

A regular meeting of the Town of Avon was held on Thursday, November 5, 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 (arrived at 6:03 P.M.), and Paul Drozdziel

OTHERS: MRB Group Engineer David Willard, Code Enforcement Officer Brian Glise, Attorney James Campbell (left at 6:25 P.M.), Highway/Water Superintendent Thomas Crye, and Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: Cindy Kellen, Anthony Spade, Jessica Fraley, Matt Decker, Murry Hooper, Josh Muir, Dan WoJick, Gary Wheat, John Piedmonte, and Judy Falzoi (Join.Me)

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 Falzoi addressed the Board questioning if Richard Martin was going to request a change to zoning. Where is it located and what would the change be? Supervisor LeFeber responded that Mr. Martin has not applied for a zone change yet. He was told he needed to present a letter of intent and as of this date nothing has been received.

Visitor Falzoi also asked about new solar applications and where they will be located. Attorney Campbell stated that there are no applications at this time. There has been contact from a company called Conventual Energy that is interested in doing two five megawatt systems over in the Lake Road area. The town has responded with a letter.

Visitor Falzoi thanked Supervisor LeFeber for his comments in an interview about the economy in our area and she agrees with everything he said.

Is there any way for the Town to protect its community regarding renewable energy systems over 25 megawatts?

Attorney Campbell answered her question regarding changes to Section 95A for an expedited sighting process for large scale solar projects. The consensus of the State is that they will honor the intent of the local community. The reality is that they probably do not have to.

Code Enforcement Officer Glise introduced Anthony Spade from Piranha.

Mr. Spade addressed the Board requesting consideration of approval of special use permits for the new flex building that is being constructed on his property on Tec Drive.

Attorney Campbell stated that our Code does not allow for this and explained how to move forward with the request within a PDD. What has been done in the past is to create a category of uses then review the types of uses and deem them appropriate and this will not require the applicants to come back to get permission from the board. The request was to turn over legislative action to the Code Enforcement Officer, however; the town code does not allow that action.

There are seven applications including repair and storage. Each unit has three parking spaces and cannot go above that. The recommendation was to limit the number of types of uses. The type of uses will be identified by Mr. Spade and brought back to the Board for consideration.

The board authorized Attorney Campbell to write a resolution for Board consideration to approve a group of usages. Mr. Spade will provide the uses to Code Enforcement Officer Glise and those uses will be considered and incorporated into the resolution. Mr. Spade stated the gates close at 6:00 P.M. for all renters.

RESOLUTION #167 APPROVAL OF MINUTES

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

RESOLVE to approve the minutes of October 22, 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 – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Superintendent Crye provided the following report:

Highway: Snow fence, working in shop, and salt run.

No items to auction. We surpluses items at the last meeting.

RESOLUTION #168 APPROVING JOINT SERVICE AGREEMENTS FOR MACHINERY, TOOLS, EQUIPMENT AND SERVICE SHARING ACCESS WITH LIVINGSTON COUNTY

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

WHEREAS, New York State Highway Law Sec. 133-a authorizes the Town to enter into agreements to permit the use of County-owned machinery, tools or equipment by other municipal corporations: and

WHEREAS, it would be in the Town’s interest to enter into such agreements with the County, Towns and Villages located within Livingston County, now, therefore be it

RESOLVED, that the Supervisor of the Town of Avon is hereby authorized to sign an agreement with Livingston County, the format of which was adopted by Livingston County Resolution 2016-317.

FURTHER RESOLVE, that the Town of Avon agrees to extend the terms of the Inter-Municipal Agreement for Machinery, Tools, Equipment and Service Sharing Access Contract, original Livingston County Resolution 2016-317, for an additional term of one (1) year to terminate on December 31, 2021.

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

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT-continued

Water: Meter readings are done and everyday maintenance and sampling.

Williams Rogers will have his one-year anniversary soon. He is a very good employee, and I would like to give him a \$2.00 raise as I have done with my other employees.

RESOLUTION #169 AMEND THE ADOPTED EMPLOYEE COMPENSATION SCHEDULE FOR THE YEAR 2020

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 December 6, 2020.

2020 Town of Avon Employee Compensation Schedule

| <u>Name</u> | <u>Position/Duties</u> | <u>Status</u> | <u>2020Rate</u> | <u>2020 Rate</u> |
|-----------------|--------------------------|---------------|-----------------|------------------|
| Rogers, William | Motor Equipment Operator | Full Time | \$18.00/hr. | \$20.00/hr. |

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

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT-continued

Went to Papermill Park to clean the graffiti off the bridge. We tried to pressure wash and clean with brick cleaner. The only thing that worked was oven cleaner and we got about ninety percent of the paint off.

Councilman Drozdziel stated that there is an anti-graffiti product that can be used.

It was stated that it is not our bridge but belongs to the County and Highway Superintendent Crye will talk with the County prior to future methods of removing graffiti.

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise reported on the following:

Things are starting to pick up with supplies and people are starting to work on their homes again.

Tuesday the Planning Board met and approved the campground application. The next step is for him to come into the Town Board Meeting for Board consideration to approve the use in the Kemp PDD. Councilman Drozdziel stated that the County Planning Board made comments including this use is a deviation from the Town of Avon Comprehensive Plan and is not a good fit for a PDD.

DISCUSSION – ENGINEER DEPARTMENT REPORT

MRB Group Engineer David Willard reported on the following:

Went through the Counties water study and developed some draft comments based on Bill's discussions with Megan. Comments were requested to be sent by tomorrow. Water rates projected need more weight scoring consideration. Their scoring criteria does not consider community support or community will. Technical comments include water rates for the Town was wrong and estimated costs for the Village water treatment plant were wrong. The Town would like to plan for water projects and the Town would like to see what direction the County is going. It was suggested to Megan that a meeting should be set up with the Town and Village. A meeting for November 17th is scheduled with the Town and Bill will attend as I will be out of town. The Village was copied on the letter and discussions with the Village should be held prior to meeting with the County.

Visitor Wheat spoke about the map, plan and reports that were completed in 2007 for Bronson Hill Road area. In 1993, we were paying \$2.97 a thousand wholesale and we reduced to \$2.10 per thousand and would pay for 500,000 gallons per year. Right now, we are paying \$2.27. We have not raised the rate in twenty years and this needs to be revisited. Our future needs need to be planned.

Lance and Shawn will be meeting with Code Enforcement Officer Glise soon regarding zoning.

Jeff Mulligan approached Supervisor LeFeber again about bringing water to his farm on Barber Road. A plan of who is responsible for each part needs to be determined and then presented to the Board. This would require a district extension. MRB Group has provided documentation for consideration. We will try to discuss this on the 17th.

RESOLUTION #170 SCHEDULE WATER WORK SESSION

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

ADOPTED AYES 5 NAYS 0

TOWN OF AVON
LEGAL NOTICE

RESOLVE that a special water work session has been scheduled for Tuesday November 17, 2020 at 1:00 P.M., at the Avon Opera Block/Town Hall Building, 23 Genesee Street Avon, New York 14414 for the purpose of water work session with MRB Group and any other business that might come before the Board. You may also listen to the meeting remotely by calling 1-646-307-1990. Once connected, enter 152-725-660#.

By order of the Town Board
Sharon M. Knight, MMC/RMC, Avon Town Clerk
Dated: November 5, 2020
Publish: November 12, 2020

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

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight reported on the following:

The following correspondences were emailed to the Town Board:

CCRP- Concerned Citizens for Rural Preservation
Approving Mortgage Tax
Local Sales Tax Collection – NYS Comptroller
Liv Cty Traffic Safety Board Meeting Sept. 2, 2020
Anthony Spade – Letters of Business

In 2011, NYMIR software was used by the Personnel Clerk documenting training and then not used until this year. After several weeks of my working with NYMIR with their online University training, all employees were contacted through email of the required annual training. One of the efficient tools NYMIR Online University offers is to add other training completed by our employees. Considering the required annual four hours of training of Planning and Zoning Board of Appeals Members it a great tool to log this personnel information into the NYMIR system. It has been highly recommended this tracking be returned to the Personnel Department and I concur. The recommendation to the Board is that future logging should be completed by our Personnel Secretary Kim McDowell. NYMIR is offering a training session for Administrators on the 10th of November. This training is highly recommended.

A final report of employees taking the training as well as those not completing both Workplace Violence and Sexual Harassment training was discussed. More than fifty percent of employees have taken the training.

Supervisor LeFeber will speak with the Personnel Clerk, Kim McDowell to see if she is in favor of transferring to that department.

RESOLUTION #171 ACCEPT THE MONTHLY REPORTS

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

RESOLVE to accept the monthly reports for October 2020 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk's October 2020 Report:

| | |
|--|--------------------|
| <u>Total Local Shares Remitted:</u> | <u>\$ 1,607.63</u> |
| <u>New York State Department of Health</u> | <u>\$ 135.00</u> |
| <u>NYS Ag. & Markets for spay/neuter program</u> | <u>\$ 57.00</u> |
| <u>NYS Environmental Conservation</u> | <u>\$ 1,730.97</u> |
| <u>TOTAL</u> | <u>\$ 3,530.60</u> |

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

DISCUSSION – RETIREMENT REPORTING

Supervisor LeFeber spoke of labor laws and the requirement to take lunch hours. Councilman Drozdziel concurred but it may be different for salaried employees. Attorney Campbell will be asked for clarification.

DISCUSSION - OPERA BLOCK

Councilman Drozdziel stated he received changes from Kim McDowell and will incorporate the changes and have it ready by next week.

DISCUSSION – SOLAR/BATTERY STORAGE LAW COMMITTEE

Councilman Coyne stated that Mary Underhill from the County has a lot of information. Next meeting has been scheduled. Meeting every two weeks.

RESOLUTION #172 RE-LEVY FOR UNPAID WATER BILLS

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

RESOLVE to approve the re-levy of water bills in the amount of \$15,343.35 on the 2021 Town and County Tax Bills.

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

RESOLUTION #173 ACCEPT THE CLAIMS

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 2020-21 in the following amounts:

Concerning ABSTRACT of Claims Number 2020-21 including claims as follows:

| | |
|---------------------------------|-----------------------------|
| General Fund | Amounts totaling \$7,287.70 |
| Highway Fund | Amounts totaling \$1,519.49 |
| Water Fund | Amounts totaling \$1,603.00 |
| Cemetery Fund | No Voucher |
| Opera Block Capital Improvement | No Voucher |
| Royal Springs Lighting | Amounts totaling \$1,060.80 |
| 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 Drozdzziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

DISCUSSION – SUPERVISOR REPORT

Supervisor LeFeber reported on the following:

A question was asked about the water line on Interstate Drive. Bill Bacon from the IDA spoke of a new applicant and they are working with the DEC. The DEC is worried about capacity and does not want any main line sewer installs until more research is done.

A letter was sent to the Village regarding 4 issues. One trustee mentioned he has not seen the letter. I will resend and ask for a joint meeting.

We used to have Sonic wall protection for our server it can block out sites and see what sites are being hooked into by our equipment. The cost is \$300.00 per year

Spoke with Kathy Cole from the Planning Board and stated that because Tom McGovern has resigned, she would need to have someone who could oversee the Planning Board meetings if she cannot attend.

I received an informal request regarding the Planning Board appointment. If he does call Cathy Cole and I will interview him.

OPEN ITEMS

Councilman Harrington spoke of notification to the Highway Superintendent of a tree falling and the highway crew cleaned it up within twenty minutes of the phone call.

VISITOR COMMENTS

Supervisor asked for visitor comments and there were none.

RESOLUTION #174 EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

RESOLVE to enter executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. TIME 7:34 P.M.

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

RESOLUTION #175 CLOSE EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close executive session with no action taken at 8:12 P.M.

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

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

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk