

A regular meeting of the Town of Avon was held on Thursday, February 11, 2021 at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, and Via Zoom Meeting ID: 843 209 6062 Passcode: 300507 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: Town Justice David Hoffmann, and Sharon M. Knight, MMC/RMC Town Clerk

ZOOM: Code Enforcement Officer Brian Glise (Zoom), Attorney James Campbell (Zoom),

ZOOM VISITORS: Amy Peri, Clara Mulligan, Cindy Kellen, and Judy Falzoi

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.

### **DISCUSSION – COURT REPORT**

Town Justice Hoffmann addressed the Board stating that during his interview there was discussion about communication between the court office and the town board. He stated that he has had a considerable amount of training since being elected and one thing that is often spoken about is the distance between the legislative and judicial branches of government and the obvious connection between the inner workings of a department of the town and the court. He came today to talk about the structures and protocols that they changed since the COVID-19 pandemic. We are currently operating under protocols dictated to us from the Court of Office Administration on December 9, 2020. This is the longest we have been operating under a single protocol.

It is very limiting on what we can do. We had nine or ten in person appearances this week. The District Attorney stated that we are the busiest court in the county with virtual and in person appearances. Microsoft teams is the system the court uses for video conferencing. We can do the conferencing from our homes or day jobs and the DA is very appreciative of this. The Clerk does the recording when we are outside of the court room. When we schedule appearances in the court room, we are only allowed 12 people or 50 percent whichever is the lower number. We stagger the times, do temperature checks, and supply hand sanitizer and people understand the protocols.

Supervisor LeFeber questioned how staff is keeping busy if the case load is down but the hours being turned in seem to be higher?

Justice Hoffmann stated that the hours are probably up if anything. The procedures for routine traffic tickets require many more steps than before. The Clerks now must reach out to the person who received the ticket and coordinating with the attorneys is significantly different.

I would estimate that their number of hours has doubled with the amount of work that needs to be done. Postage has increased because a lot more mail must go out.

Supervisor LeFeber stated that revenues are down significantly.

Justice Hoffmann stated that there are fewer arrests being made and there is less incentive for defendants to resolve their cases.

This is the challenge there are more requirements on us and more that we are expected to do with less revenue coming in. The good thing you can say to people is that our court is open, and we are getting things done which is more than a lot of other courts are able to do. The equipment that has been supplied over the past few years has allowed us to get up to speed faster than a lot of other places.

Councilman Drozdziel asked about moving forward to a time when things may be somewhat normal will limiting the number of people in the court room be continued?

I think you are going to see that people are not going to want to be in large groups and we will continue to stager the scheduling of things and hold court longer. Many things can be handled remotely, and the clerks will have to handle the cases outside of court. It will continue to look different than other years.

Councilman Drozdziel stated that we are moving ahead with the renovations on the third floor and thinking about how things will be situated when it is done. Judge Hoffmann does not have any concerns about the layout of the courtroom his concern is about technology and being able to continue to do what we need to do. If we go back to hearings and trials, we will need tv's at the court end of the room for the lawyers but unless you have a jury in here you will not see more than 15 people at a time.

There are annual court grants we can apply for and because we are doing most things virtually, we can apply for monitors and other technology. Oher courts who do not have the technology we have may be given priority.

Councilman Drozdziel asked if help would be needed to apply for the grant? The applications are available in the spring and fall and the tutorials will need to be reviewed. Questions regarding standards and estimates need to be answered. Councilman Drozdziel stated he is willing to assist in the process as we all work out of the same building and compatible operating systems should be utilized. One thing the pandemic has taught us is the need for multi-use spaces.

Town Clerk Knight stated that she enjoys working with the court personnel and the two offices work well together.

Judge Hoffmann wants the board to understand the constraints it is under and he will keep the board updated. The board thanked him for coming in.

**RESOLUTION #42 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 January 20, 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 Drozdzziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**RESOLUTION #43 APPROVAL OF MINUTES**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of January 28, 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 Drozdzziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**DISCUSSION – ATTORNEY REPORT**

Attorney Campbell reported on the following:

An email was sent to board members of a draft public health emergency response plan review and he would like the board to look it over carefully and provide comments by email. This is in response to a law adopted in the fall. He added language from state law regarding who is essential and protocols that the town is required to have. Keep in mind it is an unfunded mandate and we will not expect to get funding from the State. All public employers are in a position for a shut down or reduction in staff and there are many requirements that need to be fulfilled. One is making sure you have the proper technology for employees working remotely.

Please look and do not share as it is a rough work in process.

Supervisor LeFeber asked if the Office of Court Administration works with court employees and issues and if we need to work with them? Attorney Campbell stated that we do not need to include them in the review.

Councilman Harrington asked Attorney Campbell to resend the document to him.

Working on the zoning and battery storage changes that were recommended by the committee.

Had a meeting earlier today with MRB Group Engineers, Supervisor LeFeber and Councilman Coyne regarding water line improvements on Route 15. Kick off meeting with MRB Group regarding Royal Springs Phase 2.

Received a formal letter from Mr. Kolokouris' Attorney. Will work to get framework done with MRB and Code Enforcement for this project. This will be a long and involved project and sewer capacity and other things need to be explored.

### **DISCUSSION – CODE DEPARTMENT REPORT**

Code Enforcement Officer Glise reported on the following:

Royal Springs – not sure who will be the point person for the village for questions of sewer.

Supervisor LeFeber stated he has a draft letter to be provided to the board for consideration to be sent to the village trustees.

Had a question regarding Royal Springs Phase 1, is it done? There are 1000's of pages in Laserfiche to go through and I am looking into it. Landscaping is being taken down and it was questioned if that is a part of the plan.

Campground contacted us this week regarding a traffic study.

Had a verbal discussion with the owner of White Horse Automotive regarding expansion as he would like to add to his building. MRB does have resources available to help.

Councilman Coyne stated that when he was on the planning board used car dealerships were grandfathered in with their original footprint and with no expansion of the size of their parking lots.

Brian found text from 2012 that states he cannot expand. He would need to come back to the Planning Board.

Councilman Drozdziel noted that this falls back to our Code Enforcement Officer and what is written in the code.

CEO Glise asked if anyone objects to reaching out to John Stienmetz regarding Royal Springs Phase 2, Supervisor LeFeber stated that getting another quote is not a bad thing and we do not have to accept it.

Councilman Drozdziel stated that CEO Glise should reach out and ask for help to define what specific things we should be concerned about, such as lot size, setbacks, and density. He will send CEO Glise an email with talking points and John Stienmetz email address.

### **DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

Town Clerk Knight reported on the following:

The following correspondences were emailed to the Town Board:

Genesee Valley Rural Revitalization (GVRR) Grant Webinar Link  
 CDBG Funding Opportunities Announcement  
 DEC Mine Expansion Approval – Request for Services/Complaint  
 Abstracts  
 Draft Minutes 1.20.28 and 1.28.2021  
 Landmark Society – Genesee Valley Rural Revitalization Grant Program  
 NYSAOT Virtual Annual Meeting and Training School  
 New Law 2020 Essential & Non-Essential Policy  
 Land Use and Local Government Advisory Panel  
 Royal Springs Phase 2 Correspondences – second email letter of intent.

We have been working on the following:

Monthly reports, banking, emails, phone, a lot of vital searches for marriage records – requesting for medical insurance, taxes, dog licenses, genealogy, oath of offices for employees, Official Bulletin Board update, legal notices, E-ZPass, minutes, accessible tags, notary, and attended two webinars with New York State Department of Health and Zoom.

**DISCUSSION – SUPERVISOR’S REPORT**

Met with MRB Group engineers earlier regarding GIS, Mulligan, Royal Springs, and meter grant.

Highway/Water – Reader fixed from blue tower, trees, snow removal, pickup truck to be ordered. No news on the bigger truck yet.

**RESOLUTION #44 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 January 2020 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s January 2020 Report:

Total Local Shares Remitted:	\$819.13
New York State Department of Health	\$ .00
NYS Ag. & Markets for spay/neuter program	\$ 67.00
NYS Environmental Conservation	\$ 23.62
TOTAL	\$909.75

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

**RESOLUTION #45 ACCEPT THE ANNUAL REPORT OF THE TOWN CLERK**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the Annual Report of the Town Clerk.

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

**RESOLUTION #46 APPROVE REQUEST ALLOWING ACCESS TO TOWN OF AVON PROPERTIES TO SURVEY EUROPIAN CHERRY FRUIT FLY PROGRAM**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve access to survey European Cherry Fruit Flies on Town of Avon Properties to Stephen Schilling, Technician to the United States Department of Agriculture's European Cherry Fruit Fly Program.

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

**RESOLUTION #47 ACCEPT RESIGNATION OF KELLY SLOAN AS THE TOWN REPRESENTATIVE TO THE LIVINGSTON COUNTY TRAFFIC AND SAFETY BOARD**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the resignation of Kelly Sloan as the Town of Avon representative to the Livingston County Traffic and Safety Board as he is no longer a Town of Avon Resident.

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

**RESOLUTION #48 AMEND COMPENSATION SCHEDULE & APPOINT HISTORIAN EMERITA**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to amend the 2021 compensation schedule removing Deputy Town Historian Maureen Kingston and appoint her as Historian Emerita and pay her by voucher.

REMOVE:

**2021 Town of Avon Employee Compensation Schedule**

<b>Name</b>	<b>Position/Duties</b>	<b>Status</b>	<b>2020 Rate</b>	<b>2021 Rate</b>
Kingston, Maureen	Deputy Town Historian	Part Time*	\$15.60/hr.	\$15.84/hr.

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

**DISCUSSION – SUPERVISOR REPORT-continued**

There was discussion on the request to support the School Resource Officer. Report Card – School would come in to discuss the value. Ask the village for a joint meeting in March and invite the School Superintendent to sign all at once. Benefits of School Resource Officer.

Introduce our new School Superintendent.

Bridge NY – Looking for funding for crossover from 5/20 and working with landowner Mulligan about his creek. Emails from the Village for the NY Bridge and the Town of Avon would be the lead agent for the grant. Is the property owner willing to have the water come onto the property?

Any feedback on why we did not receive the grant? What we did right and wrong. May not have submitted the grant due to COVID-19. Need to fix Mulligans bridge as a part of the grant and water North of Route #5/20. Is it a shared cost grant?

Before supporting the grant, we need to get concept approval from the landowner.

It was questioned if some of the water could go south on Pole Bridge Road.

Supervisor LeFeber stated that we have a lot of other projects going on right now and who will be the administrator to get the work done. We are working on a subdivision application, water line application, moratoriums for solar and gravel, a \$1,000,000 grant project for the third floor, and working on an essential worker plan. Do we want to take on another project where we need to work with the landowner and investigate where the water could go?

Not afraid of working but should we do a few things right instead a million things.

Councilman Drozdziel suggested that we put the grant opportunity on the table and investigate it in the future.

There was discussion as to what the Town has done related to water issues in the Town and Village.

Parking lot is still outstanding.

**RESOLUTION #49 BRIDGE NY GRANT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to not apply for the Bridge NY Grant and table discussion later in the year.

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

**RESOLUTION #50 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 2021-03 in the following amounts:

**Concerning ABSTRACT of Claims Number 2021-03 including claims as follows:**

<b>General Fund</b>	Amounts totaling \$15,972.08
<b>Highway Fund</b>	Amounts totaling \$13,040.73
<b>Water Fund</b>	Amounts totaling \$49,194.21
<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**

**DISCUSSION - OPEN ITEMS**

There were no open items of Board Members.

**DISCUSSION – VISITOR COMMENTS**



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

**RESOLUTION #51 EXECUTIVE SESSION**

On motion of Councilman Harrington, 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 person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a person or corporation. TIME 7:20 P.M. inviting Town Clerk Sharon Knight and Attorney James Campbell.

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

**RESOLUTION #52 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 8:27 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 8:28 P.M.

Respectfully submitted by:

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Sharon M. Knight, MMC/RMC Town Clerk