

A regular meeting of the Town of Avon was held on Thursday, February 25, 2021 at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, Via Zoom Meeting ID: 86395744759 Passcode: 413710. The following members participated:

PRESENT: Supervisor David LeFeber, Councilmen James Harrington, Malachy Coyne, and Paul Drozdziel

ABSENT: Deputy Supervisor Thomas Mairs

OTHERS: MRB Group Engineer David Willard and Sharon M. Knight, MMC/RMC Town Clerk

OTHERS ON ZOOM: Code Enforcement Officer Brian Glise and Attorney James Campbell

VISITORS: Janet Manko

ZOOM VISITORS: Judy Falzoi, Cindy Kellen, Clara Mulligan, and Barbara VanZandt

Supervisor LeFeber called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance.

#### **DISCUSSION – VISITOR COMMENTS**

Visitor Janet Manko shared with the Board her concerns of trees and brush being taken down behind her home. This removal may cause drainage concerns for her and her neighbors back yards. The Town has not kept up with their regular maintenance of the ditch. She believes the vegetation and berm are being removed.

Supervisor LeFeber stated overtime there has been growth and its being trimmed back. Mr. Howlett rents the property from Peter Kolokouris.

There was discussion on the concept plan to add housing in Phase 2 of the Royal Springs Development. There has not been a specific plan identified and there is different zoning available in our Town Code such as cluster housing that could be used. No one has been engaged to date other than a conceptual plan being reviewed by our Attorney and Engineer.

How will the residents in Royal Springs Development know when the Board is considering the rezone? Supervisor LeFeber stated the Board could hold a public meeting in addition to a public hearing.

Visitor Judy Falzoi shared her concerns of the removal of the berm and potential drainage issues in the future.

She also shared the proposed New York State change in PILOT regulations that would remove the Town from the approval process. She filed a FOIL request with the Town Clerk and received a completed response but had not reviewed as yet. She would like to review and make comments at the end of the meeting.

Attorney Campbell responded stating that it's the same legislation that was discussed last year and has not been passed to date.

**RESOLUTION #53 APPROVAL OF MINUTES**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (DEPUTY SUPERVISOR MAIRS)

RESOLVE to approve the minutes of February 11, 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 - Absent, Supervisor LeFeber – Aye**

**DISCUSSION – ATTORNEY REPORT**

Attorney Campbell reported on the following:

He is continuing work on the solar and battery storage.

There was a request from Tami Snyder to adopt a resolution regarding electronic filing complaints for the administrative review of real property assessments.

**RESOLUTION #54 ACCEPT ELECTRONIC FILING OF COMPLAINTS OF REAL PROPERTY ASSESSMENTS**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (DEPUTY SUPERVISOR MAIRS)

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 February 25, 2021

**WHEREAS**, pursuant to New York State Real Property Tax Law section 104, an assessing unit may authorize the electronic filing of complaints for the administrative review of real property assessments by way of resolution of the Town Board; and

**WHEREAS**, such resolution must adequately set forth instructions for how electronic filing of complaints is to take place; and

**WHEREAS**, in order for electronic filing of complaints for the administrative review of real property assessments to take place, an assessing unit must publish instructions for electronic

filing of complaints by a method reasonably calculated to reach complainants who wish to file in such a fashion; and

**WHEREAS**, the Town of Avon, as an assessing unit, wishes to hereby authorize electronic filing of complaints for the administrative review of real property assessments in order to provide safe and efficient access to the complaint process by owners of real property within the jurisdictional boundaries of the Town.

