted a request more than month ago for Brian to verify that a berm or fence was installed. We have heard nothing concerning this ZBA requirement either. I have mentioned before that kids have been seen going down the pit road. Do you really think that the town would not be at least partially liable if there is an accident because you failed to enforce your own ZBA requirement?

ALL OF THE RESIDENTS THAT LIVE NEAR THE GRAVEL PIT ARE ONLY ASKING THAT THE CONDITIONS THAT THE AVON ZBA UNANIMOUSLY AGREED TO ARE ENFORCED.

I also brought up the possibility of the old Sanders house being constructed of asbestos siding. Several neighbors are familiar with this house and were living on the road and knew the family. This house was built during a time when asbestos siding was commonly used. Victor Sand and Gravel demolished the house leaving pile of rubble which is exposed to the elements. In the summer when there has been no rain for awhile and the wind blows, you can see dust from this pile blowing across the road. The DEC cannot get involved with this problem unless Victor attempts to bury the debris. They referred me back to the town.

Since this would violate the Federal Clean Air Act, I am contacting the EPA office in Syracuse to see what can be done. There is currently an upstate contractor that is facing a federal lawsuit for mishandling asbestos clean up and is facing fines of \$37,500 per day for each violation prior to 2015 and \$99,000 per day for each violation thereafter. In environmental law you have to prove 2 things....that the agency knew there was a hazard present and chose to do nothing to correct it.

Lastly, I went back to the Maintenance Dept of the DOT and expressed Brian's concerns from the last meeting and was assured the information they gave me was accurate.

Carolyn McKee 3/12/2020

DISCUSSION – FEBRUARY 27, 2020 MINUTES

Councilman Harrington stated that in the open items section of the minutes where Councilman Coyne spoke of when the next meeting of the Battery Storage Moratorium Committee would be. It was written in the minutes as the end of April but will be on April 1st. He would like the minutes corrected with the proper date.

RESOLUTION #53 APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Deputy Supervisor Mairs)

RESOLVE to approve the minutes of February 27, 2020 as presented by e-mail with corrections and to request they be published on the Town of Avon website at townofavon-ny.org.

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

DISCUSSION - ATTORNEY REPORT

Attorney Campbell reported on the following:

Piranha should be closing on the property in the James Steel Commerce Park PDD today. I have been working with CEO Glise his Clerk Kim McDowell and MRB Group Engineer Lance Brabant on a stormwater access easement. There will be a stormwater maintenance agreement where they will be primarily responsible, but the Town will still need access. A letter was sent out today to get their signature to sign off on the agreements and to reimburse the Town for professional services.

I am presenting a copy of the proposed local law regarding amendments to section A138 of the Town Code.

A public Hearing needs to be set for Local Law T-1A-2020 and the Board took the following action:

RESOLUTION #54 SET PUBLIC HEARING FOR LOCAL LAW T-1A-2020

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt the following legal notice:

**TOWN OF AVON
LEGAL NOTICE**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, and pursuant to the Town Law §130 that a public hearing shall be held by the Town Board of the Town of Avon, at the Opera Block/Town Hall, located at 23 Genesee Street, Avon, New York at 6:15 P.M. on Thursday, March 26, 2020 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

Amending the Code of the Town of Avon, Modifying and Adding Certain Provisions Relating to Chapter A138 Water,

A copy of the proposed local law is available for review by the public at the office of the Town Clerk during regular Town Clerk hours, or by visiting the Town Government page of the Town and Village web site at www.avon-ny.org

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: March 12, 2020

Published: March 19, 2020

By Order of the Town Board of the Town of Avon
Sharon Knight, RMC/MMC Town Clerk

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

DISCUSSION – HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye reported on the following:

WATER:

Everyday maintenance, water sampling, and we rebuilt the ross valve on Genesee Street as it was leaking.

HIGHWAY:

Snow removal, work in shop, cutting trees and brush, and filling potholes

I need approval for the State Snow & Ice Control Contract and Agreement to Spend Highway Funds. The Board took the following action:

RESOLUTION #55 SNOW & ICE CONTROL

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

RESOLVE, that the agreement which became effective July 1, 1974, between the County of Livingston and this Town, relating to the control of snow and ice on the State Highways within this Town, and such adjacent territory within said County as might be agreed upon by the County and the Town Superintendent of Highways, and the changes and modifications of said agreement heretofore approved by this Town, be and the same herby are extended for an additional period of five years, until June 30, 2024.

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

DISCUSSION – CODE DEPARTMENT

Code Enforcement Officer Glise reported on the following:

Completed 23 hours of training on Monday, Tuesday, and Wednesday. It should be 24 hours, but I still need to take the state test which will be online in June.

A new international code goes into effect on May 12, 2020, and I will have to compare with our code.

Spoke with MRB Group Engineer Lance Brabant about revising our applications and check lists.

RESOLUTION #56 ACCEPT THE AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

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

RESOLVE to accept the agreement to spend town highway funds as follows:

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

2020

TOWN OF AVON

COUNTY OF Livingston

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, shall be expended as follows:

$185,000.00 + 99,191.00 = 284,191.00$

1. GENERAL REPAIRS. The sum of \$ 284,191.00 may be expended for general repairs upon 44 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. IMPROVEMENTS. The following sums shall be set aside to be expended for the improvement of town highways:

DARBY RD.

(a) On the road commencing at Littleville RD and leading to DEAD END, a distance of .6 miles. there shall be expended not over the sum of \$ 57,305.00
Type 6-3 Width of traveled surface 22 FT
Thickness 1 1/2 Subbase _____

NORTH 1/2 Littleville RD.

(b) On the road commencing at GENESSEE ST. and leading to Littleville RD, a distance of .6 miles. there shall be expended not over the sum of \$ 53,240.00
Type 6-3 Width of traveled surface 23 FT
Thickness 1 1/2 Subbase _____

BARBER RD.

(c) On the road commencing at RT 15 and leading to ROCHESTER ST, a distance of 1.78 miles. there shall be expended not over the sum of \$ 33,676.29
Type oil + stone Width of traveled surface 22 FT
Thickness 3/8 Subbase _____

No moneys set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements until the Town Superintendent approves the plans, specifications and estimates for such construction.

This agreement shall take effect when it is approved by the Town Board.

Executed in duplicate this 12th day of March, 2020

David Rotchel
Supervisor
Thomas Mann
Councilperson
Malachy K. Coyne
Councilperson

[Signature]
Councilperson
[Signature]
Councilperson
Thomas Coyne
Town Highway Superintendent

Note: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's office and one in the County Highway Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY

Boyd Rd. oil + Stone
- ROAD COMMENCING + Hogmire Rd to Fowlerville Rd.
- DISTANCE - 1.27
- WIDTH - 24 FT.
- THICKNESS - 3/8
- SUM - \$25,959.40

Little Rd oil + Stone
ROAD COMMENCING AT BOYD RD. TO NATIONS RD.
- DISTANCE - 1 mile
- WIDTH - 21 FT.
- THICKNESS - 3/8
- SUM - \$17,901.37

ANTONIO DRIVE - FiberMAT
ROAD COMMENCING AT Littleville TO NORTH Littleville
- DISTANCE - .4 miles
- WIDTH - 28 FT.
- THICKNESS - 3/8
- SUM - \$19,409.57

ASHANTEE LN. FiberMAT
ROAD COMMENCING AT RT 39 TO DEAD END
- DISTANCE - .4 mi.
- WIDTH - 21 FT.
- THICKNESS - 3/8
- SUM - \$7,070.00

Other
- Pipe CHANGES - \$10,000.00
- Wedging - \$10,000.00
- Restock SHOP - \$0,000.00
- Cold PATCH - \$2,000.00

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

DISCUSSION – ENGINEER REPORT

David Willard, MRB Group Engineer reported on the following:

Had a last-minute meeting with the Village regarding the recent water study. The next step is to meet with the Water Works Committee in April and meet with Clark Patterson to go over our report. We are still lacking information as we have not received their report yet. Supervisor LeFerber has received a draft copy of the report and will leave it in his office for other members of the board to review.

Supervisor LeFerber stated that there needs to be joint meeting with the Village to go over the water report and other issues.

There was discussion about the James Steel Commerce Park and what has been dedicated to the Town and what has not.

DISCUSSION – TOWN CLERK REPORT

Deputy Town Clerk Zapf reported on the following:

- Communications were received and forwarded to the Town Board via email:

- Clerk’s monthly report February 2020
- Inspirations Trail
- Notice & local laws 2, 3, & 4 from the Town of Livonia
- Agreement to Spend Town Highway Funds
- Assoc. of Towns- Local Gov’t Lobby Day
- Floodplain Training & e-mail
- Liv. Cty. Soil & Water Conservation District
- NYS Comptroller Message
- Performance Bond- Piranha Milling & Paving Contractors LLC

Deputy Clerk Zapf presented documents which need to be destroyed according to the MU-1 schedule. The board took the following action:

RESOLUTION #57 DESTROY RECORDS

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

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

Town of Avon
Index of Destroyed Records

In accordance with the current SARA MU-1
Records Retention & Disposition Schedule,
the following records have been determined to be
obsolete and are to be destroyed:

Record Series Name or Description	MU-1 Section Number	Inclusive Dates	Cubic Feet Destroyed	Date Record Obsolete
Vouchers	Fiscal - Claims & Payments 1.[275]	2013	2 boxes	2019

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

Town of Avon
Index of Destroyed Records

In accordance with the current
SARA MU-1 Records Retention &
Disposition Schedule,
the following records have been
determined to be obsolete and are
to be destroyed:

RESOLUTION 24 DESTROY

Record Series Name or Description	MU-1 Section Number	Inclusive Dates	Cubic Feet Destroyed	Date Record Obsolete
Access Registration Forms	Transportation & Engineering 23.[634]a	2015	3/4 inch	Jan-20
Correspondence	General 10.[10]	2012-2019	1 ½ inches	2013-2020
Tax Collection Records	Tax Collection 1.[595]a, 2.[596],3[597]b	2013	1 1/2 boxes	2019
Town Clerk's monthly report	Fiscal 7.[251]	2013	1 box	2019
Legal Ad	General 8.[8]b	2013	1/8 inch	2019
Budget Files	Fiscal – Budget 1.[51], 4.[56]b, 5.[57]	2013	3 inches	2019
Meeting Files	General 3.[3]	2016-2018	8 inches	2019

Confidential? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Department Approval: _____	Date: _____
	RMO Approval: _____	Date: _____
Date of Destruction _____	Board Approval: _____	Date: _____
	Attorney Approval: _____	Date: _____

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

DISCUSSION - SUPERVISOR’S ITEMS

Supervisor presented the Deputy Town Clerk with the 2019 Annual Financial Report Update Document to have on file in the Town Clerk’s Office.

RESOLUTION #58 ACCEPT THE 2019 ANNUAL FINANCIAL REPORT UPDATE DOCUMENT (AUD)

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the Annual Financial Report Update Document for the Town of Avon County of Livingston For the Fiscal Year Ended 12/31/2019 as presented to the Deputy Town Clerk.

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

DISCUSSION- OPERA BLOCK GRANT

Kim McDowell gave an update regarding the Opera Block Grant. The committee met with three different architectural firms. We gave them a tour of the third floor and discussed our vision of the third floor.

The three firms were Clinton Brown, Bero, and N.K. Bhandari. Kelly Cole will put together the scope document and Chris Quinlan will get us a generic form for the RFP.

More items have been downloaded into the grant gateway program. Ninety five percent of the downloads are done, and I am waiting for the rest.

Attorney Campbell requested the Town Clerk’s Office provide a copy of the title abstract for the Opera Block Building.

DISCUSSION - SUPERVISOR'S ITEMS-CONTINUED

The County is doing an Inflow & Infiltration study. Livingston County provides sewer for the Town so there is no big effort needed from the Town. They want a representative from the Town for the steering committee.

DISCUSSION – AVON SOLAR FARMS, LLC PILOT AGREEMENT

There was discussion regarding Avon Solar Farm, LLC. It is no longer owned by Helios it was purchased by Cypress Creek Renewables. The PILOT agreement has not changed and is still valid.

Attorney Campbell provided the PILOT agreement to Deputy Town Clerk Zapf to keep on file in the Town Clerk's Office.

RESOLUTION #59 PROVIDE THE PILOT AGREEMENT TO THE TOWN CLERK'S OFFICE

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

RESOLVE for the Town Clerk's Office to accept the original PILOT Agreement for Avon Solar, LLC from Attorney Campbell to be filed in their office.

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

DISCUSSION – BALDWIN BUSINESS SERVICES

Supervisor LeFeber stated that due to an error that was made in November to the IRS by Baldwin Business Services they said they would pay the \$1,000.00 due to the IRS. As of today, the money has not been paid. After several e-mail attempts we have not received a response from Baldwin. If the payment is not made by the end of the month more fines will be incurred. The board took the following action:

RESOLUTION #60 AUTHORIZE THE SUPERVISOR TO PAY MONEY OWED TO IRS

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

RESOLVE to authorize Supervisor LeFeber to pay the approximately \$1,000.00 owed to the IRS and to try to retrieve the money from Baldwin Business Services.

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

RESOLUTION #61 ACCEPT THE MONTHLY REPORTS

On motion of Councilman Harrington, seconded by Deputy Supervisor Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the monthly report for January 2020 from the Town Supervisor and the February monthly report from the Town Clerk as shown below:

Town Clerk’s February 2020 Report:

Total Local Shares Remitted:	\$ 750.00
New York State Department of Health	\$ 45.00
NYS Ag. & Markets for spay/neuter program	\$ 41.00
NYS Environmental Conservation	\$ 00.00
TOTAL	\$ 836.00

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

RESOLUTION #62 PAYMENT OF BILLS

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2020-5 in the following amounts:

Concerning ABSTRACT of Claims Number 2020-05 including claims as follows:

General Fund	Voucher #119 through #156 in amounts totaling \$ 16,345.48
Highway Fund	Voucher #44 through #49 in amounts totaling \$ 1,885.16
Water Fund	Voucher #21 through #27 in amounts totaling \$ 3,000.74
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #2 through #2 in amounts totaling \$ 1,067.80
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town of Avon Fire Protection	No Voucher
Rte. 39 Water SW2	No Voucher

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

DISCUSSION – OPEN ITEMS

Councilman Harrington thanked Highway/Water Superintendent Crye and the Highway Crew for the work they did removing trees on Pole Bridge Road. He noted that they worked very hard and saved the Town a lot of money by preforming the task themselves.

DISCUSSION VISITOR COMMENTS

Supervisor LeFeber asked for any visitor comments they are as follows:

Visitor Janet Manko asked if there are any new solar applications in the Town. Supervisor LeFeber answered, no.

RESOLUTION #63 EXECUTIVE SESSION

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

RESOLVE to enter executive session for the purpose of matters which will imperil the public safety if disclosed; and

FURTHER RESOLVE to enter executive session for the purpose of discussions regarding proposed, pending or current litigation; and

FURTHER RESOLVE to enter executive session for the purpose of contract negotiations. TIME 7:16 P.M. inviting Attorney Campbell and Assessor Tami Snyder.

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

RESOLUTION #64 CLOSE EXECUTIVE SESSION

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

RESOLVE to close executive session with no action taken at 8:18 P.M.

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

On motion of Supervisor LeFeber, seconded by Councilman Coyne the meeting was adjourned at 8:19 P.M.

Respectfully submitted by:

Ellen M Zapf, Deputy Town Clerk
&

Sharon M Knight MMC/RMC, Town Clerk