

A regular meeting of the Town of Avon was held on Thursday, January 28, 2021 at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, Via Zoom Meeting ID: 843 209 6062 Passcode: 300507 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 (Zoom), Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: Peter Kolokouris, Robert Westfall

ZOOM VISITORS: Judy Falzoi, Cindy Kellen, Kathy Cole, Sara Santora, and Sara Gilbert

Supervisor LeFeber called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance. He then read the following legal notice:

**DISCUSSION OPEN PUBLIC HEARING**

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to various Executive Orders, issued by Governor Cuomo and advisories issued by Federal, State and Local officials related to the COVID-19 virus and the provisions of the Code of the Town of Avon, and pursuant to Town Law, that a remotely held public hearing shall be conducted by the Planning Board of the Town of Avon at 6:00 p.m. on Thursday, January 28, 2021 for the purpose of considering public opinion and comment about or concerning the following:

An application for Special Permit approval pursuant to §130-18 H of the Avon Zoning Code from Paul Stevenson related to the property known as \_\_\_\_ Lakeville Road, Avon New York, also known as Tax Identifier Map Parcel No.:54.-1-9 and Tax Identifier Map Parcel No.: 54.-1-3.11, seeking approval from the Town Board to utilize the subject property as a seasonal campground, with certain accessory uses that are supportive of the primary use as a seasonal campground.

The Public Hearing will be held using the remote meeting platform JoinMe, so that the public can participate via telephone. To join the Public Hearing remotely, please use the following contact information:

For telephone call-in access:  
Dial by your location:

+1 646 307 1990 US (New York)

Meeting ID: 152-725-660 #

**\*\*PLEASE CONSULT THE TOWN'S WEBSITE BEFORE THIS PUBLIC HEARING TO CONFIRM THE ABOVE INFORMATION ON HOW TO PARTICIPATE**

A copy of the applications and related plans are available for review by the public at the office of the Town Clerk during regular Town Clerk hours or may be accessed on the Town's website 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.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed.

Dated: \_\_\_\_\_ By Order of the Town Board of the Town of Avon

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Sharon Knight, CMC/RMC  
Town Clerk

### **DISCUSSION – VISITOR COMMENTS**

Sara Santora a Representative of Senator Gallivan's office addressed the Board to reintroduce herself as she may be known as an employee of the Livingston County News.

Each Board Member introduced themselves and shared their appreciation for the support the Town of Avon has received from the Senator. Councilman Drozdziel also offered this appreciation for the support for the Avon Free Library.

Ms. Santora stated that she works full time at Caledonia Central School and looks forward to working with everyone. Her email information was provided to Town Clerk Knight and requested the information be shared with the Board and others.

Supervisor LeFeber stated the Public Hearing continues to stay open.

### **DISCUSSION OPEN PUBLIC HEARING**

Zoom Visitor Cindy Kellen stated her concerns regarding the campground are increased major traffic, 100 campers without sewer, noise because of generators, and visual impact. She also asked if the accessory use of storage can still exist without the campground?

Attorney Campbell responded to Mrs. Kellen's comments stating the storage would no longer be permitted without the campground.

Attorney Sara Gilbert representing Mr. Stevenson stated there is a potential option for hookup to sewer across the street. There are phases associated with the growth that will determine access to sewer and other needed improvements.

Supervisor LeFeber asked for any other comments on the public hearing and there were none.

**DISCUSSION – VISITOR COMMENTS-continued**

Supervisor LeFeber asked for any other public comments and Zoom Visitor Judy Falzoi stated that she had attended a Monroe County Bar Association presentation on the 94C. She said it was very enlightening and strongly suggests the Town considers hiring one of the specialists, to review our comprehensive plan, our old energy plan and the new plan Attorney Campbell is writing.

One the lawyers from the Sogwin (sp.) Legal Group, Bridget, has a wealth of experience in litigating this area. It is very important to have everything done correctly if the town wants to survive through this. It was stated that there is Nothing the Town can do if a 94C application comes through.

Supervisor LeFeber stated there is great concern on loosing home rule in New York State and Senator Gallivan is fighting with other members of the Senate and Assembly to get the power away from one individual.

Visitor Falzoi stated another comment made at the webinar is that 94C is still under review and public comment. Nothing has been approved but applications have been accepted. and its questioned if this is legal. The Town needs to get something together. She also spoke of the environmental concerns that go along with solar.

Senator Gallivan's Representative Sarah stated that the Senator puts out a weekly press release talking about allowing the people that are elected to make decisions to make them. She will send information to Sharon to share with Judy.

Peter Kolokouris addressed the Board with a concept plan to expand Royal Springs to Phase 2. Phase 2 will be approximately 115 acres and will have 231 new homes with around 100 of them being patio homes.

There will need to be a traffic study as route 15 where the entrance will be is a state road.

There was discussion regarding density and size of the lots and there will be input by the planning board, Livingston County Sewer & Water, Avon Central School, and MRB Group Engineering. Phase 2 will have the Same lights and sidewalks as phase 1.

Supervisor LeFeber - This is the first step of introduction. The question is do we want to consider a possible rezone?

**RESOLUTION #30 REZONE ROYAL SPRING PHASE 2**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve to entertain further investigation that could possibly lead to rezoning of 115 acres of property adjacent to Royal Springs owned by Peter Kolokouris

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

Supervisor LeFeber suggested opening an escrow account to cover costs like engineering and other professional services that would be required.

Councilman Coyne inquired why was the first phase 50 acres and larger this time?

Mr. Kolokouris stated that when he started with phase 1 the minimum was 50 acres. The town wanted to see how things would turn out.

Councilman Drozdziel stated that there are a lot of building lots and the infrastructure like sidewalks and lighting installation comes first. At what phase would you appear before the planning board to introduce phase 2? This would be the next step then on to the county. This is going to take a long time.

MRB Group does review subdivisions from a planning standpoint.

**RESOLUTION #31 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 January 14, 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**

**RESOLUTION #32 SEQR PART 1 STEVENSON REQUEST FOR SPECIAL PERMIT TO APPROVE USE OF SEASONAL CAMPGROUND IN PDD**

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

RESOLVE the Short Environmental Assessment Form Part 1 – Project Information was accepted and signed by the Town Supervisor

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

**RESOLUTION #33 SEQR SHORT ENVIRONMENTAL ASSESSMENT FORM PART 2  
IMPACT ASSESSMENT**

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

ADOPTED AYES 5 NAYS 0

**RESOLVE** Attorney Campbell read the questions on the Impact Assessment to the Town Board as they considered their responses as reasonable considering the scale and context of the proposed action. Each answer was no, or small impact may occur.

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

**RESOLUTION #34 SEQR SHORT ENVIRONMENTAL ASSESSMENT FORM PART 3  
DETERMINATION OF SIGNIFICANCE**

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

ADOPTED AYES 5 NAYS 0

**RESOLVE** to determine, based on the information and analysis the proposed action will not result in any significant adverse environmental impacts.

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

**RESOLUTION #35 AUTHORIZE THE SUPERVISOR TO SIGN SEQR ASSESSMENT  
FORMS**

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

ADOPTED AYES 5 NAYS 0

**RESOLVE** to authorize the Supervisor to sign the SEQR Assessment Forms and for the Town Clerk to file as a permanent record.

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

Supervisor LeFeber asked for any further comments regarding the public hearing,

Attorney Sarah Gilbert spoke about the sewer connection and that it would need to be approved by the county and they have procedures in place to make sure there is no negative impact to the surrounding area.

**RESOLUTION #36 CLOSE PUBLIC HEARING**

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

ADOPTED AYES 5 NAYS 0

**RESOLVE** to close the public hearing.

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

Councilman Drozdziel stated he still does not support the approval. He feels that a campground does not fit in with the PDD. It was identified as commercial property in the comprehensive plan and he does not see a strong enough case to go with this type of use.

Deputy Supervisor Mairs stated that we gave approval ten years ago and he still agrees with that decision.

There was more discussion about storage on the property which will not happen if there is no campground.

Councilman Coyne is trying to see how feasible it is to deal with all the concerns. If the campground is not successful is the area still suitable for commercial use.

The Board's question is, should this use be permitted in this PDD.

