

A regular meeting of the Town of Avon was held on Thursday, October 22, 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: Dr. Christine White-Hernandez, Arturo Hernandez, Joyce and Ronald Blowers, Gary Wheat, Kathy Cole, Cindy Kellen, and Judy Falzoi (Join.Me)

Supervisor LeFeber asked for the names of those on the Join.Me meeting and 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 there were none.

#### **RESOLUTION #155 APPROVAL OF MINUTES**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of September 28, 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 #156 APPROVAL OF MINUTES**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of October 8, 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 - OPEN PUBLIC HEARING LOCA LAW T-4A-2020 OVERRIDE THE TAX LEVY**

Supervisor LeFeber opened the public hearing by reading 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 6:00 P.M. on Thursday, October 22, 2020 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A local law for the Town of Avon to override the tax levy limit established in General Municipal Law 3-C

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](http://www.avon-ny.org)

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

Dated: October 5, 2020  
Published: October 15, 2020  
By Order of the Town Board of the Town of Avon  
Sharon Knight, MMC/RMC Town Clerk

Supervisor LeFeber stated the main reason we are going over the cap is the PILOTS. The Solar PILOT is a one-time payment. Going over the tax cap was a decision made with the guidance of our accounting firm. The tax rate is flat in the Town and down a little in the Village. Supervisor LeFeber asked if anyone was interested in speaking on the tax cap and there were no comments. The hearing was left open.

**DISCUSSION – ATTORNEY DEPARTMENT REPORT**

Attorney Campbell reported on the following:

At our Solar Committee meeting Mary Underhill was there as a guest from Livingston County. She brought her expertise to the meeting. A lot of time was spent reviewing information prepared by Mary Underhill from other Towns as well as comparisons with our Town Code. The next meeting is scheduled for the 29<sup>th</sup> of October and Mary was invited back.

A proposed local law to establish a moratorium on prohibition of excavation operations was prepared and forwarded to the Town Board. The Code Department has had many questions and complaints on this issue.

**RESOLUTION #157 SET PUBLIC HEARING FOR LOCAL LAW T-5A-2020  
MORATORIUM ON PROHIBITION OF EXCAVATION OPERATIONS  
WITHIN THE TOWN OF AVON**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to set a public hearing and request the Town Attorney prepare and forward the legal notice to the Town Clerk and send the proposed local law to the Livingston County Planning Board for consideration.

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

**DISCUSSION - OPEN PUBLIC HEARING PRELIMINARY BUDGET FOR THE  
2021 TOWN BUDGET**

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

TOWN OF AVON  
NOTICE OF PUBLIC HEARING ON THE  
PRELIMINARY BUDGET OF THE TOWN OF AVON  
For the year 2021

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Avon for the fiscal year beginning January 1, 2021, including General Town Funds, Highway Fund, Water Funds, Special Districts, Royal Spring Lighting & Drainage District, Crossroads Drainage District, Bruckel Drainage District, Cemetery, Water District Route 39, Ext, and Fire District, is completed and filed in the office of the Town Clerk of the Town of Avon, 23 Genesee Street, Avon, New York 14414, the tentative and the preliminary budgets will be available for inspection by any interested person during office hours, Pursuant to Real Property Tax Law Chapter 258 & 495, an exemption report is attached to the preliminary budget and includes every type of exemption granted by the taxing authority and the cumulative impact of each type of exemption, the cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services, and the cumulative impact of all exemptions granted. The Town Board of the Town of Avon shall hold a hearing on said preliminary budget on October 22, 2020 at 6:15 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Avon.

At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained. The following are the proposed 2021 salaries of Town of Avon

ELECTED OFFICIALS:

Supervisor	\$22,400.00
Councilman (4)	\$ 6,375.00
Town Justice (2)	\$14,150.00
Town Clerk	\$43,036.00
Highway Superintendent	\$70,351.00

By Order of the Town Board  
Sharon M. Knight, MMC/RMC  
Avon Town Clerk  
DATED: October 8, 2020  
PUBLISHED: October 15, 2020

Supervisor LeFeber asked for any comments stating the budget includes keeping up with highway equipment, generally most everyone will receive a one and one half percent raise, court revenue is down, include completing the third floor project, one department may receive further cutting as they have cut services, reserves are good, roads are good, twenty percent less revenue in CHIPS funding from the State, budgeted reduction in court revenue, this is a responsible budget, the Fire Department is up but that is out of our hands, and the Board worked hard preparing the budget. The hearing will stay open,

**DISCUSSION - OPEN PUBLIC HEARING LOCAL LAW T-3A-2020**  
**TEMPORARY SOLAR MORATORIUM**

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

**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 Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of Avon at the Town Hall, located at 23 Genesee Street, Avon, New York at 6:30 p.m. on Thursday, October 22, 2020 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A moratorium 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 for a period of up to six (6) months, pending the development and adoption of local laws and/or ordinances designed to enhance regulation and placement of such installations.

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.

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

Dated: September 24, 2020

Publish: October 8, 2020

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

Supervisor LeFeber asked to state your name and address and if you are in support or against the proposed local law.

Visitor Gary Wheat addressed the Board stating that he was looking for details on how we got here. In the past, we have had a one-year moratorium and that had expired. He is in contact for solar and is well within our Town Code.

There were many reasons for the moratorium that were shared included but not limited to the following:

Our Code is a moving document and concerns were expressed by the Planning and Zoning Board of Appeals.

Evolving technology, type of applications, height of panels – including stacking in groups of two or three, changes in the visual impact, evolving of the industry, community or host benefit agreements have increased to benefit the entire community, a lot more money for the landowners, road use agreements, decommissioning section to require a contract rather than a plan, most communities are reviewing this and battery storage, developers like the specific direction in the code to keep away huge time delays. Neighboring communities are getting many more applications with increased dollars to their Towns, we need time to anticipate community needs and solar is big business not just environmentally friendly. Avon was one of the first to consider solar.

Visitor Mr. Wheat stated he has had solar on his roof since 2012 and it has been a positive effect. He further stated that we can regulate to become non-friendly.

Visitor Joyce Blowers stated she is in favor of a moratorium to investigate further due to science creating new things. A law that does not cover the bases with new developing technology. It is wise of Avon to continue to look at our Code. We could have solar fields everywhere within our community and our agricultural would disappear.

Supervisor LeFeber stated that we have land protected through State Development rights and the Conservancy protection in the Northeast and Southwest of Avon.

A visitor stated on Pole Bridge Road solar is changing the landscape from old trees to large solar panel.

Visitor Ronald Blowers, Lake Road, suggested to go down by the substation by the Minnehans Restaurant to view a massive solar farm. This could be in the Town of Avon! He questioned, "What's in it for the people?", when they have no option of moving because of the high costs associated with moving. He suggested looking at the people that will be hurt especially our retired community members. Big money will change our community. Our Governor has been very concerned about people in nursing homes and they are all retired people.

Visitor Judy Falzoi, via Join.Me, supports relooking at our solar law and agreed with Attorney Campbell's remarks. Ever changing community, trends on the future need to be considered. Battery Storage with lithium storage may not become lucrative in our state as they do not have long lasting storage. She spoke of storing energy. Limit amount of storage, energy does not have to go to the grid it can travel the same as goggle, amazon, etc. There are a lot of trends and "Utility Dive" is a place to look at trends. Thank you and congratulations to those that are aware of the needs of the town. Solar projects need to benefit our community before benefiting others.

Visitor Dr. Christine White-Hernandez spoke on property devaluation. There is a difference when measuring a three-mile radius versus one-half mile radius. Solar can affect your tax assessments. Other negotiations could include a natural landscape that would not increase storm water. An outstanding question is who will mitigate? We need a standard of where we are now and where we will be in the future. That is important for this area as there are currently flooding concerns.

Visitor Gary Wheat – Made a deal with a developer and use of his land is in consideration. He is not opposed to the moratorium. The current law was expected to have protected the landowners. Required setbacks need to be maintainable.

Visitor Joyce Bowers spoke of the concept of 50 or 100 acres of solar. It is surprising to look at 20, 30 or 50 acres of solar panels. A field trip would be a great idea. It was discussed that the Planning and Zoning Board of Appeals did walk the recently approved Solar Project on Pole Bridge Road.

What are the solar farms doing for the communities? There have been Solar subsidized by NYS, and our farmers are making money. It was suggested to look at other communities to see what is available for the Town of Avon. Could the moneys be pooled for a specific advantage for a tax credit or benefit such as putting solar on your home. Reframe from dollars getting absorbed into a budget without a deliberate use of the dollars.

We have conceptually negotiated for a portion of dollars to go for water study within the PILOT.

Attorney Campbell stated for the record that this is a Type II under SEQR and the Town received a position review from the Livingston County Planning Board. If a project has been approved the proposed local law will not affect the project. A PILOT application that has not been approved will be subject to the moratorium.

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

**RESOLUTION #158 CLOSE THE PUBLIC HEARING ON PROPOSED LOCAL LAW T-3A-2020 ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE SCALE SOLAR INSTALLATIONS (TYPE 2 SOLAR ENERGY SYSTEMS AS DEFINED IN THE TOWN OF AVON ZONING ORDINANCE WITHIN THE TOWN OF AVON**

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

RESOLVE to close the public hearing for Local Law T-3A-2020 establishing a temporary land use moratorium prohibiting large scale solar installation.

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

**RESOLUTION #159 ADOPT LOCAL LAW 3-2020 ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE SCALE SOLAR INSTALLATIONS (TYPE 2 SOLAR ENERGY SYSTEMS AS DEFINED IN THE TOWN OF AVON ZONING ORDINANCE) WITHIN THE TOWN OF AVON**

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

**TOWN OF AVON LOCAL LAW NO. 3 of 2020  
A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE  
MORATORIUM PROHIBITING LARGE SCALE SOLAR  
INSTALLATIONS (TYPE 2 SOLAR ENERGY SYSTEMS AS  
DEFINED IN THE TOWN OF AVON ZONING ORDINANCE)  
WITHIN THE TOWN OF AVON**

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

**SECTION 1. PURPOSE AND INTENT.**

This local law is intended to temporarily prohibit the creation or siting of Type 2 Solar Energy System (as defined in the Town of Avon Zoning Ordinance §130-79) within the Town of Avon for a period of up to six (6) months, pending the further development and adoption of local laws and/or ordinances prepared to supplement and enhance the current regulations contained in Article VX of the Town of Avon Zoning Ordinance (hereafter “Zoning Code”) and which govern such installations.

The objective of this moratorium is to allow the Town of Avon to assess and update its current regulatory framework relating to the siting and approval processes associated with Type 2 Solar Energy Systems, so as to better promote community planning and development values in the context of the rapidly changing technology and industry of large scale solar installations. During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing residential and agricultural community and landscape. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory and updated regulations are adopted.

For these reasons, the Town Board finds that the temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Town of Avon Zoning Ordinance, thus protecting and furthering the public interest, health and safety.

**SECTION 2. TEMPORARY MORATORIUM.**

- A. There is hereby adopted in the Town of Avon a six (6) month moratorium on the consideration, receipt or granting of land use applications, Site Plan approval, Special Use Permits and zoning changes or amendments to permit the siting or creation of Type 2 Solar Energy Systems.

“Type 2 Solar Energy Systems” are as defined by §130-79 of the Zoning Code as “A Ground-Mounted solar energy system intended to produce energy for off-site sale to and consumption by one or more customers.” Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for the purpose of off-setting their own electric energy use is not a Type 2 Solar Energy System and shall be specifically exempted from this moratorium. However, any such exempted solar energy systems or generating improvements shall not generate in excess of 110% of the three (3) year average annual consumption of such individual landowner, householder, business or farmer.

- B. During the term of the moratorium the Town Board intends to develop, consider and adopt changes to its land use local laws and/or Zoning Code so as to more effectively regulate Type 2 Solar Energy Systems. Said moratorium shall be effective as of the date set forth hereinbelow.
- C. While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Town of Avon for the siting or creation of a Type 2 Solar Energy System.



**SECTION 3. APPLICABILITY.**

The provisions of this local law shall apply to all real property within the Town of Avon, and all land use applications for the siting or creation of Type 2 Solar Energy Systems within the Town of Avon.

**SECTION 4. RELIEF FROM APPLICABILITY OF MORATORIUM.**

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board, at which hearing the Town Board shall consider:

1. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns.
2. The impact of the proposed application on the applicant's premises and upon the surrounding area.
3. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
4. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Avon.
5. The written opinion of the Town of Avon Planning Board, Zoning Board of Appeals and the Town of Avon Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.
6. Such other reasonable considerations and issues as may be raised by the Town Board.

The Town Board shall have sixty (60) days after conducting the public hearing to make a determination on the requested relief. In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$2,500, together with the applicant's written undertaking, in a form to be approved by the Town Attorney, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application.

**SECTION 5. STATUTORY AUTHORITY; SUPERCESSION.**

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Avon, and sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New Avon. Furthermore, this chapter shall supersede the New Avon State Environmental Conservation Law section 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This local law shall supersede and suspend those provisions of the Town Code and New Avon state law which require the Planning Board and the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

**SECTION 6. CONFLICTS.**

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

**SECTION 7. SEVERABILITY.**

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

**SECTION 8. EFFECTIVE DATE.**

The effective date of this local law shall be immediate upon its filing with the Secretary of State, or upon actual submission of a copy of the adopted local law to any individual, person or applicant.

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

**DISCUSSION – CODE DEPARTMENT REPORT**

Code Enforcement Officer Glise reported on the following:

Piranha, second house at Royal Springs, Twin Cedars ten additional and another ten expected prior to the end of the year.

**DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT**

Highway/Water Supervisor Crye provided the following written report:

HIGHWAY:

- Ditching
- Equipment maintenance
- Shop

WATER:

- Getting ready for meter readings next week
- Everyday maintenance & sampling
- Helping in shop

**DISCUSSION – ENGINEER DEPARTMENT REPORT**

MRB Group Engineer David Willard reported on the following:

The Water Study completed by Livingston County continues to be reviewed and then shared with the Town and Village. Board comments were solicited.

There was continued discussion on the Town taking dedication of the shallow water lines on Tec Drive. Options for improvements have been discussed but not completed.

**DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

Town Clerk Knight reported on the following:

The following correspondences were emailed to the Town Board:

Association of Towns “In Session”  
Town of York – Local Law  
Letter from Clara Mulligan  
Livingston County House Self Response  
Livingston County Workers’ Compensation Insurance Estimate  
Resignation Letter – Thomas McGovern, Planning Board Member  
Public Employer Emergency Planning Requirement  
Judy Falzoi comments to the Town Board.

An affidavit of publication has been developed and will save \$20.00 per legal notice with a projected savings of \$600.00 annually. Attorney Campbell stated the affidavit was fine and the Board did not need to adopt.

The calendars and draft resolution required for New York State Retirement was provided to the Board and will be considered for adoption at the next meeting.

New legislation has been adopted by New York State that requires the Town complete an Emergency Plan. A template for developing a planning tool was shared. The deadline for adopting the plan is April 1, 2021.

A review of employees that have taken the required Sexual Harassment and Workplace Violence was shared. At a future meeting, a list of those not taking the training will be shared. All other training is being included in NYMIR software.

**RESOLUTION #160 SURPLUS ITEMS**

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

RESOLVE to declare the water ferris mower and the pull behind generator as surplus.

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

**RESOLUTION #161 ACCEPT THE RESIGNATION OF THOMAS McGOVERN, PLANNING BOARD MEMBER**

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

RESOLVE to accept the resignation of Thomas McGovern, Planning Board Member, term to expire, December 31, 2024.

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

**DISCUSSION – SUPERVISOR DEPARTMENT REPORT**

A request from Clara Mulligan to integrate the 2016 Comprehensive Plan into the codification of the Town Code was discussed. MRB Group is participating with the codification. There are E-Code questions that need to be considered by Attorney Campbell.

A review of the Town of Avon computer inventory was discussed including but not limited to short term needs.

**RESOLUTION #162 ACCEPT THE CLAIMS**

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

RESOLVE to accept for payment Abstract 2020-20 in the following amounts:

**Concerning ABSTRACT of Claims Number 2020-20 including claims as follows:**

<b>General Fund</b>	Amounts totaling \$10,753.52
<b>Highway Fund</b>	Amounts totaling \$3,005.12
<b>Water Fund</b>	Amounts totaling \$411.25
<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 Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**VISITOR COMMENTS OPEN PUBLIC HEARING – TAX LEVY**

Supervisor LeFeber asked for any visitor comments acknowledging Judy Falzoi’s questions that will be forwarded to the Assessor and our Accountant.

