

A regular meeting of the Town of Avon was held on Thursday, January 14, 2021 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 (JoinMe), Attorney James Campbell, Assessor Tami Snyder, and Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: None

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 #16 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 December 29, 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 #17 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 January 4, 2021 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 REPORT

Attorney Campbell reported on the following:

We received our appraisal and both Assessor Snyder and I feel good about it. Although the cost seems high it was expected to be thousands of dollars more. The reduction is due to the work of the Assessor which included Village personnel collecting data.

The appraisal has been received by all parties and it is expected the Judge will call for a meeting in the near future.

The appraisal is favorable to the Town of Avon.

The voucher is in the abstract to make payment to the appraising firm of \$13,000.00 and Attorney Campbell expected it to be \$35,000.00. Supervisor LeFeber requested it be paid out of the Town Board contractual rather than the Attorney budget. There was discussion on requesting financial support from other municipalities that benefit from the results of the lawsuit.

A call was received from Rochester Sand & Gravel (known as Victor Sand and Gravel) regarding expanding the mine and excavating. They were told that we have a moratorium. We will have a conference call regarding what they are expecting for expansion.

We have to schedule a Public Hearing on the proposed use for a camp ground/storage at the Kemp Planned Development District at the next meeting. A public hearing notice was provided to the Clerk and will be placed in our legal paper tomorrow. The resolutions have been prepared in anticipation of approval and a walk through SEQR will be assisted by Attorney Campbell.

Assessor Snyder questioned what was decided for the Morgan lawsuit and Attorney Campbell responded stating we decided to pass on to Joel as it has unique issues. Assessor Snyder started she is beginning to get phone calls from others apartment owners.

Tops filed for one year, but nothing more has been filed.

DISCUSSION – ASSESSOR REPORT

Assessor Snyder received a letter of interest from Mark Cullinan to be appointed to the Board of Assessment Review. Phone calls are out to other individual to see if they are interested in serving. If there is no interest an advertisement will be designed considering other open positions.

RESOLUTION #18 APPOINTMENT OF MARK CULLINAN TO THE BOARD OF ASSESSMENT REVIEW

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

ADOPTED AYES 5 NAYS 0

RESOLVE to appoint Mark Cullinan to the Board of Assessment Review for a five-year term ending on September 30, 2025.

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

DISCUSSION – ASSESSOR REPORT-continued

Assessor Snyder questioned if the Town of Avon could benefit from a shared services agreement with another Town if an employee works for more than one town. Her Clerk, Jill, has applied for an open position in another Town. Supervisor LeFeber stated it could be a possibility.

Councilman Coyne questioned how an assessment would be affected if public water is provided. Assessor Snyder responded stating that the land value would increase. She continued stating that lots of questions are coming up at Planning and Zoning Board of Appeals meetings and Town Representatives should refer to the Assessor’s Office to prevent incorrect information being given.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Superintendent Crye provided the following written report:

Highway: Snow removal, brush & trees, shop.

Water: Everyday maintenance and sampling, locating & fixing curbs.

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise reported on the following:

He asked if anyone had a conservation with the Quarry as they want to meet tomorrow? Both Attorney Campbell and Supervisor LeFeber responded no.

There is a Certificate of Occupancy to be issued on Friday.

DISCUSSION – ENGINEER DEPARTMENT REPORT

MRB Group Engineer David Willard reported on the following:

Dates for meetings for Route #15, revenue projections, debt service projections, GIS proposal was discussed, and the Board took the following action.

RESOLUTION #19 WATER WORKING SESSION

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

ADOPTED WITH A ROLL CALL VOTE AYES 5 NAYS 0

RESOLVE to schedule a water working session to be posted on our website, official bulletin board and noticed to the Livingston County News as follows:

TOWN OF AVON
LEGAL NOTICE

RESOLVE that a special water work session has been scheduled for Wednesday January 20, 2021 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#.

