

A regular meeting of the Town of Avon was held on Thursday, July 23, 2020 at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, and via Join.Me phone number 1-646-307-1990 and conference call number 152-725-660# of the Avon Town Board. The following members participated:

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

OTHERS: MRB Group Engineer David Willard, Code Enforcement Officer Brian Glise, Attorney James Campbell, and Ellen M Zapf RMC, Deputy Town Clerk

VISITORS: Cindy Kellen, Paul Stevenson, Rick Passarell, Lindsey Ferrin, and Stephanie Passarell

Engineer William Davis asked for names of those on the JoinMe meeting and Visitor Judy Falzoi stated she was on the line.

Supervisor LeFeber called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance.

### **DISCUSSION – PUBLIC COMMENTS**

Supervisor LeFeber asked for public comments and they are as follows:

Visitor Judy Falzoi suggested adding a community benefit of possibly free electric for life for the residents affected by the DG – Solar Development proposal.

Supervisor LeFeber welcomed Paul Stevenson to discuss his proposal of a campground in the Kemp PDD.

Mr. Stevenson introduced himself and his Engineer Rick Passarell. He then went on to explain what he is proposing in the 3 phases of building the campground. He provided the board with a concept map, and the Freshwater Determination Report from the DEC. It was stated that ten years ago this project was approved.

There is the question of whether this is an approved use in the PDD.

Councilmen Harrington and Drozdziel stated their concerns as to whether this is a good fit for the PDD.

Visitor Cindy Kellen also stated she has concerns with a campground going in. Traffic is one concern as it is very hard to see pulling out of the driveway that would be used. She also stated that there would most likely be a lot of noise and large campfires with no supervision as there is no office on the property.

Attorney Campbell suggested to ask the County Planning Board and the local Planning Board for feedback. There may be concerns with the DOT.

**RESOLUTION #96 APPROVAL OF MINUTES**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of July 9, 2020 as presented by e-mail 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 - Aye, Supervisor LeFeber – Aye**

**DISCUSSION – ATTORNEY DEPARTMENT REPORT**

The town is in receipt of an additional article 7 assessment challenge from Barilla for this past year. That matter will be proceeding with a litigation process. We have also received another article 7 from Morgan Properties which is unusual because they filed several years ago but did not file last year. I spoke with Assessor Snyder about this and my expectation is that I will probably be recommending retaining Joel Kurtzhaltz who has been working with us on the Barilla article7. There may be big money involved as there is a potential for a refund for several years of taxes.

The board seemed to agree with Attorney Campbell speaking with Mr. Kurtzhaltz and returning to the board with some strategies.

Working with the DG-Solar attorney regarding the PILOT agreement and it is ready for your consideration. The applicant is looking for a determination from the Planning Board one way or another.

Councilman Harrington would like an escrow payment of \$10,000.00. There was discussion regarding the need for this and the amount. There was also discussion about inspections and who will perform them.

**RESOLUTION #97 AUTHORIZE SUPERVISOR LEFEBER TO SIGN THE PILOT AGREEMENT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Supervisor LeFeber to sign the PILOT agreement with DG-solar for \$150,000.00 with approval of Attorney Campbell.

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

Attorney Campbell stated he sent a copy of the local law for the extension of the Battery Storage Moratorium to the County Planning Board for a referral and suggested the board set a date for the public hearing.

**RESOLUTION #98 SET PUBLIC HEARING FOR LOCAL LAW T-2A-2020  
LARGE SCALE BATTERY STORAGE MORATORIUM EXTENTION**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to set the public hearing for Local Law T-2A-2020 Large Scale Battery Storage Moratorium Extension for August 13, 2020 at 6:30 PM at the Opera Block/Town Hall.

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

Councilman Coyne suggested convening the Battery Storage Committee before the public hearing and would like Attorney Campbell to attend. They will be looking into available dates.

**DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT**

**HIGHWAY:**

- Helped Lima pave
- Mowed Town and County roadsides
- Mowed drainage districts
- Park & cemetery's mowed
- Shop
- Clean & swept up loose stone from oil & stonework

**WATER:**

- Everyday maintenance & sampling
- Cleaned & Maintenance PRV's
- Water reads next week
- Fixed curb in sidewalk so flush with concrete in Royal Springs

**DISCUSSION – CODE DEPARTMENT REPORT**

There was a request to hold the next Planning/ZBA joint meeting on August 4<sup>th</sup> at a bigger venue as there may be a large group of attendees. There was discussion on possible options, but nothing fit so the thought was to have them call in remotely or send in written comments. If people show up in person rotate them in and out to let them speak.