**RESOLUTION #37 APPROVE THE KEMP PDD TO BE UTILIZED AS A SEASONAL CAMPGROUND, WITH CERTAIN ACCESSORY USES THAT ARE SUPPORTIVE OF THE PRIMARY USE AS A SEASONAL CAMPGROUND**

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

ADOPTED AYES 4 NAYS 1 COUNCILMAN DROZDZIEL

RESOLVE to adopt the following resolution:

TOWN BOARD  
TOWN OF AVON  
COUNTY OF LIVINGSTON

**RESOLUTION**

At a regular meeting of the Town Board of the  
Town of Avon, Livingston County, State of New York,  
held at the Avon Town Hall on January 28, 2021

**WHEREAS**, the Code of the Town of Avon (hereafter “Code”) establishes the zoning classification of Planned Development District (hereafter “PDD”) as set forth in §130-18 thereof; and

**WHEREAS**, the intent of the PDD is to permit the development of land for commercial and industrial purposes where tracts of land suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis; and

**WHEREAS**, the Town Board has the authority and responsibility under §130-18 to approve of all uses contemplated in a PDD; and

**WHEREAS**, after initial approval, construction and occupancy of a PDD, §130-18 H provides that the Town Board shall approve any changes in use by way of a special permit; and

**WHEREAS**, Paul Stevenson (hereafter “Applicant”) as contract vendee of the property known as \_\_\_ Lakeville Road, Avon New York, also known as Tax Identifier Map Parcel No.:54.-1-9 and Tax Identifier Map Parcel No.: 54.-1-3.11 (hereafter “subject property” or “parcel”) located within a Town of Avon Planned Development District; and

**WHEREAS**, pursuant to §130-18 H of the Code, Applicant is seeking approval from the Town Board to utilize the subject property as a seasonal campground, with certain accessory uses that are supportive of the primary use as a seasonal campground; and

**WHEREAS**, it is the duty of the Town Board under §130-18 H of the Code to determine if the proposed use as a seasonal campground is appropriate, and if so, to issue a Special Permit for the same; and

**WHEREAS**, the Town Board wishes to make its findings with regard to the appropriateness of the proposed use as a seasonal campground and to memorialize and specify the parameters of its approval of Applicant’s request for issuance of a Special Permit.

**NOW, THEREFORE**, upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, it is hereby

**RESOLVED**, that the Town Board of the Town of Avon, pursuant to §130-18 H of the Code, hereby approves of Applicant’s request for a new use of the subject property (to the limited degree specifically stated herein) and authorizes a Special Permit to be issued to Applicant by the Code Department to the following extent:

1. Applicant, his successors and assigns shall be permitted to use the subject property located at and known as \_\_\_ Lakeville Road, Avon New York, also known as Tax Identifier Map Parcel No.: 54.-1-9 and Tax Identifier Map Parcel No.: 54.-1-3.11 as a seasonal campground (with no year-round residential use), subject to the conditions stated herein and subject to any other restrictions resulting from subsequent Site Plan approval by the Planning Board or other restrictions in the Code or in the New York State Uniform Code (Building or Fire) and the Code Enforcement Officer is hereby directed to issue a Special Permit for the same pursuant to §130-18 H of the Code.

2. Additionally and subject to provisions stated hereafter, Applicant, his successors and assigns shall be permitted to use the subject property for uses that are accessory and ancillary to the primary approved use of a seasonal campground, including the following:
  - Restroom and bathing facilities
  - Hiking trails
  - RV dump stations
  - Registration and office building facilities
  - Food preparation and retail sales of food and camping supplies
  - Swimming pool and related facilities
  - Recreational pond/s
  - Pavilions and picnic areas
  - Recreational activities such as ball fields, volleyball courts and miniature golf
  - Onsite storage of travel trailers, recreational vehicles, campers, boats and boat trailers and other similar vehicles, but not to include tractor trailers or any type of heavy equipment. All stored vehicle must have a current registration and be insured
3. Applicant, his successors and assigns shall not use any portion of the subject property for any purpose that is not directly related to a seasonal campground;
4. All accessory and/or ancillary uses permitted hereby shall be subordinate to the primary approved use of the subject property as a seasonal campground;
5. Any of a portion of the subject property and subsequent use thereof as authorized herein shall be subject to and comply with the off street parking and loading requirements set forth in Article VII of Chapter 130 of the Code at §130-36 through §130-38;
6. Any use of a portion of the subject property as authorized herein shall be subject to and comply with the Exterior Lighting requirements set forth in Chapter 49 of the Code;
7. No onsite storage of tractor trailers, construction equipment or other type of commercial vehicles shall be permitted;
8. No onsite storage of construction materials, supplies, construction debris or other form of debris not related to construction or improvements to the campground facilities shall be permitted;



9. Any area used for onsite storage of travel trailers, recreational vehicles, campers, boats and boat trailers and other similar vehicles as permitted above shall be located and visually buffered so as to mitigate any visual impact associated with such storage;
10. Any noise impacts related to any use of the subject property as authorized herein shall be mitigated so as to not unreasonably create a negative impact on nearby or adjacent parcels;
11. Should Applicant or his successors and/or assigns wish to utilize any portion of the subject property or the improvements made thereon for a use other than what is provided for above, or in any way inconsistent with the provisions made herein, Applicant or his successors and/or assigns shall be required to make application for approval and issuance of a Special Permit from the Town Board, which such approval and Special Permit may be granted or denied at the sole discretion of the Town Board, and the Town Board shall have the right to refer any such application to the Planning Board for its comments prior to making a determination on the Special Permit request;
12. As a condition of the limited approvals granted herein, Applicant, his successors and/or assigns shall append, affix and maintain a copy of this Resolution to the abstract of title(s) relating to \_\_\_ Lakeville Road, Avon New York, also known as Tax Identifier Map Parcel No.: 54.-1-9 and Tax Identifier Map Parcel No.: 54.-1-3.11;
13. Any failure of Applicant or his successors and/or assigns to comply with the provisions of the Special Permit approved hereby shall subject the violator to enforcement proceedings set forth under Article XI of Chapter 130 of the Code and/or revocation of such Special Permit by the Town Board;
14. Any development of the subject property and subsequent use thereof as authorized herein shall be contingent and conditioned on the Applicant first obtaining Site Plan approval from the Town of Avon Planning Board in compliance with the provisions set forth in Article XI of Chapter 130 of the Code at §130-18 and §130-45 through §130-47. Any authority intended to be granted herein shall not become effective and Applicant shall have no vested rights therein until such time that final Site Plan approval has been granted;
15. Any approval of use herein granted shall continue to be contingent upon Applicant (including its successors and assigns) complying with the conditions of approval of any current or future Site Plan approval. Failure by Applicant (including its successors and assigns to comply with any conditions or requirements of any current or future Site Plan approval shall be grounds for retraction of this approval of use by subsequent action of the Town Board of the Town of Avon;

- 16. Should Applicant (or an entity of which it is the majority owner) fail to take legal title to the subject property, this Resolution and the Special Permit authorized by it shall automatically become null and void and of no effect at law; and

**BE IT FURTHER RESOLVED**, that in reaching the above determinations, the Town Board makes the following findings pursuant to §130-18 H. of the Code:

- The request is in harmony with the general purpose and intent of the regulations set forth in §130-18 H. of the Code, taking into account the location and size of use, the nature and intensity of the operations involved and the adequacy of public facilities needed to serve the project; and
- The granting of the Special Permit applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or be detrimental or injurious to the property and improvements in the vicinity or to the general welfare of the Town; and

**BE IT FURTHER RESOLVED**, that in reaching the above determination, the Town Board makes the finding that the above approval of a Special Permit for a seasonal campground and accessory and ancillary uses fits within the “regional commercial development” framework as set forth in the Town of Avon 2016 Comprehensive Plan; and

**BE IT FURTHER RESOLVED**, that in reaching the above determination and after evaluating and considering the agricultural data statement provided by Applicant, the Town Board makes the finding that the above approval of a Special Permit for a seasonal campground and accessory and ancillary uses will not have any meaningful adverse impact upon functioning farm operations within Agricultural District #2 that are located within 500 feet of the proposed use; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be formally made a part of the files maintained by the Town of Avon relating to the Planned Development District in which the subject property is located.

Dated: \_\_\_\_\_

Vote of the Board: David LeFeber, Thomas Mairs, Malachy Coyne, Paul Drozdziel, James Harrington

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF Avon

\_\_\_\_\_  
Sharon Knight, MMC/RMC  
Town Clerk

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

**DISCUSSION – ATTORNEY REPORT**

Attorney Campbell reported on the following:

Attorney Campbell stated he is working on several things including Battery Storage and Solar.

**DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT**

Highway/Water Superintendent Crye provided the following written report:

Highway: Snow removal, brush & shop.

Water: Everyday maintenance and sampling, meter reading

**DISCUSSION – CODE DEPARTMENT REPORT**

Code Enforcement Officer Glise reported on the following:

Is a manufacturing home the same as a mobile home and if the property owner is made to get a variance is there any fallout if they did not need one? This is directed towards Attorney Campbell.

Attorney Campbell stated this could be a lengthy discussion and would speak with CEO Glise at another time.

