

A regular meeting of the Town of Avon was held on Thursday, September 24, 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 (via Join Me 6:25 P.M.), Councilmen James Harrington (via Join Me 6:25 P.M.), Malachy Coyne, and Paul Drozdziel

OTHERS: MRB Group Engineer David Willard (left at 6:36 P.M.), Code Enforcement Officer Brian Glise, Attorney James Campbell, and Sharon M. Knight MMC/RMC, Town Clerk

VISITORS: Cindy Kellen, Pamela Taggart-Rice, and Susan Pusloskie

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 Susan Pusloskie addressed the Board with her requests to make improvements to our Paper Mill Park. There has been graffiti in the park including the new bridge, underneath the path, and the Eagle Scout picnic area. The picnic table is in disrepair. When will all of the graffiti be removed?

Supervisor LeFeber and the Board responded including but not limited to the following:

Highway Superintendent Crye has been in contact with the Sheriff to visit the area. The park is being used more than ever.

We did get a grant and our Engineer at MRB Group has contacted the State and we are waiting for the State to send the signed grant agreement that would allow us to move forward.

What is the acceptable maintenance? The graffiti invites more graffiti. We could reach out to contractors for quotes and suggested ways to remove the graffiti.

The use of trail camera that sends pictures right away for approximately \$100.00.

There is not a historical marker at the Park now, but there is a plan for a future marker that will include the second mill wheel saved from the original bridge.

There will be a dedication of a historical marker of the railroad tomorrow near the corner of Rochester Street and East Main Street.

A second grant was awarded through a different channel for the third floor of the Opera Block/Town Hall that is moving forward.

The Board shared their appreciation to Susan Pusloskie for sharing her interest and comments of Paper Mill Park.

RESOLUTION #140 APPROVAL OF MINUTES

On motion of Supervisor LeFeber, seconded by Councilman Drozdziel
AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Mairs and Councilman Harrington)

RESOLVE to approve the minutes of September 10, 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 - Absent, Councilman Coyne - Aye, Deputy Supervisor Mairs – Absent, Supervisor LeFeber – Aye

DISCUSSION – ATTORNEY DEPARTMENT REPORT

Attorney Campbell provided the following report:

On Monday morning a closed door/private meeting was held with the Zoning Board of Appeals (ZBA) to share legal advice. The meeting lasted for three hours and it was fruitful. The ZBA feels that based on experience of having two applications that its time to consider revisions to the code for large scale solar. Avon was the leader for solar zoning, and we have learned a lot and our experiences have shown the need for changes. He expects fast and furious applications.

Proposed local law T-3A-2020 was provided by Attorney Campbell entitled A local law establishing to temporarily prohibit the creation or siting of Type 2 Solar Energy System installations (as defined in the Town of Avon Zoning Ordinance) within the Town of Avon. The Town Board will be very aggressive in the moratorium once adopted.

Deputy Supervisor Mairs and Councilman Harrington joined the meeting at 6:25 P.M.

RESOLUTION #141 SCHEDULE A PUBLIC HEARING FOR LOCAL LAW T-3A-2020

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

RESOLVE to schedule a Public Hearing for October 22nd at 6:30 P.M. regarding T-3A-2020 with Attorney Campbell sending the application to the Livingston County Planning Board and providing a legal notice to the Town Clerk for legally publishing.

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

Supervisor LeFeber reported that he expects a request from Richard Martin for a rezone on Lakeville Road.

DISCUSSION – ENGINEER DEPARTMENT REPORT

MRB Group Engineer David Willard provided the following report:

The Livingston County Water Study has been shared and includes all areas within the County. Recommendations have not been made as they are waiting for comments. There is a ranking system for each community. It is being reviewed and conversation have taken place with the Villages of Avon and Geneseo. The municipalities will not be a charged for MR Group’s review. An outstanding question is, what is the safe yield of Conesus Lake and whom would New York State regard as competent to make that determination. We will be taking a close look at putting in infrastructure into the Avon District Water System that allows maintaining and enhancing our system. It maybe March of 2021 before recommendations are made by the County.

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise provided the following report:

The Code Office is very busy with multiple homes.

He agrees the meeting with the ZBA was fruitful regarding the solar application behind the homes on Pole Bridge Road. Discussion on the berms and types and several staggered rows of trees and bushes were discussed. There is an outstanding question of the easement with the thirty-foot utility power line; therefore, we would need additional space.

Last month’s application was not completed, and we expect the application to be completed for the next ZBA meeting. Other outstanding items are maintaining the area during the life of the project and a bond could be a condition of approval that allows a specific view of what it is going to look like from neighboring back yards.

Solar projects take away our safety net that is on all other properties.

We are going to see Article 7 expand that will take the decisions to the State.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Supervisor Crye provided the following written report:

HIGHWAY:

- Mow roadsides
- Park & cemetery’s mowed
- Change cross over – Henty Rd
- County work – Oak Openings
- Helped Livonia
- Shop

WATER:

- Hydrant Flushing
- Everyday maintenance & sampling
- Painting hydrants

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight provided the following report:

The following correspondences were emailed to the Town Board:

Revised Route 36 Virtual OH Flier 09/10/2020
Mackay Wildlife Preserve Walk
An AOT Webinar Event
Employee Training

A Vital Records Confidentiality Agreement was presented to the Town Board requesting their signatures as they have access to the Town Clerk's Office. Supervisor LeFeber was asked to provide the forms to all others that have been granted access to her office for their signatures.

She questioned if the Board had considered adopting the prepared New York State Department of Health, NY Forward Safety Plan that was completed after reviewing with the Town Hall/Opera Block employees as requested by the Board. Supervisor LeFeber requested the plan be shared once again with the Board for consideration at a future meeting.

Tonight, I am expecting the Supervisor to provide me with a tentative budget and the official minutes will document its presentation. Tomorrow the tentative budget will be provided to a distribution list. But separate from that, there is a question that needs clarification that has been lingering around for a long time and I would like our Attorney to consider and then respond to my question. Several years ago, legislation was adopted by New York State requiring that all items to be considered at a scheduled meeting for the Board to be posted on our website. If I am recalling correctly, financial hardships to the municipalities was considered and our Town Board choose not to post on our website for that very reason. The Town Clerk would then be required to provide an information packet upon request, prior to the start of each meeting. Information that is shared with the Town Board is not always shared by me to the Town Board. My question is, "If information to be considered by the Town Board is not being provided by its Clerk, but by the others, should the information also be provided to the Clerk? In many cases, it certainly would make my job performance more efficient. Attorney Campbell stated that he would need to research the specific question; however, the Board was not willing to incur the expense.

Recently the Town Board appointed a new person, to the Planning Board, as required a Town Code Book was provided. While visiting our Town Website it was discovered that a new Town Code Book has been posted with only one local law listed separately that was adopted very recently. Two questions, when was this updated and why have I not received a vault, historical, or copy for certification? Supervisor LeFeber will review the contract and research this issue.

Just so the Board continues to be updated on my request to replace the Deputy Town Clerk's computer that was purchased in 2014. The computer is no longer efficient due to being very slow and that is a sign of eventually crashing. Supervisor LeFeber stated that we would discuss at the budget meeting scheduled for Monday, the 28th of September.

RESOLUTION #142 PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2020-18 in the following amounts:

Concerning ABSTRACT of Claims Number 2020-18 including claims as follows:

General Fund	Amounts totaling \$10,224.58
Highway Fund	Amounts totaling \$6,511.20
Water Fund	Amounts totaling \$60.00
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Amounts totaling \$1,091.51
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 – TENTATIVE BUDGET

Supervisor LeFeber discussed highlights of the prepared tentative budget including department requests, a one and one-half percent raise for employees excluding Board and Supervisor, the tax rate will go over the property tax cap based on the way the State counts the PILOTS.

RESOLUTION #143 SUPERVISOR'S PRESENTATION OF THE TENTATIVE BUDGET TO THE TOWN CLERK

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

RESOLVE to acknowledge the presentation of the Tentative Budget to the Town Clerk.

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

OPEN ITEMS

There was discussion on the need to improve the hearing ability of our phone system for Join.Me. Both those listening in and those in attendance are having trouble hearing each other. This continues to be worked on by the Supervisor's Secretary Kim McDowell.

VISITOR COMMENTS

Zoning Board of Appeals Member, Cindy Kellen shared a letter of her interest to continue to serve the Town of Avon after her term expires, December 31, 2020.

On motion of Councilman Coyne, seconded by Councilman Drozdziel the meeting was adjourned at 7:25 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk