

A regular meeting of the Town of Avon was held on Thursday, August 27, 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 Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: Cindy Kellen, Jeff Mulligan, Edward Forsythe, and Peter Bruckel

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

#### **RESOLUTION #124 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of August 13, 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**

#### **RESOLUTION #125 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of August 24, 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 – REQUEST FOR WATER FOR THE MULLIGAN FARM**

Visitor Jeff Mulligan addressed the Board as he is exploring how to improve water capacity on his farm as they are running out of water. He discussed two location options and is willing to put in the needed infrastructure if the cost of water is affordable. An extension of the Water District would be needed and is a lengthy process.

The Board appeared to be willing to look at how this could affect other water customers. Things to consider are commercial versus residential and/or tier rating

In the Village of Avon both Barilla and Kraft have water agreements for reduced rate due to volume.

Jeff Mulligan's next step would be to go to the Village Board to learn of options they can offer. It is important to understand the Village has rates for in district and out of district customers.

MRB Group Engineer Willard will investigate how other municipalities are selling water. The Town has approximately 770 customers.

Visitor Jeff Mulligan thanked the Board for their consideration and time spent in discussions.

**DISCUSSION OPEN PUBLIC HEARING 2021 SPECIAL ASSESSMENT ROLL - UNIT CHARGES**

Supervisor LeFeber Opened public hearing by reading the following legal notice:

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

The tentative 2020 special assessment roll (to be used for the 2021 tax bills) of the Route #39 Water Extension, Royal Springs Subdivision Lighting, and the Bruckel Drainage District has been completed and is on file at the Avon Town Clerk's Office, 23 Genesee Street, Avon, New York 14414 for review during regular business hours. The special assessment rolls indicate how many units you will be charged for water extension, drainage and/or lighting on your property tax bill for 2021.

The Avon Town Board will hold a public hearing for owners of properties located within the above-described districts on Thursday, August 27, 2020 at 6:30 P.M. in the Avon Town Hall/Opera Block, 23 Genesee Street, Avon, New York 14414 to hear objections to the special assessment roll and further give notice by mail to each property owner with unit charges on their tax bill.

By order of Town Board  
Sharon M. Knight MMC/RMC, Avon Town Clerk  
Dated: August 13, 2020  
To be published: August 20, 2020

Supervisor LeFeber asked for any public comments and they follow:

Visitor Peter Bruckel questioned the number of units and Town Clerk Knight provided a list stating the list was also mailed to all property owners.

**DISCUSSION – ATTORNEY DEPARTMENT REPORT**

Attorney Campbell provided the following report:

The Article 7 filed by Barilla continues to be worked on with the Assessor.

DG Solar project – Meeting with Zoning Board of Appeals for legal advice prior to the Joint Planning and Zoning Boards Meeting.

There was discussion on social media providing inaccurate information on the proposed solar project. Attorney Campbell stated that it is expected it will get worse before it gets better.

Supervisor LeFeber reported that he met with the Town Auditors and our pending litigation was discussed. Attorney Campbell may be getting a call for additional information.

**DISCUSSION – ENGINEER DEPARTMENT REPORT**

MRB Group Engineer Davis provided the following report:

The water main replacement information on Route #15 has been shared. Livingston County will be sharing their researched information soon.

**DISCUSSION – CODE DEPARTMENT REPORT**

The following written quarterly report was provided:

**DEPARTMENTAL REPORT  
BUILDING & ZONING  
MAY 29, 2020 - AUGUST 25, 2020**

The following Building Permits were issued during the time period May 29, 2020 - August 25, 2020:

2020-0026	Levendusky	deck	5/29/2020
2020-0027	Caudill	single family residence	6/3/2020
2020-0028	Farr - Harper Park	deck addition	6/5/2020
2020-0029	Barnhart	single family residence	6/9/2020
2020-0030	Johnson	AG Pool	6/10/2020
2020-0031	Bordley	interior renovations, roof, porch, addition	6/10/2020
2020-0032	Preston	re-roof	6/19/2020
2020-0033	Lawson	re-roof	6/19/2020
2020-0034	Hopson	Pole Barn	6/22/2020
2020-0035	Vetter	AG Pool	6/25/2020
2020-0036	Hatch	deck	6/25/2020

2020-0037	Calkins	re-roof	6/26/2020
2020-0038	Muir	re-roof	6/26/2020
2020-0039	Stickel	shed	6/29/2020
2020-0040	Prerez-Diaz	re-roof	6/29/2020
2020-0041	Costigan	shed	7/2/2020
2020-0042	Cole	stairs on mobile home	7/2/2020
2020-0043	Woolaver	detached garage	7/2/2020
2020-0044	Matthews Buses	signs - 2	7/2/2020
2020-0045	Kiefer	re-roof	7/8/2020
2020-0046	Rehberg	carport	7/8/2020
2020-0047	Kyle Farms	barn extention	7/8/2020
2020-0048	O'Dea	AG pool	7/8/2020
2020-0049	O'Dea	deck for pool	7/8/2020
2020-0050	Kline	floating deck	7/8/2020
2020-0052	Ryan	porch	7/13/2020
2020-0053	Bellonte	awning	7/13/2020
2020-0054	Partyman Catering	tent	7/13/2020
2020-0055	Worm Power	signs - 3	7/14/2020
2020-0056	Grimes	small deck	7/14/2020
2020-0057	Hanvey	shed	7/16/2020
2020-0058	Potts	fence	7/16/2020
2020-0059	Batzel	fence, replace window	7/20/2020
2020-0060	Levendusky	AG pool	7/20/2020
2020-0061	Steinhoff	Garage	7/24/2020
2020-0062	Nupp	Roof	7/24/2020
2020-0063	Veley	AG Pool	7/27/2020
2020-0064	Couch	deck expansion	7/29/2020
2020-0065	Jensen	Enclose porch	7/31/2020
2020-0066	Harper Park	demolition	7/31/2020
2020-0067	Harper Park	demolition	7/31/2020
2020-0068	Harper Park	demolition	7/31/2020
2020-0069	McEvoy	pole barn	7/31/2020
2020-0070	Kress	re-roof	8/3/2020
2020-0071	Schultheiss	deck	8/7/2020
2020-0072	Perry	re-roof	8/10/2020
2020-0073	Bishop	shed/fence	8/10/2020
2020-0074	Wshburn	shed	8/17/2020
2020-0075	Csapo	horse run/shed	8/17/2020
2020-0076	Caudill	geothermo	8/18/2020
2020-0077	Avon Lima Road Inc.	single family residence	8/19/2020
2020-0078	Deming	HVAC	8/19/2020
2020-0079	LaDue	fire restoration, 3 season room	8/19/2020

TOTAL PERMIT FEES FOR TIME PERIOD  
FEES OUTSTANDING FOR TIME PERIOD  
TOTAL FEES COLLECTED

The following are permits currently renewed for one year:

The following are projects/permits currently working on:

- Avon Solar farm on Howlett property on East Avon - Avon Road - still in progress - public
- Noyes Mental Health - building on Tec Drive - approved on March 12, 2020 - waiting for permit applications to be submitted
- Received a letter from DG Solar regarding a solar array on 5406 Lake Rd, #44.-1-26.1 - no applications have been submitted

hearing has been closed next meeting in September to discuss Special Use Permit & Site Plan

The following actions occur on a daily basis in the code office:

- processing all paperwork through the correct channels on a timely basis
- clean up of outstanding permits, violations and Laserfiche filing system

Code Enforcement Officer Glise also provide the following additional information:

An update on the solar project.

He questioned if the Town had a contract for dog control. Supervisor LeFeber stated he would be checking with the County for additional information on hiring.

Royal Springs Development is starting new constructions on the lots that were previously approved.

An update on Twin Cedars of Avon LLC formally known as Harper Park.

A complaint was received about chickens that have not been removed yet.

**DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

Town Clerk Knight provided the following report:

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

Livingston County Dog Control – Semi-annual newsletter  
Letter from Karen Schiedel – DEC letter Oak Openings LLC application  
Chamber minutes – August 2020

Town Clerk Knight requested the Board consider adopting the New York Local Government Records LGS-1 which supersedes and replaces Schedules CO-02, MU-1, MI-1 and ED-1. The new schedule was adopted by the Board of Regents and will be used throughout the State. A paper copy has been requested and will be distributed within our Town.

Town Clerk Knight provided a Covid Plan per a request from the Town Board. The plan was reviewed and amended by fellow co-workers and then provided to the Board for consideration. The Board is expected to review the plan independently and consider adoption at a future meeting. Outstanding questions to our Attorney included do we want to adopt something that will hold us liable more than we are willing to be and if we adopt this policy will it be foible?

**RESOLUTION #126 ADOPT THE RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS LGS-1**

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

**RESOLVED**, By the Town Board of the Town of Avon that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law and containing legal minimum retention periods for local government records, is hereby adopted for use by all officer in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein.

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

**RESOLUTION #127 CLOSE PUBLIC HEARING**

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

ADOPTED WITH A ROLL CALL VOTE AYES 5 NAYS 0

RESOLVE to close hearing the public hearing.

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

**DISCUSSION – VISITOR COMMENTS**

Visitor Peter Bruckel suggested changing back the name of Wm. J. Bruckel Drive. After a short discussion the following action was taken.

**RESOLUTION #128 CHANGE THE NAME OF BRUCKEL DRIVE**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to change the name of Bruckel Drive back to Wm. J. Bruckel Drive.

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

**RESOLUTION #129 APPOINTMENT OF TO THE POSITION OF AVON TOWN JUSTICE**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to appoint David Hoffmann to the position of Avon Town Justice, term to begin September 1, 2020 and expire December 31, 2021.

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

**RESOLUTION #130 AMEND COMPENSATION SCHEDULE**

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

RESOLVE to amend the 2020 Compensation Schedule effective September 1, 2020 as follows:

ADD:

**2020 Town of Avon Employee Compensation Schedule**

<b>Name</b>	<b>Position/Duties</b>	<b>Status</b>	<b>2019 Rate</b>	<b>2020 Rate</b>
David Hoffmann	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**

**RESOLUTION #131 APPOINTMENT TO THE POSITION OF TOWN OF AVON PLANNING BOARD**

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

RESOLVE to appoint Christopher Sterner to the position of Planning Member, term to expire December 31, 2022.

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

**RESOLUTION #132 APPOINTMENT TO THE POSITION OF TOWN OF AVON YOUTH BOARD**

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

RESOLVE to appoint Jody Rumfola to the position of Youth Board



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

**RESOLUTION #133 AMEND COMPENSATION SCHEDULE**

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

ADOPTED AYES 5 NAYS 0

ADD:

**2020 Town of Avon Employee Compensation Schedule**

<u>Name</u>	<u>Position/Duties</u>	<u>Status</u>	<u>2019 Rate</u>	<u>2020 Rate</u>
Jody Rumfolo	Youth Recreation Board Member	Appointed*	\$50.00/month	\$50.00/month

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

**DISCUSSION – SUPREVISOR REPORT**

Supervisor LeFeber reported on the following:

A timeline for 2021 budget discussion was shared and the Board took the following action.

**RESOLUTION #134 SPECIAL BUDGET MEETING**

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

ADOPTED WITH A ROLL CALL VOTE AYES 5 NAYS 0

**RESOLVE** to schedule a budget working session on Monday, September 28, 2020 at 4:00 P.M.

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

**RESOLUTION #135 PAYMENT OF BILLS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2020-16 in the following amounts:

**Concerning ABSTRACT of Claims Number 2020-16 including claims as follows:**

<b>General Fund</b>	Amounts totaling \$6,809.32
<b>Highway Fund</b>	Amounts totaling \$2,387.31
<b>Water Fund</b>	Amounts totaling \$3,202.22
<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 a recommendation of the Town of Avon Audit is to hire an outside auditor to audit the Town Clerk and Court Clerk annually rather than have a Board Member perform the audit. Pricing will be investigated.

Kenron was testing the air conditioning unit in the Historian's Records Room when they found a leak in the Records Room. There is minimum damage to the window frame, pipe at the ceiling level. A cap will be placed on the pipe and a drain line will be installed. It is an unknown what pipes are behind the drywall.

Dates have been scheduled for the Large-Scale Battery Energy Storage System Moratorium for September 2<sup>nd</sup> and 30<sup>th</sup> to take place in the Court/Town Board room.

Supervisor LeFeber and Councilman Drozdziel have spoken about the third-floor committee and will be moving forward on the project.

Town Clerk Knight was asked to schedule the annual training for employees and appointed personnel regarding NYS required harassment and discrimination. It was agreed to use the services of New York Municipal Insurance Reciprocal (NYMIR). If the training is not taken a list of those that have not completed will be provided to the Town Attorney. In addition, the Planning and Zoning Board of Appeals Board Members that have not taken their New York State required four hours training will be provided to the Town Attorney.

Supervisor LeFeber received a complaint from a resident regarding lack of advertising for the open Justice position. There were five candidates for the Justice position and the advertisement was placed in the Penny Saver.

Supervisor LeFeber will request Design FM add a redirecting link to our new website.

There was discussion on the graffiti at Paper Mill Park and the need for placing cameras and requested additional police presence.

**OPEN ITEMS**

Councilman Harrington reported that Robert Westfall tripped over the door stopper at the back of the building and broke his arm. Highway Superintendent Crye will be asked to remove the door stop and make sure the door is secure.

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 7:39 P.M.

Respectfully submitted by:

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Sharon M. Knight, MMC/RMC Town Clerk