He has received complaints around town and has handled them.

**DISCUSSION – ENGINEER REPORT**

Engineer Willard reported on the Following:

The Gis proposal was approved with modifications. There was discussion about using the Village's devise and they are fine with it. The next step would be to get a meeting together with Tom and Kelly and move forward.

The Village is using our backhoe to test it out and see if they would like to purchase one like it.

This second proposal is for the meter grant. We may need to replace the blue tower meters first as we are having trouble getting them to read. Blue Tower is no longer in business. The pricing to replace all the meters is being considered but the grant would only cover 75% of the cost.

The action would be to have Supervisor LeFeber sign the proposal to push forward with the grant program.

**RESOLUTION #38 SUPPORT & AUTHORIZATION FOR THE 2021 NEW YORK STATE CONSOLIDATED FUNDING APPLICATION FOR GREEN INNOVATION GRANT PROGRAM WATER EFFICIENCY**

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

ADOPTED AYES 5 NAYS 0

**TOWN OF AVON**

**Resolution of Support & Authorization for the Town of Avon  
2021 New York State Consolidated Funding Application,  
Green Innovation Grant Program – Water Efficiency**

**WHEREAS**, Town of Avon, Livingston County, supports the submission of a 2021 Consolidated Funding Application (CFA) on behalf of the Town, for the Green Innovation Grant Program (GIGP) to improve water quality and mitigate effects of climate change through the implementation of a water efficiency project; and

**WHEREAS**, the New York State Environmental Facilities Corporation (EFC), provides a competitive statewide reimbursement grant program through the Clean Water State Revolving Fund (CWSRF) to purchase and install upgraded water meters; and

**WHEREAS**, the Town of Avon meets the GIGP eligibility and is considered a funding priority for upgrades to their water meter infrastructure; and

**WHEREAS**, if funding is received it will allow the Town of Avon to upgrade water meters for their residents and deliver better services with less water and protect water sources for the future;

**NOW THEREFORE BE IT RESOLVED**, the Town Board, on behalf of the Town, identifies the Town Supervisor as the authorized representative for the project, able to execute necessary documents relative to and as required for this application; and

**BE IT FURTHER RESOLVED**, the Town Board does hereby authorize and obligates local matching funds of the minimum 25% of the total of any grant funding awarded in the form of in-kind services or cash contribution hereby appropriated from the general fund; and

**BE IT FURTHER RESOLVED**, that the Town of Avon, recognizes and fully supports the submission of the 2021 CFA for a GIGP Water Efficiency Project.

Motion by:

Seconded by:

Passed by the following vote of all Town Board Members voting in favor thereof:

Affirmative Town Board Members: [names]

Affirmative: #

Negative: #

Abstain: #

I, Sharon M. Knight, MMC/RMC, do hereby certify that resolution 38 was passed at a meeting of the Town of Avon Town Board held on January 28, 2021, and is and that said resolution has not been altered, amended, or revoked and is in full force and effect.

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

**RESOLUTION #39 SEQR RESOLUTION SEQR TYPE II GIGP WATER EFFICIENCY APPLICATION FOR WATER METER UPGRADES**

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

ADOPTED AYES 5 NAYS 0

TOWN OF AVON  
GIGP WATER EFFICIENCY APPLICATION  
FOR WATER METER UPGRADES

SEQR RESOLUTION  
SEQR TYPE II

WHEREAS, the Town of Avon Town Board (hereinafter referred to as Town Board) is considering installation of new water meters and upgrades to existing water meters for their residents to deliver better services accurately measuring water use which may decrease water use and to protect water sources for the future (hereinafter referred to as Action); and

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) (3), (6), (9), and (13) of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Town Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

Motion made by Member \_\_\_\_\_: Seconded by Member \_\_\_\_\_

Dated: \_\_\_\_\_, 2021

The above Resolution was duly adopted on \_\_\_\_\_, 2021 by the Town of Avon Town Board.

\_\_\_\_\_  
Sharon Knight, Town Clerk  
Town of Avon

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

**DISCUSSION – WATER REQUEST FROM MULLIGAN**

Supervisor LeFeber and Councilman Coyne met with Jeff Mulligan about water from Route 15 to Barber Road. They discussed Mulligan Farms putting in a capitol component, minimum usage, and volume numbers. Attorney Campbell is working on a contract between the board and Mulligan Farms.

Morsch Would like to add water down South Avon Road almost to Nations Road.

**DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

Town Clerk Knight reported on the following:

The following correspondences were emailed to the Town Board:

Conditional use permit for 3031 Rochester Rd Livonia, Town of Caledonia Local Law #1-2021, Grant resolutions, Kemp PPD information, Royal Spring Phase 2 information, Tax collection summary, Zoom invitation.

The Town Clerk’s Office is busy collecting taxes we are around 72% collected.

I would like thank Councilman Drozdzziel, Kim McDowell, and Attorney Campbell for their help getting Zoom set up.

**DISCUSSION – ABSTRACT #2-2021**

Councilman Coyne asked about the voucher for the Part Town Avon Fire District and how the public can view their budget?

Supervisor LeFeber stated that the fire department sends us their proposed budget and their adopted budget. They have a public hearing before it is adopted.

**RESOLUTION #40 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 2021-02 in the following amounts:

<b>General Fund</b>	Amounts totaling \$4,703.01
<b>Highway Fund</b>	Amounts totaling \$4,654.20
<b>Water Fund</b>	Amounts totaling \$1,750.92
<b>Cemetery Fund</b>	No Voucher
<b>Opera Block Capital Improvement</b>	No Voucher
<b>Royal Springs Lighting</b>	Amounts totaling \$1,138.39
<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>	Amounts totaling \$608,299.17
<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**

**DISCUSSION – 2020 YEAR END REPORT**

Supervisor LeFeber provided the board with the 2020 Year End Report. We had good performance from all the funds which made it a good year.

**RESOLUTION #41 ACCEPT THE 2020 YEAR END REPORT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the 2020 Year End Report provided by Supervisor LeFeber.

# TOWN OF AVON



## **2020 Budget End of Year Report**

**Submitted on January 28, 2021**

**By**

*David LeFeber, Supervisor*

*Town of Avon*



## Town of Avon 2020 Budget Report

## Individual Fund Performance

General Fund - A - Townwide

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$1,235,668.00	\$1,235,668.00	\$787,557.74	-\$448,110.26	-36.26%
Expense:	\$1,235,668.00	\$1,235,668.00	\$667,432.89	-\$568,235.11	-45.99%

General Fund - A, composite performance impact on budget: **\$120,124.85**

General Fund - B - Outside Village

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$223,395.00	\$229,314.00	\$224,491.45	-\$4,822.55	-2.10%
Expense:	\$223,395.00	\$229,314.00	\$195,004.78	-\$34,309.22	-14.96%

General Fund - B, composite performance impact on budget: **\$29,486.67**

Highway Fund - DA - Townwide

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$802,037.00	\$802,037.00	\$638,797.92	-\$163,239.08	-20.35%
Expense:	\$802,037.00	\$802,037.00	\$388,917.03	-\$413,119.97	-51.51%

Highway Fund - DA, composite performance impact on budget: **\$249,880.89**

Highway Fund - DB - Outside Village

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$442,171.00	\$442,171.00	\$379,381.34	-\$62,789.66	-14.20%
Expense:	\$442,171.00	\$442,171.00	\$310,055.89	-\$132,115.11	-42.61%

Highway Fund - DB, composite performance impact on budget: **\$69,325.45**

Water Fund - SW - Town of Avon Water District

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$547,479.00	\$547,479.00	\$606,520.59	\$59,041.59	10.78%
Expense:	\$547,479.00	\$547,479.00	\$512,929.03	-\$34,549.97	-6.31%

Water Fund - SW, composite performance impact on budget: **\$93,591.56**

Rt. 39 -Water Fund

	Budgeted	Revised	Actual	Variance	Performance
Revenue:	\$9,692.00	\$9,692.00	\$9,692.70	\$0.70	0.01%
Expense:	\$9,692.00	\$9,692.00	\$8,027.50	-\$1,664.50	-17.17%

Cap. Project - Water Fund - H, composite performance impact on budget: **\$1,665.20**

Special District Fund - SF - Town of Avon Fire District

	Budgeted	Revised	Actual	Variance	Performance
Revenue:	\$535,045.00	\$535,045.00	\$535,045.00	\$0.00	0.00%
Expense:	\$535,045.00	\$535,045.00	\$535,045.00	\$0.00	0.00%

Special District Fund - SF, composite performance impact on budget: **\$0.00**

Cemetery Fund - C - East Avon Cemetery

	Budgeted	Revised	Actual	Variance	Performance
Revenue:	\$4,675.00	\$4,675.00	\$6,958.96	\$2,283.96	48.85%
Expense:	\$4,675.00	\$4,675.00	\$2,502.89	-\$2,172.11	-46.46%

Cemetery Fund - C, composite performance impact on budget: **\$4,456.07**

Crossroads Drainage District

	Budgeted	Revised	Actual	Variance	Performance
Revenue:	\$1,000.00	\$1,000.00	\$1,000.00	\$0.00	0.00%
Expense:	\$1,000.00	\$1,000.00	\$0.00	-\$1,000.00	-100.00%

Crossroads Drainage District Fund - CR, composite performance impact on budget: **\$1,000.00**

Bruckel Drainage District

	Budgeted	Revised	Actual	Variance	Performance
Revenue:	\$500.00	\$500.00	\$500.00	\$0.00	0.00%
Expense:	\$500.00	\$500.00	\$0.00	-\$500.00	-100.00%

Bruckel Drainage District Fund - BD, composite performance impact on budget: **\$500.00**

**Royal Springs Drainage District**

	<i>Budgeted</i>	<i>Revised</i>	<i>Actual</i>	<i>Variance</i>	<i>Performance</i>
<i>Revenue:</i>	\$3,000.00	\$3,000.00	\$3,000.00	\$0.00	0.00%
<i>Expense:</i>	\$3,000.00	\$3,000.00	\$0.00	-\$3,000.00	-100.00%

**Royal Springs Drainage District Fund - RS, composite performance impact on budget: \$3,000.00**

**Royal Springs Lighting District**

	<i>Budgeted</i>	<i>Revised</i>	<i>Actual</i>	<i>Variance</i>	<i>Performance</i>
<i>Revenue:</i>	\$13,000.00	\$13,000.00	\$13,000.00	\$0.00	0.00%
<i>Expense:</i>	\$13,000.00	\$13,000.00	\$12,458.81	-\$541.19	-4.16%

**Royal Springs Lighting District Fund - RL, composite performance impact on budget: \$541.19**

**Total composite budget fund impact for 2020: \$573,571.88**

**2020 Receipts for the Year**

	<i>General Fund A</i>	<i>General Fund B</i>	<i>Highway Fund DA</i>	<i>Highway Fund DB</i>	<i>Water Fund SY</i>	<i>Special Fund SF</i>	<i>County Fund</i>	<i>Coverseeds Drainage Dist</i>	<i>Brushed Drainage Dist</i>	<i>Royal Springs Drainage Dist</i>	<i>Royal Springs Lighting Dist</i>	<i>Water Capital</i>	<i>Res. 28 Water Capital</i>
<i>January</i>	\$553,600.04	\$91,104.60	\$480,291.66	\$265,027.06	\$48,572.76	\$335,043.00	\$21.93	\$1,000.00	\$500.00	\$1,000.00	\$13,000.00	\$0.00	\$9,692.00
<i>February</i>	\$8,102.43	\$40,127.14	\$497.66	\$270.41	\$89,557.14	\$0.00	\$1,246.89	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>March</i>	\$16,347.78	\$10,440.70	\$48,489.59	\$242.41	\$24,835.51	\$0.00	\$20.55	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>April</i>	\$7,116.90	\$23,567.18	\$935.19	\$259.39	\$6,325.35	\$0.00	\$21.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>May</i>	\$1,877.95	\$728.85	\$5,048.71	\$296.97	\$83,175.04	\$0.00	\$21.23	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>June</i>	\$58,796.30	-\$6,511.31	\$381.96	\$218.84	\$42,003.66	\$0.00	\$21.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>July</i>	\$6,606.76	\$997.15	\$44,793.86	\$171.47	\$42,586.94	\$0.00	\$21.21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>August</i>	\$174.16	\$1,666.40	\$21,123.75	\$145.17	\$105,192.72	\$0.00	\$21.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>September</i>	-\$2,804.29	\$8,764.15	\$3,383.37	\$123.55	\$36,454.05	\$0.00	\$1,721.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>October</i>	\$38,647.77	\$10,530.25	\$9,903.29	\$112,477.66	\$9,004.04	\$0.00	\$2,796.26	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>November</i>	\$104,145.18	\$691.06	\$14,514.53	\$76.54	\$89,770.14	\$0.00	\$21.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>December</i>	\$8,746.76	\$46,385.28	\$234.35	\$71.87	\$29,043.24	\$0.00	\$621.27	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals:</b>	<b>\$787,857.74</b>	<b>\$234,491.45</b>	<b>\$638,797.92</b>	<b>\$379,381.34</b>	<b>\$606,520.49</b>	<b>\$535,045.00</b>	<b>\$6,958.96</b>	<b>\$1,000.00</b>	<b>\$500.00</b>	<b>\$3,000.00</b>	<b>\$13,000.00</b>	<b>\$0.00</b>	<b>\$9,692.00</b>

\$3,205,945.70 Total Receipts for 2020

**2020 Disbursements for the Year**

	<i>General Fund A</i>	<i>General Fund B</i>	<i>Highway Fund DA</i>	<i>Highway Fund DB</i>	<i>Water Fund SW</i>	<i>Special Fund SF</i>	<i>Cemetery Fund</i>	<i>Crossroads Drainage Dist</i>	<i>Bruckel Drainage Dist</i>	<i>Royal Springs Drainage Dist</i>	<i>Royal Springs Lighting Dist</i>	<i>Water Capital</i>	<i>Rte 39 Water Capital</i>
<i>January</i>	\$78,795.49	\$97,405.12	\$36,980.47	\$14,594.86	\$21,037.15	\$0.00	\$515.69	\$0.00	\$0.00	\$0.00	\$1,124.11	\$0.00	\$0.00
<i>February</i>	\$44,004.40	\$9,209.72	\$40,526.53	\$4,666.16	\$39,025.59	\$335,045.00	\$165.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>March</i>	\$51,917.53	\$11,920.39	\$44,270.19	\$6,171.94	\$13,820.80	\$0.00	\$248.40	\$0.00	\$0.00	\$0.00	\$1,067.80	\$0.00	\$0.00
<i>April</i>	\$47,352.46	-\$2,395.53	\$91,746.78	\$6,643.06	\$10,333.86	\$0.00	\$165.60	\$0.00	\$0.00	\$0.00	\$1,041.60	\$0.00	\$0.00
<i>May</i>	\$38,083.51	\$40,492.38	\$24,586.68	\$5,913.66	\$13,656.40	\$0.00	\$165.60	\$0.00	\$0.00	\$0.00	\$2,012.04	\$0.00	\$0.00
<i>June</i>	\$55,426.04	\$2,995.17	\$18,955.71	\$91,911.23	\$109,216.25	\$0.00	\$165.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,013.75
<i>July</i>	\$53,438.21	\$7,888.50	\$17,209.06	\$149,529.56	\$97,416.89	\$0.00	\$165.60	\$0.00	\$0.00	\$0.00	\$1,965.20	\$0.00	\$0.00
<i>August</i>	\$40,938.82	\$8,990.45	\$21,957.45	\$12,245.85	\$82,631.90	\$0.00	\$165.60	\$0.00	\$0.00	\$0.00	\$980.54	\$0.00	\$0.00
<i>September</i>	\$110,037.41	\$2,165.62	\$28,293.13	\$5,106.63	\$12,478.27	\$0.00	\$248.40	\$0.00	\$0.00	\$0.00	\$1,079.51	\$0.00	\$0.00
<i>October</i>	\$49,551.99	\$14,077.26	\$18,289.41	\$7,482.28	\$8,862.15	\$0.00	\$165.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>November</i>	\$45,155.69	\$3,346.30	\$20,378.03	\$5,236.60	\$59,933.64	\$0.00	\$165.60	\$0.00	\$0.00	\$0.00	\$2,143.45	\$0.00	\$0.00
<i>December</i>	\$52,711.74	\$1,409.40	\$25,723.59	\$354.06	\$24,516.13	\$0.00	\$165.69	\$0.00	\$0.00	\$0.00	\$1,100.56	\$0.00	\$6,013.75
<b>Totals:</b>	<b>\$667,432.89</b>	<b>\$185,064.78</b>	<b>\$388,917.03</b>	<b>\$310,058.89</b>	<b>\$812,929.83</b>	<b>\$535,045.00</b>	<b>\$2,502.89</b>	<b>\$9.00</b>	<b>\$9.00</b>	<b>\$0.00</b>	<b>\$12,458.81</b>	<b>\$0.00</b>	<b>\$8,027.50</b>

\$2,632,373.82 Total Disbursements for 2020

**Revenue From Other Governments**

Mortgage Tax	\$151,571.26
Sales Tax Receipts Balance	\$8,530.16
State Snow Rem. & Cty. Snow Removal & Road Maint.	\$163,938.38
Equip. Rentals - Other Govts.	\$33,976.45
Grants - State and Federal	\$4,427.98
NYS Per Capita Aid	\$38,854.00
Misc. Revenues Other Govts.	\$163,938.38
Consolidated Highway Aid (CHIPS)	\$112,581.99
NYS Real Property Tax Admin.	\$0.00
Equalization & Assessment	\$0.00
<b>total:</b>	<b>\$663,818.60</b>

**Revenue by Fund**

	<i>Budgeted</i>	<i>Revised</i>	<i>Actual</i>
General Fund - A - Townwide	\$1,235,668.00	\$1,235,668.00	\$787,557.74
General Fund - B - Outside Village	\$223,395.00	\$229,314.00	\$224,491.45
Highway Fund - DA - Townwide	\$802,037.00	\$802,037.00	\$638,797.92
Highway Fund - DB - Outside Village	\$442,171.00	\$442,171.00	\$379,381.34
Water Fund - SW - Town of Avon Water District	\$547,479.00	\$547,479.00	\$606,520.59
Special Fire District Fund - SF	\$535,045.00	\$535,045.00	\$535,045.00
Crossroads Drainage	\$1,000.00	\$1,000.00	\$1,000.00
Bruckel Drainage	\$500.00	\$500.00	\$500.00
Royal Springs Drainage	\$3,000.00	\$3,000.00	\$3,000.00
Royal Springs Light	\$13,000.00	\$13,000.00	\$13,000.00
Cemetery	\$4,675.00	\$4,675.00	\$6,958.96
Route 39 Water	\$9,692.00	\$9,692.00	\$9,692.70
<b>totals</b>	<b>\$3,817,662.00</b>	<b>\$3,823,581.00</b>	<b>\$3,205,945.70</b>

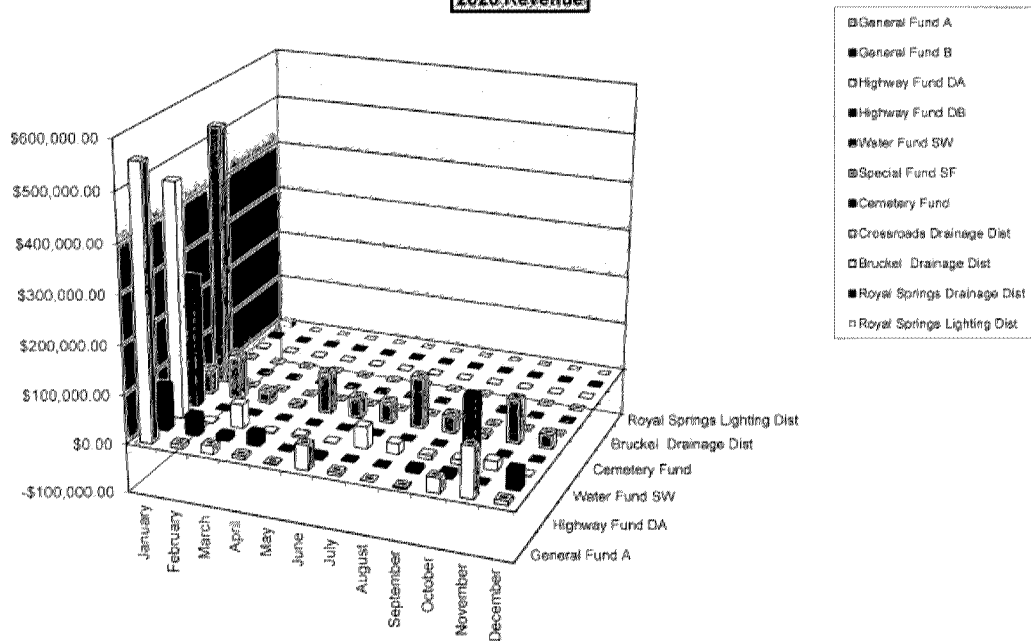
**Expenses by Fund**

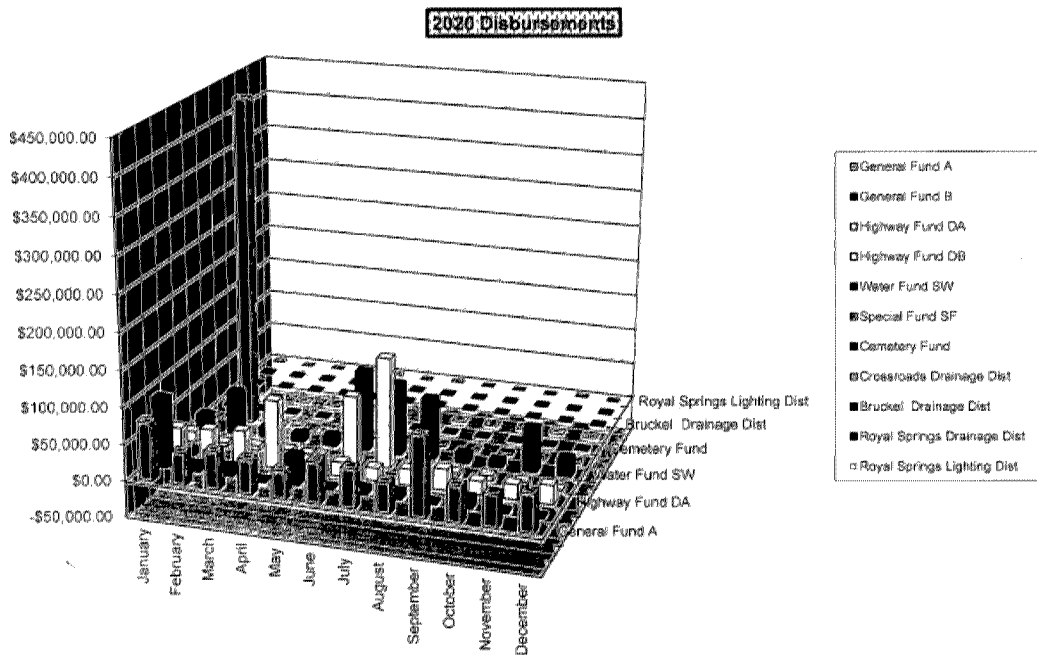
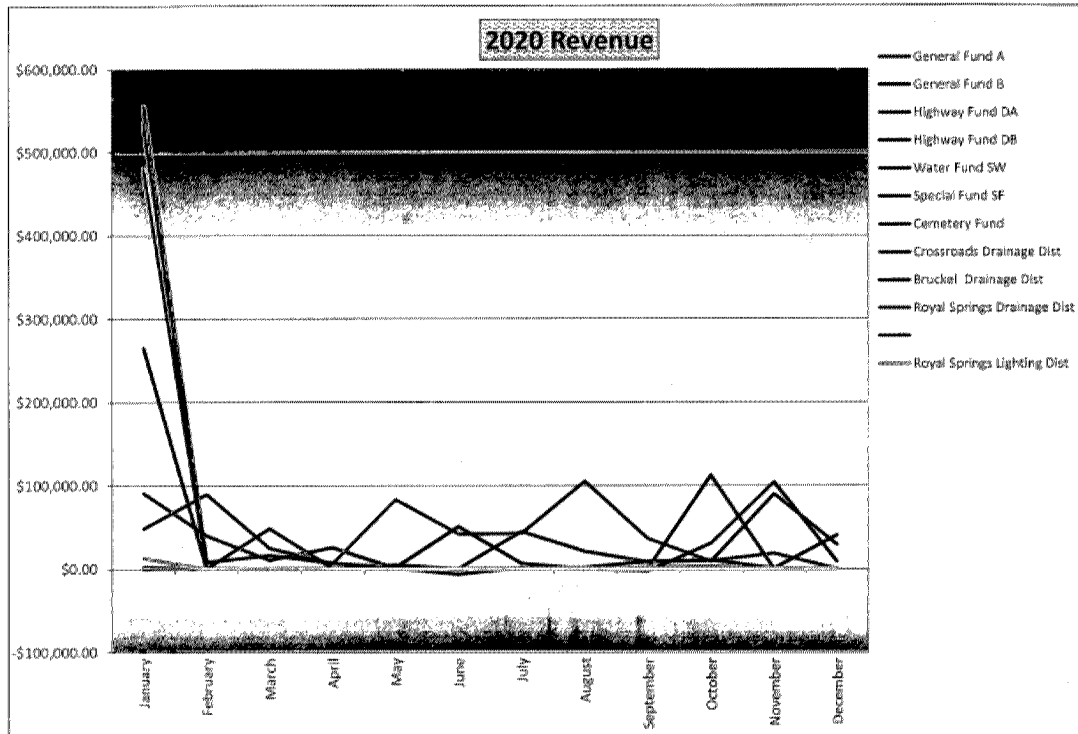
	<i>Budgeted</i>	<i>Revised</i>	<i>Actual</i>
General Fund - A - Townwide	\$1,235,668.00	\$1,235,668.00	\$667,432.89
General Fund - B - Outside Village	\$223,395.00	\$229,314.00	\$195,004.78
Highway Fund - DA - Townwide	\$802,037.00	\$802,037.00	\$388,917.03
Highway Fund - DB - Outside Village	\$442,171.00	\$442,171.00	\$310,055.89
Water Fund - SW - Town of Avon Water District	\$547,479.00	\$547,479.00	\$512,929.03
Special Fire District Fund - SF	\$535,045.00	\$535,045.00	\$535,045.00
Crossroads Drainage	\$1,000.00	\$1,000.00	\$0.00
Bracket Drainage	\$500.00	\$500.00	\$0.00
Royal Springs Drainage	\$3,000.00	\$3,000.00	\$0.00
Royal Springs Light	\$13,000.00	\$13,000.00	\$12,458.81
Cemetery	\$4,675.00	\$4,675.00	\$2,502.89
Route 39 Water	\$9,692.00	\$9,692.00	\$8,027.50
<b>totals</b>	<b>\$3,817,662.00</b>	<b>\$3,823,581.00</b>	<b>\$2,632,373.82</b>

**Revenue Sources**

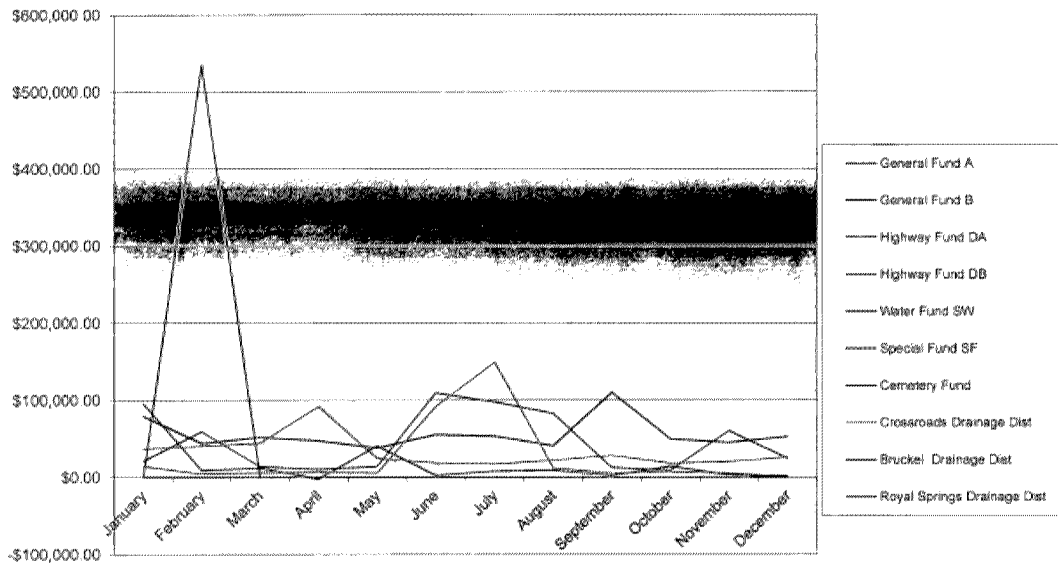
Property Taxes	\$1,846,083.00
Payment in Lieu of Taxes	\$58,784.48
Franchise Fees	\$37,129.78
Interest & Earnings	\$9,998.28
Penalties & Interest	\$6,780.74
Fees & Permits	\$43,685.98
Fines & Forfeitures	\$34,729.00
Water Rates	\$480,584.92
Revenues From Other Governments	\$495,252.24
Misc.	\$188,489.30
Grants	\$4,427.98
<b>TOTAL</b>	<b>\$3,205,945.70</b>

**2020 Revenue**

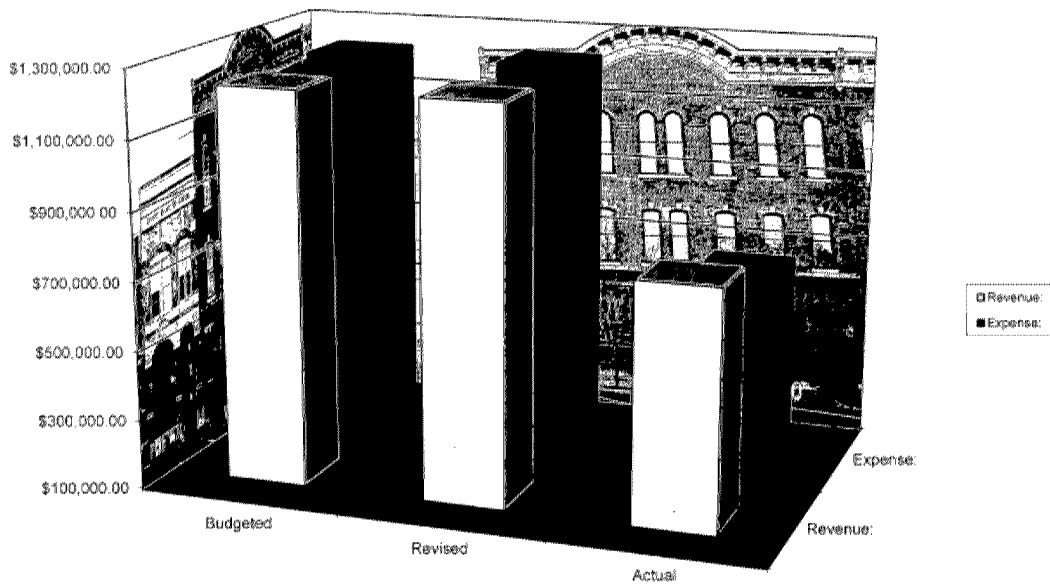


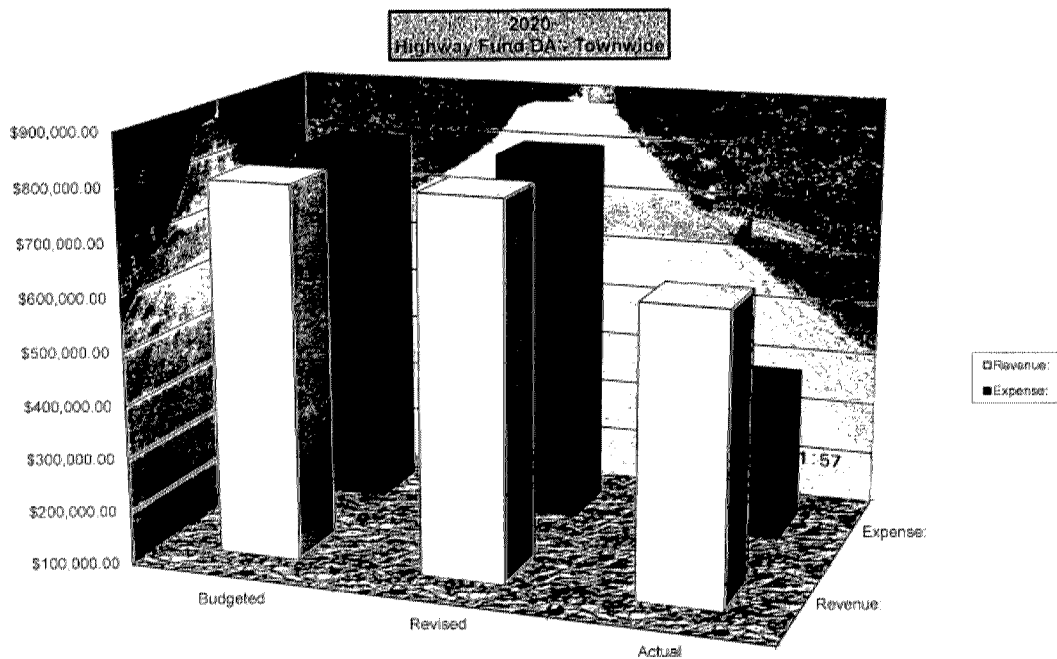
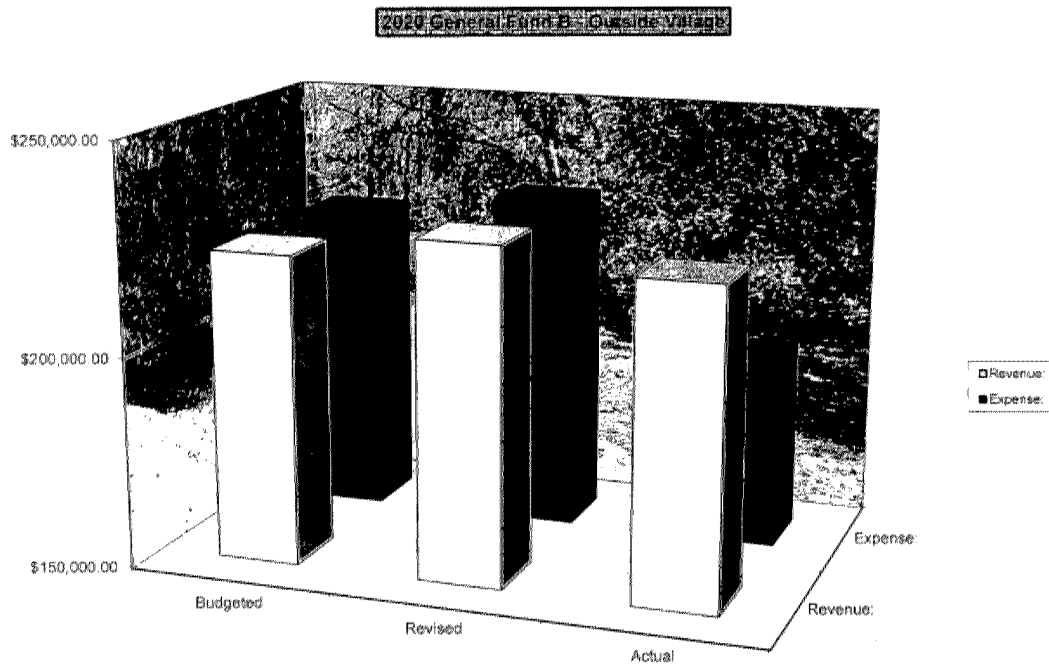


**2020 Disbursements**

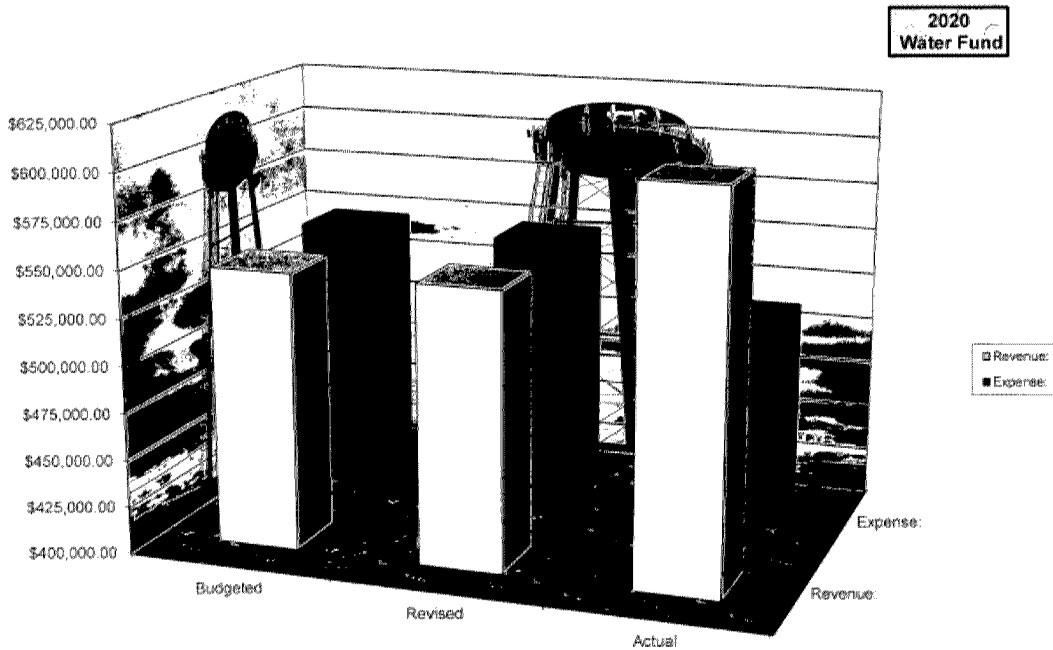
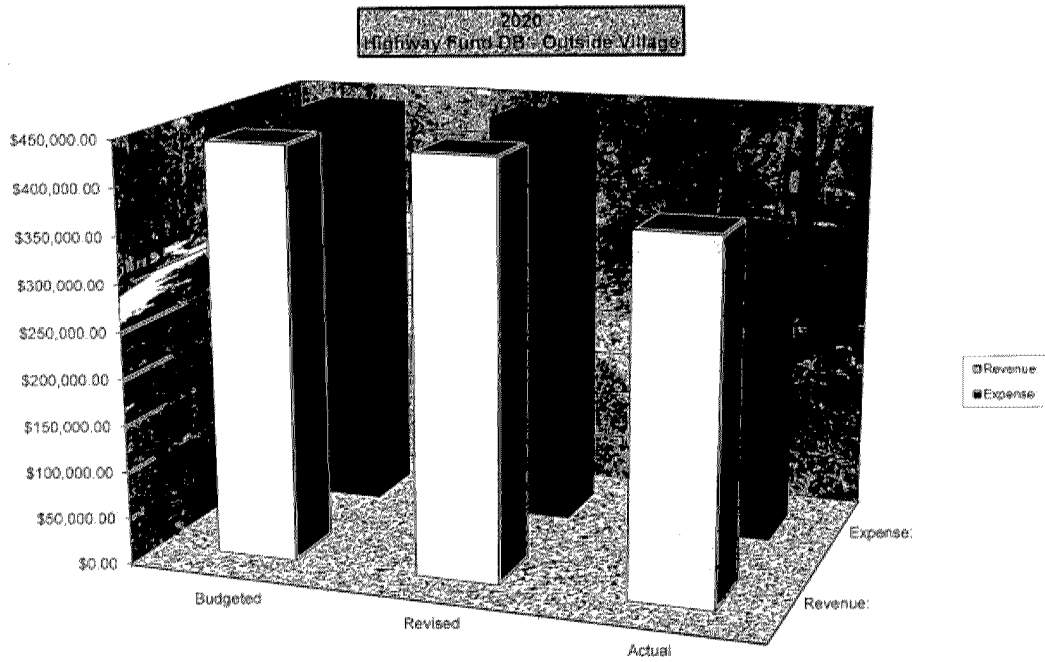


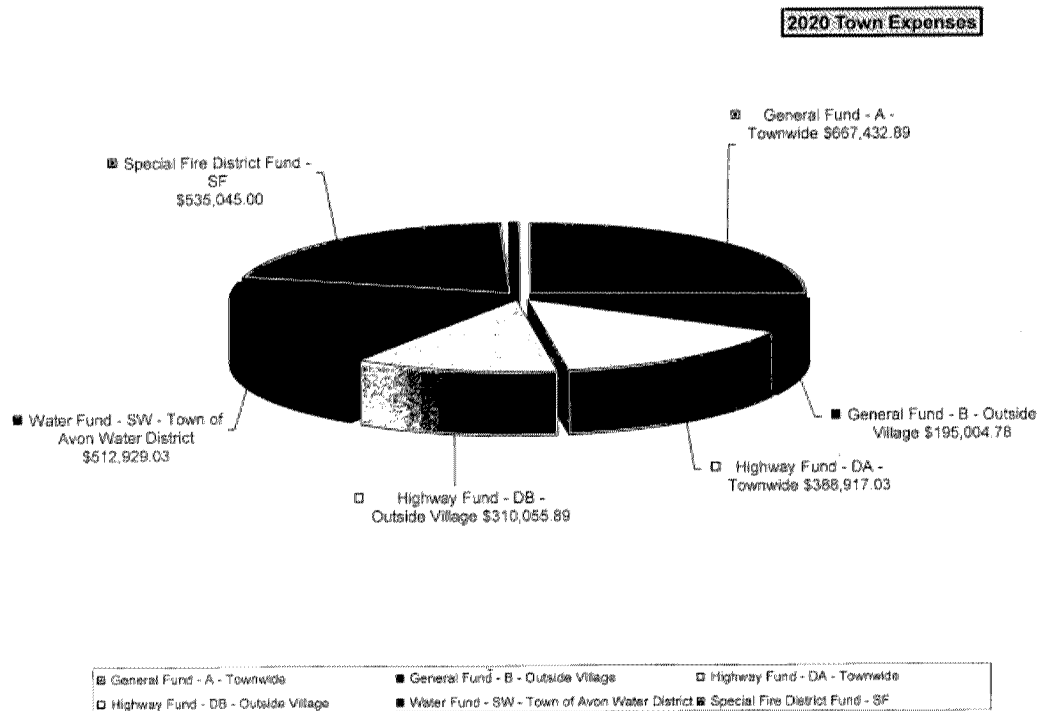
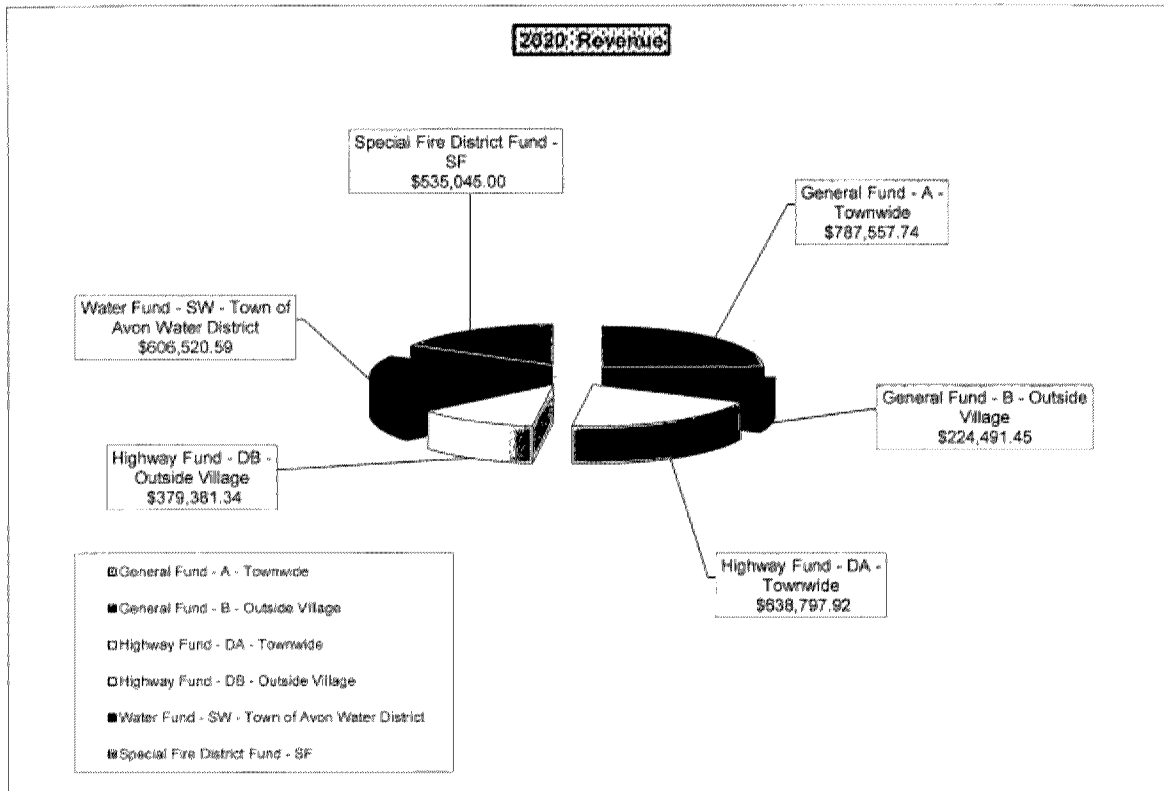
**2020 General Fund A - Townwide**

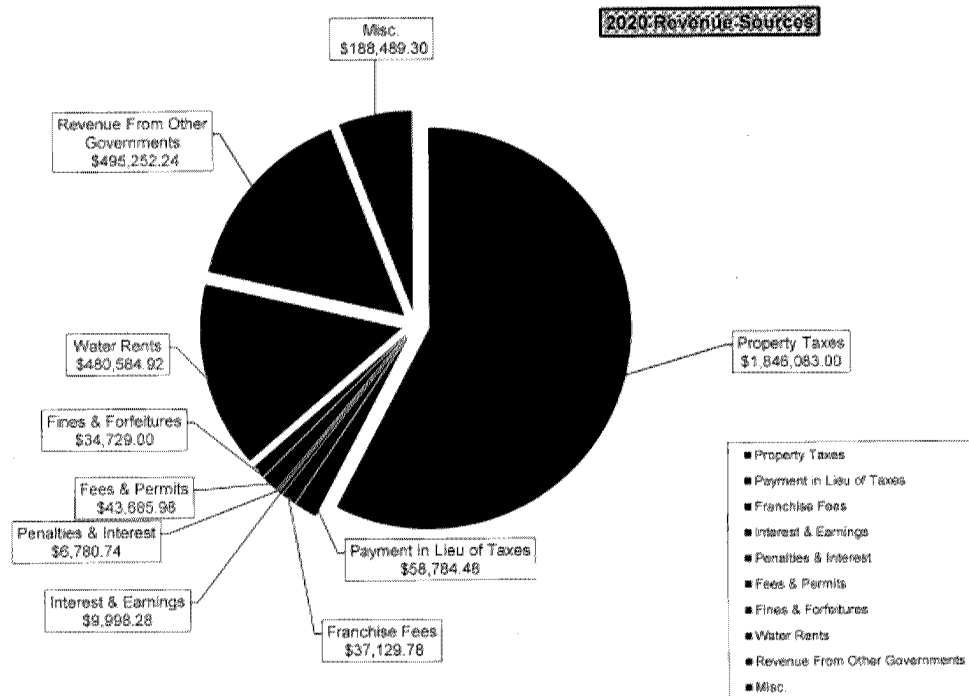












**Vote of the Board: Councilman Drozdzziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

Town Clerk Knight stated that the Town Clerk’s year end report was shown to Deputy Supervisor Mairs as part of his 2020 year end audit of the Town Clerk’s Office.

There is a grant opportunity for the Opera Block Building with the landmark society with a March 31, 2021 submittal date. There was a webinar today and it was watched by Julie Barry from the County Grants and Public Information Department. We will apply for the grant.

Barilla is suing the town and so far, we have spent \$18,320.00. I spoke with Bill Bacon regarding help with this matter and he will ask for assistance at the next IDA meeting. I will be meeting with the Mayor and School Superintendent next week and asking the same question. I will also be speaking to the School Superintendent about the Kolokouris expansion. Kim McDowell did a detailed Barilla cost sheet, and she will keep track of expenses. These costs include the appraisal and attorney fees, this does not count the Supervisor, Board or Kim’s time.

The town has been Providing a pass through for insurance and there is a question if this is a benefit to the Town. It is an added responsibility to Supervisor LeFeber and his secretary. There used to be more people getting this insurance now there are only two. There is a risk if someone does not pay. We are signed up for this year but if we discontinue, we should give ample time to the insured to find coverage by the end of the year. It has been a Courtesy and has not been abused.

### **DISCUSSION – OPERA BLOCK 3<sup>RD</sup> FLOOR**

Councilman Drozdziel discussed what is happening with the third floor of the Opera Block Building. RPF's were received on the 15<sup>th</sup> of January and he is still waiting for a couple of evaluation sheets. Once evaluations are in, we can discuss pricing. I spoke with someone from the Historical Society and she was very pleased about our evaluation criteria. We need to make sure the architect has someone on their staff with historic preservation experience or a consultant available to them.

There was discussion regarding the opening of bids. Councilman Drozdziel stated that we are not required to have a public bid process for professional services.

There was discussion about providing the architects with a master plan component for the whole building.

Supervisor LeFeber stated he is trying to keep the town financially sound by keeping spending down so taxes will not have to be raised. Money from the State could go down and we need to be prepared.

### **DISCUSSION – SOLAR SYSTEM AT TOWN BARN**

Clara Mulligan has done some research on the solar system at the town barns and there is significant savings. We are receiving credits, and these will be applied to other expenditures.

### **OPEN ITEMS**

Councilman Harrington gave an update regarding a meeting with the village regarding the salary of the Court Clerk. He stated that the Village is paying her daily.

He also stated that the Village laws are changing regarding their judge and they are looking for a backup judge to fill in when needed and would like to know if one of the town judges would fill in at no charge. The consensus is that it is between the judge and the village.

**DISCUSSION – VISITOR COMMENTS**

Supervisor LeFeber asked if there were any visitor comments and they are as follows:

Robert Westfall from the third-floor committee asked if a member from their group would be invited to the bid openings for the third floor? Councilman Drozdziel stated he did not see the need.

On motion of Deputy Supervisor Mairs, seconded by Supervisor LeFeber the meeting was adjourned at 8:15 P.M.

Respectfully submitted by:

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Sharon M. Knight, MMC/RMC Town Clerk