There is a court date set for next Tuesday for Rochester Gravel on Oak Openings Road.

Supervisor LeFeber stated that he saw a legal ad in the Livingston County New by the DEC regarding Rochester Gravel on Oak Openings Road looking for an expanded permit for truck traffic and feels that the town should respond.

There are a lot of residential improvements.

Information was sent on knock boxes and the salesperson will be in the area at the end of July.

Deputy Supervisor Mairs spoke with Tim Magee from West Fire and they can get us a lock box to put outside to hold a blueprint of the building with all the rooms numbered.

**DISCUSSION – ENGINEER DEPARTMENT REPORT**

MRB Group Engineer David Willard reported that he will send out estimates on Monday for the water extension to Barber Road. The cost for materials will be around \$145,000.00 which includes using eight-inch pipe and crossing the road. The work would be done by the Town Highway Department. There is no cost on labor yet.

**DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

The new decals system is up and running. Both Sharon and I have completed the training and are ready for hunting license sales come August 1, 2020.

The building is now fully open and measures have been put in place to deal with Covid 19.

We are asking for approval to destroy records according to the MU1 Schedule.

**RESOLUTION #99 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:

**RESOLUTION 24 DESTROY**

Record Series Name or Description	MU-1 Section Number	Inclusive Dates	Cubic Feet Destroyed	Date Record Obsolete
Games of Chance Applications	Games of Chance/Bingo/Lottery 1.[289]a	2016	1/2 inch	2019
Correspondence	General 10.[10]	2008-2014	1 inch	2008-2014
Insurance Changes	Insurance/Self Insurance 4.[299]	2012	1 inch	2018
Complaints & Requests for Services	General 14.[29]a	2013	1 inch	2014
Notice of Proposed Zoning Change from Adjacent Town	Building & Property Regulations 6.[651]	2013	1/8 inch	2014
Temporary Easements	Environmental Health 6.[863]	1983-2006	1/8 inch	1989-2012
Duplicates	General 19.[19]	1970-2017	1 ½ inches	1970-2017
Old Hard Drive	Electronic Data Processing 5.[682]	2013		2013

Confidential? Yes  No

Date of Destruction \_\_\_\_\_

Department Approval: \_\_\_\_\_ Date: \_\_\_\_\_

RMO Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Board Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Attorney Approval: \_\_\_\_\_ Date: \_\_\_\_\_

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

There was discussion about having Jose Alvarado clean the town hall after court. What his duties would be and what he would be paid. The board seemed to agree with what was discussed.

**RESOLUTION #100 RESCIND ORIGINAL RESOLUTION #38 FOR TOWN CLERK’S CLAIMS PROCESS ADOPTED JANUARY 26, 2012**

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

RESOLVE to rescind resolution #38, Town Clerk’s Claims Process adopted January 26, 2012.

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

**RESOLUTION #101 THE TOWN CLERK’S CLAIMS PROCESS**

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

RESOLVE to adopt the following Town Clerk’s Claims Process:

TOWN CLERK  
CLAIMS PROCESS

*Definition of a Claim*

A claim is a bill, invoice, or demand against the Avon Town Board for the payment of monies due for services rendered or materials furnished to the Town of Avon.

- 1) All claims against the Town of Avon will be date stamped when received at the town clerk’s office in written form and forwarded to departments for processing.
- 2) Departments responsible for a claim against the town will process it in a timely manner as follows:
  - a. Check the claim for accuracy and appropriateness (All services or materials must have been received prior to submitting to the Town Clerk)
  - b. Fill out the voucher form including a detail description of the claim allowing for the elimination of attachments whenever possible an original invoice must be attached

- c. Departments should be tracking the budget line item against the yearly and monthly budgets
  - d. The department head signature must be an original of the person authorized by the Board.
  - e. All completed vouchers are forwarded to the Town Clerk by Tuesday 12:00 pm prior to the scheduled Board meeting.
- 3) The Town Clerk will date the voucher when received from the forwarding department.
  - 4) The Town Clerk will prepare an abstract of claims listing all vouchers by the close of business on the Wednesday prior to a regular Thursday meeting of the town board.
  - 5) The Town Clerk will email the abstract of claims for each of all funds, individual vouchers to the Town Board.
  - 6) The Town Clerk will present to the Town Board at all regularly scheduled meetings a printed abstract of claims for each of all funds, individual vouchers, and an authorization signature sheet for their consideration at the board meeting.
  - 7) The Avon Town Board will audit claims against the town and consider approving them for payment. Board members voting AYE, are required to sign the prepared authorization sheet.
  - 7) The Town Clerk will provide the original documents (excluding the Board signature sheet) to the Town Supervisor and an electronic copy will be kept in the Town Clerk's Office.
  - 8) A copy of the e-mailed sheets will be filed in the Town Clerk's Office. Supervisor Secretary receives all information presented to the Town Board for review and prepares the checks for signatures.
  - 9) The Supervisor administers the distribution of checks and is granted authority to sign all vouchers.

Town of Avon  
Department Claim/Voucher Approvals

General Fund A

<u>Account Name</u>	<u>Account Code</u>	<u>Approval Authority</u>
Town Board	A1010	Town Clerk/Supervisor
Justice	A1110	Town Justices
Supervisor	A1220	Supervisor
Tax Collector	A1330	Town Clerk
Assessor	A1355	Assessor
Town Clerk	A1410	Town Clerk
Personnel	A1430	Supervisor
Elections	A1450	Town Clerk
Buildings	A1620	Town Clerk
Central Data Processing	A1680	Supervisor
Sup. Of Highways	A5010	Superintendent of Highways
Garage	A5032	Superintendent of Highways
Historian	A7510	Historian
Celebrations	A7550	Town Clerk
Cemeteries	A8810	Highway Superintendent

General Fund B

<u>Account Name</u>	<u>Account Code</u>	<u>Approval Authority</u>
Engineer	B1440	Town Clerk/Supervisor
Fire Department Services	B1990	Town Clerk/Supervisor
Police	B3120	Town Clerk/Supervisor
Safety Inspection	B3620	Code Enforcement Officer
Program for the Aging	B6772	Town Clerk/Supervisor
Parks	B7110	Town Clerk/Supervisor
Youth Programs	B7310	Rec. Board Chairperson/Supervisor
Library	B7410	Town Clerk/Supervisor
Zoning	B8010	Zoning Board of Appeals Chairman
Planning	B8020	Planning Board Chairman
<u>Highway Fund DA &amp; DB</u>	All Accounts	Highway Superintendent
<u>Cemetery Fund</u>	All Accounts	Highway Superintendent
<u>Water Fund SW</u>	All Accounts	Water Superintendent
<u>Royal Springs Lighting</u>	All Accounts	Supervisor
<u>Royal Springs Drainage</u>	All Accounts	Supervisor
<u>Cross Roads Drainage District</u>	All Accounts	Supervisor
<u>Bruckel Drainage District</u>	All Accounts	Supervisor
<u>Town of Avon Fire Protection</u>	All Accounts	Supervisor
<u>Rte 39 Water SW2</u>	All Accounts	Supervisor/Water Superintendent

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

**DISCUSSION - KENRON PROPOSAL**

A few weeks ago, there was a leak in the Historical Society’s office from the cooling unit in the court office. Kenron came and fixed the unit but suggested some upgrades to the unit to keep it from leaking and to fix the electrical unit in the basement. They also suggested upgrades to the unit in the boardroom. The board seemed to agree to accept the proposal.

**DISCUSSION – INTERMUNICIPAL AGREEMENT – LIV. CTY. EMS**

The County is providing ambulance service for the town and this agreement helps us with shared services.

**RESOLUTION #102 ALLOW SUPERVISOR LEFEBER TO SIGN THE INTERMUNICIPAL AGREEMENT WITH LIVINGSTON COUNTY EMS**

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

ADOPTED AYES 5 NAYS 0

**RESOLVE** to allow Supervisor LeFeber to sign the Intermunicipal Agreement with Livingston County EMS to provide ambulance service for the Town of Avon.



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

**DISCUSSION - UNIFIRST CONTRACT**

Unifirst has provided the town with an updated contract for rugs for the Opera Block Building and wipes for the Highway Department.

**RESOLUTION #103 ALLOW SUPERVISOR LEFEBER TO SIGN THE CONTRACT WITH UNIFIRST**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to allow Supervisor LeFeber to sign the contract with Unifirst for rug and wiper service.

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

**DISCUSSION – JUDGE JEANNIE MICHALSKI RESIGNATION**

The Town Clerk has received a letter of resignation from Judge Jeannie Michalski to relinquish her position as Town Justice effective August 31, 2020.

**RESOLUTION #104 ACCEPT THE LETTER OF RESIGNATION**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the letter of resignation of Judge Jeannie Michalski, Avon Town Justice effective August 31, 2020.

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

**RESOLUTION #105 AMEND COMPENSATION SCHEDULE**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to amend the 2020 Compensation Schedule effective August 31, 2020 as follows:

REMOVE:

**2020 Town of Avon Employee Compensation Schedule**

<u>Name</u>	<u>Position/Duties</u>	<u>Status</u>	<u>2018 Rate</u>	<u>2019 Rate</u>
Michalski, Jeannie	Town Justice	Elected*	\$13,668.00/yr.	\$13,941.00/yr.

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

**DISCUSSION – SUPERVISOR REPORT**

Supervisor LeFeber stated that an advertisement has been placed for all open positions in the town and replies need to be received by August 10, 2020 so there possibly could be interviews on August 13, 2020.

**DISCUSSION – WATER WORKS COMMITTEE MEETING**

Councilman Coyne attended the recent Water Works Committee meeting and a committee member may not be returning. A recommendation for the water rate was also determined.

**RESOLUTION #106 ADOPT 2020 WATER RATE**

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

RESOLVE to adopt a wholesale water rate of \$2.27 per 1000 gallons for 2020.

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

**DISCUSSION - BUDGET**

Supervisor Secretary Kim McDowell sent estimate forms to the department heads for the 2021 budget year. They will be reviewed by Supervisor LeFeber, Deputy Supervisor Mairs, Supervisor Secretary Kim McDowell and EFPR to prepare the tentative budget for 2021. Meetings will then be set up with the department heads to review.

**RESOLUTION #107 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 2020-14 in the following amounts:

**Concerning ABSTRACT of Claims Number 2020-14 including claims as follows:**

<b>General Fund</b>	Amounts totaling \$14,313.12
<b>Highway Fund</b>	Amounts totaling \$36,184.79
<b>Water Fund</b>	Amounts totaling \$486.87
<b>Cemetery Fund</b>	No Voucher
<b>Opera Block Capital Improvement</b>	No Voucher
<b>Royal Springs Lighting</b>	No Voucher
<b>Cross Roads Drainage District</b>	No Voucher
<b>Bruckel Drainage District</b>	No Voucher
<b>Royal Springs Drainage</b>	No Voucher
<b>Town of Avon Fire Protection</b>	No Voucher
<b>Rte. 39 Water SW2</b>	No Voucher

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

**DISCUSSION SUPERVISOR REPORT- CONTINUED**

Supervisor LeFeber stated that tomorrow is the last day to make comments to the County about the Bronson Hill Road improvements. They are proposing to widen the road to allow bikers and walkers and Supervisor LeFeber is concerned about this due to the topography of the road.

NYS is inquiring about the grant for the third floor and why Supervisor LeFeber has not yet signed the letter to accept the funds. It has not been signed due to state budget concerns and if we would be receiving the funds.

The board passed a resolution on February 13, 2020 authorizing Supervisor LeFeber to sign the contract and accept the funds. Supervisor LeFeber wanted to revisit the matter with the board before signing.

There was discussion regarding the state of the town finances, and it seems the town is in a good place and there is potential for growth. The town has no debt except for water.

The board seemed to agree to have Supervisor LeFeber sign the letter.

**OPEN ITEMS**

Councilman Harrington inquired about the water line in Tec Park. Supervisor LeFeber stated that the County would like to get the problem taken care of. We need to make sure all the easements are in place so the infrastructure can be dedicated to the town.

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 8:13 P.M.

Respectfully submitted by:

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Ellen M Zapf, RMC Deputy Town Clerk

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Sharon M. Knight, MMC/RMC Town Clerk