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

**RESOLVED**, that pursuant to the Town of Avon's authority under RPTL § 104(3)(b), the Town of Avon hereby elects to permit electronic filing of complaints for the administrative review of real property assessments; and be it further

**RESOLVED**, that pursuant to the Town of Avon's authority under RPTL § 104(1)(b), the following standards are hereby established for the electronic filing of complaints for administrative review of assessments:

- complaints for the administrative review of real property assessments may be electronically filed directly via email or other electronic method established by the Town of Avon, or indirectly via a vendor or contractor hired by Town of Avon, for such purpose.
- Any change to the accepted method(s) or processes for electronically filing complaints (and the instructions for the same) for the administrative review of real property assessments shall be published in the official newspaper of the Town and posted on the Town's website so as to effectively notify complainants who may wish to file in such a fashion.
- Any person aggrieved by an assessment (e.g., an owner, purchaser or tenant who is required to pay the taxes pursuant to a lease or written agreement) may electronically file a complaint for the administrative review of a real property assessment (RP-524) if their property is located within the Town of Avon.
- Property owners (or a purchaser or tenant who is required to pay the taxes pursuant to a lease or written agreement) purchasers or tenants may electronically file a complaint themselves or have an authorized representative or attorney electronically file a complaint on behalf of the property owner.
- If a complaint is being electronically filed by a representative or attorney, it must include a fully completed power of attorney or designation of representative or the electronically filed complaint may be rejected.
- Information contained on an electronically filed complaint, or used to generate an electronically filed complaint, must be substantially similar to the information required by Form RP-524.
- Instructions for electronically filing complaints shall be substantially similar to the instructions for filing the Form RP-524 non-electronically.

- A separate complaint must be electronically filed for each individual parcel unless the Town of Avon Assessor, in his or her sole discretion agrees in writing that a single complaint will be accepted for certain contiguous parcels identified in writing by said Assessor.
- By choosing to electronically file complainants consent to receive correspondence related to their complaint, as well as the determination of the BAR, via email or other electronic method established by the Town of Avon Assessor.
- Complainants are strongly encouraged to electronically file documents in advance of the filing deadline.
- User problems such as problems with a user's telephone lines, internet service provider, hardware, or software, problems in understanding or following electronic filing instructions, or rejection of a document because it contains a virus will not excuse an untimely filing.
- A complainant who cannot electronically file a completed complaint because of any of these user problems, must file conventionally and timely.
- The Town's inability to receive a document via its electronically filing system due to a technical failure will not excuse an untimely filing unless the Town acknowledges the technical failure in writing and agrees in writing to an extension of time for the complaint to be filed.
- Electronic contact information, such as e-mail addresses and/or social network usernames, from taxpayers who have elected to electronically file a complaint in accordance with the provisions of these standards shall be exempt from public disclosure in accordance with section 89 of the New York State Public Officers Law; and be it further

**RESOLVED**, that this resolution shall be published in the official newspaper of the Town of Avon and posted on the Town's official website to provide notice to potential complainants who may wish to file complaints electronically; and be it further

**RESOLVED**, that the Assessor for the Town of Avon is instructed to take any such actions deemed necessary in order to facilitate the above-described directives

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

Vote of the Board:

David LeFeber\_\_ Thomas Mairs\_\_ Malachy Coyne\_\_ Paul Drozdzziel\_\_ James Harrington\_\_  
 BY ORDER OF THE TOWN BOARD OF THE TOWN OF AVON

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

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

**DISCUSSION – ATTORNEY REPORT- CONTINUED**

Attorney Campbell stated that he had made changes/additions to the draft Emergency Response Plan that he previously provided. He requested the Town Board review and then reply to his email with any of their suggested changes. Consideration of adopting in March would adhere to the April adoption requirement.

Supervisor LeFeber reported that he met with Jeff Mulligan. The plan is to extend the district with Mulligan Farm investing in the infrastructure. The draft plan has been sent to the Engineer and Attorney for comments.

**DISCUSSION – CODE DEPARTMENT REPORT**

Code Enforcement Officer Glise provided the following verbal and written report:

A FOIL request was received on Monday and both Kim and I worked ten to twelve hours and some things were found and others do not exist. All documents were provided to the Town Clerk.

“Request for Services” forms are being submitted to the Town Board therefore going around the Code Department. This happens when people do not get the answers they like. He would like his office to be involved in all “Request for Services” that effects his department.

There was a Planning and Zoning Board of Appeals meeting with one variance.

He requested assistance to put together an outline of procedures that would be available on our website. Many questions are being asked and if we could direct people to the website that would be helpful. Attorney Campbell offered to prepare an outline with the understanding that there are many moving parts. Consideration of essential public services such as sewer need to be reviewed.

**DEPARTMENTAL REPORT****BUILDING & ZONING**

**NOVEMBER 18, 2020 - FEBRUARY 23, 2021**

The following Building Permits were issued during the time period

November 18, 2020 - February 23, 2021:

2021-0001	Taggert-Rice	furnace	1/18/2021	\$40.00
2021-0002	Morsch	barn - AG Exempt	1/20/2021	\$0.00
2021-0003	Geery	furnance	1/25/2021	\$40.00
2021-0004	Garner	oil storage	7/6/7682	\$25.00
2021-0005	Keyes	generator	2/18/2021	\$40.00
2021-0006	Rupert	demolition	2/22/2021	\$50.00
				\$177.5
2021-0007	Rupert	foundation, addition	2/23/2021	6

	\$372.5
TOTAL PERMIT FEES FOR TIME PERIOD	6
FEES OUTSTANDING FOR TIME PERIOD	\$0.00
	\$372.5
TOTAL FEES COLLECTED	6

The following are permits currently renewed for one year:

The following are projects/permits currently working on:

The following actions occur on a daily basis in the code office:

- processing all paperwork through the correct channels on a timely basis
- clean up of outstanding permits, violations and Laserfiche filing system

**DISCUSSION – ENGINEER REPORT**

MRB Engineer David Willard reported on the following:

Village Mayor Freeman did receive the letter regarding sewer capacities and MRB Engineer Bill Davis will follow up as its being considered.

GIS project is being set up and a meeting will be scheduled next week to train employees on the data collection process.

An email was sent to Attorney Campbell regarding the master meter.

**DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT**

Highway/Water Superintendent Crye provided the following written report:

**HIGHWAY:**

- Snow removal
- Brush
- Shop
- Truck is moving forward maybe delivered in March
- Tower reader needs to be tested prior to next read

**WATER:**

- Clean out around fire hydrants
- Everyday maintenance & sampling
- Help with snow removal
- Water tower work

**DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

Town Clerk Knight reported on the following:

The following correspondences were emailed to the Town Board:

DEC Announces Third Round of Annual ‘Buffer in a Bag’ Program  
 NYSAOT – Remarks from Senate Majority Leader Senator Chuck Schumer  
 NYSERDA – Energy Management Part of Your 2021 Strategy  
 Genesee/Finger Lakes Regional Planning Council Spring 2021 Local Government  
 Workshop Online  
 Liv. Cty. Economic Development – First Impressions Program

A letter was received from the New York State Department of Labor stating that I had filed for unemployment, which is not correct. A fraudulent report was filed with the Department of Labor, my bank was notified, credit history reviewed, a police report was completed as recommended by Livingston County Sheriff. Town Clerk Knight asked the Town Board if there are any other recommendation that she should complete and there were none.

### **RESOLUTION #55 ACCEPT THE CLAIMS**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (DEPUTY SUPERVISOR MAIRS)

RESOLVE to accept for payment Abstract 2021-04 in the following amounts:

<b>General Fund</b>	Amounts totaling \$3,144.67
<b>Highway Fund</b>	Amounts totaling \$2,310.91
<b>Water Fund</b>	Amounts totaling \$701.62

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

### **DISCUSSION – SUPERVISOR REPORT**

Supervisor LeFeber informed the Board he wanted a decision of the Town Board regarding providing health insurance to non-employees. This would provide a nine to ten month notice to the two people purchasing insurance through the Town of Avon.

There are two possible grants we are applying for. The first being the Landmark Society that is due on March 31, 2021 and the second to cover consulting analysis for a Master Plan for the Town Hall/Opera Block.

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

Councilman Drozdziel shared with the Board a letter of proposal for Planning Services for the Town of Avon Opera Block from N.K. Bhandari NKB Architecture & Engineering, P.C. A

ZOOM meeting was held to discuss the proposal with Deputy Supervisor Mairs, Supervisor Secretary Kim McDowell, and NKB. Highlights of the proposal were discussed. NKB's team included historical preservation experience and extreme knowledge of the grant application. Any recommended change orders would be approved by Councilman Drozdziel. The Board took the following action.

The State will be notified of the recommendation and if they approve the Town will be able to sign contracts NKB.

The joint meeting will be held with the Village for consideration of the SRO agreement on the 24<sup>th</sup> of June. Councilman Harrington stated that he would like the meeting earlier to allow for discussion. Our newly appointed Avon Central School Superintendent will be invited to the meeting.

**RESOLUTION #56 APPROVE THE PROPOSAL OF NKB ARCHITECTURE & ENGINEERING, P.C. FOR RENOVATION OF THE 3<sup>RD</sup> FLOOR OF THE OPERA BLOCK-TOWN HALL**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (DEPUTY SUPERVISOR MAIRS)

Approve the NKB Proposal, dated January 15, 2021, Architectural Services for Renovation of the Opera Block 3<sup>rd</sup> Floor, contingent of approval from New York State and Attorney Campbell's approved language for ownership of the CAD files.

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

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

Councilman Drozdziel then shared a proposal for the development of a Master Plan for the building. The entire building will be included such as how we are using the building today and how we might use it more effectively. Information will be gathered from the stakeholders, private office space for the Supervisor and his Administrative Staff, a review of our court functions, how departments work with each other, our geothermal, filter systems (consideration of Covid), identified usages of the third floor will all be a part of the development of the plan. With the renovation of the third floor this is the time to have a Master Plan with both short- and long-term goals to be considered. Three scenarios will be developed for Board consideration. The Board took the following action:

**RESOLUTION #57 APPROVE THE PROPOSAL OF NKB ARCHITECTURE & ENGINEERING, P.C. FOR THE DEVELOPMENT OF A MASTER PLAN OF THE OPERA BLOCK-TOWN HALL**

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



ADOPTED AYES 4 NAYS 0 ABSENT 1 (DEPUTY SUPERVISOR MAIRS)

RESOLVE to accept the proposal from N.K. Bhandari Architecture & Engineering P.C., dated February 25, 2021 as follows:



February 25, 2021

Mr. Paul Drozdziel  
 Town of Avon  
 23 Genesee Street  
 Avon, NY 14414

**Re: Proposal for Planning Services for Town of Avon Opera Block  
 NKB Proposal #P20130.1**

Dear Mr. Drozdziel:

N.K. BHANDARI, Architecture & Engineering, P.C. (NKB) is pleased to submit a proposal for Consulting Services for the Town of Avon as described below.

**Basic Planning Services**

The NKB Team will investigate the existing conditions, using whatever current information and tools are available. Once the existing conditions are field-verified, solutions will be developed and presented for confirmation. NKB will prepare conceptual plan drawings as required showing the necessary building modifications required for the scopes proposed. NKB will make any needed calculations and will provide conceptual drawings presenting recommendations for various layouts. Activities shall include, but are not limited to, the following:

- Site visit/meeting to verify existing conditions, confer with stakeholders, review program requirements.
- Perform Code Compliance & Historic Preservation research and verifications of proposed strategies.
- Obtain any existing blueprints and drawings as available of each building.
- Existing plans of the facilities will be verified and input into our CADD system.
- Sketches, basic renderings, and mechanical diagrams to convey the potential scopes & program.
- Proposed program options will be reviewed and verified and input into our CADD system utilizing data gathered from the walkthroughs, as well as review with administrative and operational staff.
- Program design options (up to three) will then be developed.
- Rough order of magnitude Opinion of Probable Construction costs / budgets to be provided for each option.

**Planning Services - Option 1**

- The NKB Team will provide additional research, evaluations, conceptual drawings, and renderings that support the proposed master planning activities listed above, as agreed upon in advance.
- An additional meeting with stakeholders to present, review and confirm direction of concept design is included.

**COMPENSATION**

The compensation is based on a total lump sum fee by the project services as described above:

Phase	Amount	Remarks
<b>Basic Planning Services</b>	\$6,500	Written narratives will be provided as Word Files. Renderings will be provided as PDF files
<b>Planning Services - Option 1</b>	\$3,500	Includes one (1) added site visit for client review meeting, condition verifications
<b>TOTAL</b>	<b>\$10,000</b>	Includes all expenses for reproduction, delivery, travel

We greatly appreciate the opportunity that you have provided us. It is our hope to provide the Town of Avon with simple and effective solutions to address the challenges presented.



**ASSUMPTIONS & CLARIFICATIONS**

NKB anticipates that the scope of work is as follows:

- 1. Provide programming for adjacent spaces / all floors:
  - a) Interview stakeholders to understand their operational needs
  - b) Incorporate undeveloped space to:
    - Create private office for the Town Supervisor
    - Secure area/private area for Administrative support for the Town Supervisor
    - Consolidate Court Administration (1<sup>st</sup> floor) and court room (2<sup>nd</sup> floor)
    - Relocate Town Clerk area
  - c) Propose upgrades to Town Historical Museum (current location)
  - d) Further development of an ADA compliant west entrance
- 2. Deliverables – provide the following:
  - a) Written programing narrative and supporting documents
  - b) Scaled floor plans for three (3) options and rational/justification
  - c) Budget range rough order of magnitude for each option and possible phasing options

NKB’s proposal is based on a few assumptions that are further clarified below:

- 1. Available existing drawings, plans, and photos will be provided to NKB team for review and reference.
- 2. The design effort is to provide “Conceptual Level Documents” only (not for construction).
- 3. NKB will provide planning services at the same time as the 3<sup>rd</sup> Floor Opera Block Renovation project.
- 4. NKB will provide documents in electronic and paper format.
- 5. NKB acknowledges that older existing buildings contain concealed problems, including subsurface conditions, which may not be apparent or identifiable by reasonable observation, and shall not be responsible for such conditions or their correction under the terms of this proposal.
- 6. Terms of payment: Our fee will be billed on a lump sum basis, billed monthly for the portion of the work completed that month in conjunction with the 3<sup>rd</sup> Floor Opera Block Renovation.

As the project manager and your point of contact for this project, should you require any additional information regarding this proposal, please do not hesitate to contact me. I will be happy to answer any questions. We look forward to hearing from you and starting this project. Thank you for the opportunity to work with the Town of Avon.

Respectfully submitted,

N.K. BHANDARI, Architecture & Engineering, P.C.

Daniel B. Heukrath, AIA, LEED AP, NCARB  
Practice Leader | Architecture

**AGREEMENT**

The signatures below indicate the terms of this proposal are acceptable and that the work is hereby authorized.

\_\_\_\_\_  
N.K. BHANDARI Architecture & Engineering, P.C.  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town of Avon  
Authorized Signature

\_\_\_\_\_  
Date

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

**OPEN ITEMS**

Councilman Harrington requested Town Clerk Knight request the light in the back of the building be changed to turn on at 6:30 P.M. instead of 3:30 P.M.

Councilman Coyne asked Town Clerk Knight how safe we are regarding Cyber Security. Town Clerk Knight's computer turned off the zoom meeting and shut off. She responded stating the Town Board has approved Hurricane Technology to provide that function.

Councilman Drozdziel responded stating that we had an audit of our IT and decisions were made based on levels of protection and their costs. We rely on Hurricane to make recommendations.

Supervisor LeFeber stated he uses technology that is provided to him through Livingston County and receives County training, he is required to change passcode often and this is monitored by the County's IT Department. which is their sole purpose.

Discussion continued including prior Covid consideration of a different provider, firewalls are standard operating procedures, tax payments to the Supervisor, keeping bank accounts low, two Wi-Fi accounts, limiting our exposures and watching very closely.

On motion of Supervisor LeFeber, seconded by Councilman Harrington the meeting was adjourned at 7:16 P.M.

Respectfully submitted by:

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Sharon M. Knight, MMC/RMC Town Clerk