**RESOLUTION #163 CLOSE THE PUBLIC HEARING FOR THE OVERRIDE OF THE TAX LEVY LIMIT**

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 the public hearing for the override of the tax levy limit.

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

**DISCUSSION LOCAL LAW TAX LEVY LIMIT**

Attorney Campbell stated for the record that the override is a Type II action under SEQR.

**RESOLUTION #164 ADOPT LOCAL LAW 4-2020 OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C**

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

Local Law No 4 of the year 2020  
Town of Avon,  
County of Livingston

**A local law to override the tax levy limit established in  
General Municipal Law 3-C**

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Avon pursuant to General Municipal Law §3-c 5, and to allow the Town of Avon to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c 2 (g).

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Avon, County of Livingston, is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

**Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

Date: October 22, 2020  
Moved by: Deputy Supervisor Mairs  
Seconded by: Councilmember Harrington

Roll Call of Town Board:

Supervisor David LeFeber	Aye
Councilmember Thomas Mairs	Aye
Councilmember Malachy Coyne	Aye
Councilmember Paul Drozdziel	Aye
Councilmember James Harrington	Aye

Certified by: \_\_\_\_\_ on October 22, 2020  
Sharon Knight, MMC/RMC, Town Clerk

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

**DISCUSSION – 2021 FINAL BUDGET**

Visitor Gary Wheat questioned what Department is reducing services and Supervisor LeFeber responded that the Town Clerk’s Office has reduced their hours they are open to the public as they are closing through the noon hour by one half or a full hour. That is cutting service to the public and the Board is funding to be open with the Town Clerk and the Deputy Town Clerk.

**RESOLUTION #165 CLOSE PUBLIC HEARING 2021 FINAL BUDGET**

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

RESOLVE to close the public hearing 2021 Final Budget.

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

**RESOLUTION #166 ADOPT THE 2021 FINAL BUDGET**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt the following as the 2021 Town Budget which is the Preliminary Budget with no changes, elected official salaries, PILOT report, exemption report to be filed with Livingston County.

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

**DISCUSSION – SUPERVISOR DEPARTMENT REPORT**

Supervisor LeFeber requested the Board acknowledge and make it known one month before the caucus what the salary for the position of Supervisor will be. This Board has done three budgets together and the salary increase has been \$1.36 per day over three years. If someone takes the over the position, the salary would be lowered as he has 19 years of experience and the salary for a future Supervisor should be less. When you run for office you should know what the salary would be. This is out of character for me but if you drop the salary to \$18,000.00 then it should be known for anyone to run for the position of Supervisor. Right now, I could make more money collecting state retirement and social security than doing this.

Councilman Harrington stated that he has acknowledge the salary is low compared to other Towns but there was no action of another Board Member.

Supervisor LeFeber stated, I never got into this position for the money, but it would be fair to know what the compensation would be for the amount of work there is. Yesterday with the Tom Crye thing, I was getting texts from Sharon, the Highway guys, and the Highway Superintendent asking what do we do? This is a part of the job. The text, phone calls, emails have increase significantly over the last three years. The current rate of pay is \$60.00 per day.

The minimum wage increase for summer recreation has also been considered.

**OPEN ITEMS**



Councilman Drozdziel sent the draft RFP for architectural services, for the third floor, for consideration of the Committee and Town Board. An offer to meet individually with Committee Members was shared and today some comments have been received. Take your time and look at it, your comments are welcomed. It was expanded to not only include historical but for day to day use with identified multifunction. Please email comments back to Councilman Drozdziel.

Supervisor LeFeber reported on the preliminary numbers for a second draw of mortgage from Livingston County. It is a one-time payment for a large sale that will come in 2020 rather than 2021. We budgeted \$70,000.00 and it will come in about \$130,000.00.

On motion of Councilman Harrington, seconded by Deputy Supervisor Mairs the meeting was adjourned at 7:49 P.M.

Respectfully submitted by:

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Sharon M. Knight, MMC/RMC Town Clerk