*PLEASE NOTE THAT BECAUSE OF CERTAIN RESTRICTIONS OR RECOMMENDATIONS RESULTING FROM THE COVID-19 PANDEMIC THAT MAY BE PROMULGATED BY EXECUTIVE ORDER OF THE GOVERNOR OF THE STATE OF NEW YORK, OR THE CENTER FOR DISEASE CONTROL, CERTAIN OF THE ABOVE MEETINGS MAY BE HELD ON A REMOTE BASIS. PLEASE CONSULT THE TOWN'S WEBSITE BEFORE EACH MEETING TO FIND OUT IF SUCH MEETING WILL BE HELD AT THE TOWN HALL OR REMOTELY.

By order of the Town Board
Sharon M. Knight, MMC/RMC, Avon Town Clerk
Dated: January 14, 2020

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

DISCUSSION – WATER REQUEST FROM MULLIGAN

There was discussion on possibly expanding water infrastructure on Route #15 and running to the Mulligan Farm. The water customers or future developer might pay for the MRB Group Engineering. Often times the engineering work is used at a future date and can be brought into a specific project. Would a customer of that volume be a benefit to the Water District?

There would be a lot of steps for this to happen including Ag & Markets and the Department of Health.

Supervisor LeFeber questioned if we (the Board) want to continue to build on our water system and if that changes than he would like to be informed by the Board of that change. We are looking at replacing the current line and possibly running to intersection of North Avon Road and Barber Road. Supervisor LeFeber stated there are lots of things to consider and has begun working with the Attorney, Councilmen, and MRB Group.

There was a lengthy discussion on engineering costs and if they are a benefit to the entire Consolidated Water District or specific property (ies). If a project is a private benefit than that may be a different flavor than a project that benefits the entire community.

We need a decision on the long-term vision of the owner and the benefits of the Town. The numbers were circulated to the Board by Supervisor LeFeber’s Secretary Kim McDowell.

There may be other water customers as this project continues.

The Water Study is completed, and a meeting was held regarding the 1994 mine collapse. We have 19 million dollars and its being looked at on how the money will be disbursed. Pressure on the East side of town maybe a place to improve our water district. The money came in approximately five years ago and was intended to be held for the future. The State made the agreement with the salt mine and several Towns were affected by the mine collapse.

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight reported on the following:

The following correspondences were emailed to the Town Board:

Monthly reports, Energy Storage Workshop, GV Trail Town of Avon Resolution, NYS Comptroller – Ethics Oversight in Local Governments, and the 2021-01 abstract

The following procedures were performed in the Town Clerk’s Office during the past two weeks:

Monthly and Year-end reports, banking, emails, phone, audits, taxes, dog licenses, genealogy, oath of offices for employees, Official Bulletin Board update, legal notices, E-ZPass, minutes, subpoena, over and under tax payments, cemetery deed, accessible tags, notary, and attended two webinars one with General Code regarding the newly adopted LGS-1 Schedule and a second with Just Solutions, Inc. regarding working remotely.

RESOLUTION #20 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 December 2020 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s December 2020 Report:

Total Local Shares Remitted:	\$ 1,461.72
New York State Department of Health	\$ 90.00
NYS Ag. & Markets for spay/neuter program	\$ 46.00
NYS Environmental Conservation	\$ 4,13.61
TOTAL	\$ 2,011.00

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 reported on the following:

He will check with his Secretary, Kim McDowell to make sure the annual report is being completed.

Supervisor LeFeber stated that he is uncomfortable signing off on payroll regarding the court's agreement with the Village. Councilman Harrington will reach out to schedule a joint meeting with the Village that would include an executive session.

CHIPS money was cut for last year and we are watching for this year.

Councilman Drozdzziel was asked to provide a report on possible future town meeting formats. He reported that the transcription is a sticky point. An individual license is \$150.00 and is associated with a person. We could continue to record the meeting with the use of the digital voice recorder and have the recording transcribed if requested. A business plan is \$2,000.00 and included ten licenses. Another option would be to continue to do what we are doing. The Board took the following action.

RESOLUTION #21 PURCHASE TWO ZOOM LICENSES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to purchase two licenses one for Town Clerk Sharon Knight and a second for Planning & Zoning Board of Appeals Clerk Kim McDowell. Transcriptions will not be a part of the purchase agreement. A recording of the meeting will take place and transcribed if requested.

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

RESOLUTION #22 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 2021-01 in the following amounts:

Concerning ABSTRACT of Claims Number 2021-01 including claims as follows:

General Fund	Amounts totaling \$112,593.85
Highway Fund	Amounts totaling \$4,593.96
Water Fund	Amounts totaling \$10,265.60
Cemetery Fund	Amounts totaling \$350.00
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	No Voucher
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 Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #23 ENDORSE THE GENESEE VALLEY TRAIL TOWN PROGRAM

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

ADOPTED AYES 5 NAYS 0

RESOLVE to endorse the Genesee Valley Trail Town Program and work in collaboration with LGV, and REDI (USDA) through creation of a local Trail Town Committee responsible for liaising with the Genesee Valley Trail Town Program, organizing activities in support of the Program and participating in Program workshops and other activities planned over the course of the 2020-2021 project cycle. Appointing Kimberly McDowell as the Town of Avon Representative.

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

RESOLUTION #24 ACCEPT THE AUDIT OF THE TOWN CLERK & TAX COLLECTION RECORDS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the audit performed by Deputy Supervisor Mairs of the Town Clerk and Tax Collector.

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

RESOLUTION #25 ACCEPT THE AUDIT OF THE TOWN JUSTICE MICHAEL TORREGIANO

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the audit performed by Deputy Supervisor Mairs of the Town Justice Michael Torregiano.

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

RESOLUTION #26 ACCEPT THE AUDIT OF THE TOWN JUSTICE DAVID HOFFMANN

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the audit performed by Deputy Supervisor Mairs of the Town Justice David Hoffmann.

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

DISCUSSION - OPEN ITEMS

Deputy Supervisor Mairs asked the Board if they would support a Town of Avon resident to be a representative of the Town to allow him to register for Code classes. The Board appeared to approve. Discussion included that this would be considered on an individual basis and not set precedent for future requests.

Councilman Harrington will contact the Village to schedule a joint meeting with the Village that includes an executive session.

Councilman Drozdziel reported on the following:

We should be ready for a zoom at our next meeting.

Bids are due tomorrow, January 15, 2021. The project is a one million dollars and the review of the bids deserve each Board members attention. A copy of the RFP and an evaluation was provided to each Board Member. After a thorough review each of you are asked to complete the evaluation. The weighted evaluation consists of many parts including:

- 25% for fees
- 15% Experience of the firm
- 20% Approach and Methodology
- 30% Examples of past projects

5% Bidder recommendations to include that was not in our RFP
5% Accepting of our Terms and Conditions

Something to make a bidder stand out includes an opportunity to add something that is seen as a value that was not included in the RFP.

There are four proposals, and the evaluation are due within one week. The Committee as a group will complete individual evaluations that will be compiled into one evaluation.

We are purchasing a professional service for a high visibility project.

DISCUSSION – VISITOR COMMENTS

Councilman Harrington asked if there were any visitor comments from anyone on the phone and there were none.

RESOLUTION #27 EXECUTIVE SESSION

On motion of Deputy Supervisor Mairs, seconded by Supervisor LeFeber 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. Inviting Water Laborer/Motor Equipment Operator Kelly Sloan and Attorney Campbell
TIME 7:50 P.M, Kelly Sloan left at 8:22 P.M.

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

RESOLUTION #28 CLOSE EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close executive session with no action taken at 8:49 P.M.

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

On motion of Deputy Supervisor Mairs, seconded by Supervisor LeFeber the meeting was adjourned at 8:50 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk