

A regular meeting of the Town of Avon was held on Thursday, May 27, 2021, at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, Via Zoom Meeting ID: 898 8648 5180 Passcode: 687551. The following members participated:

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

ABSENT: Deputy Supervisor Thomas Mairs and Councilman Paul Drozdziel

OTHERS: MRB Group Engineer David Willard, Code Enforcement Officer Brian Glise, Attorney James Campbell, and Sharon M Knight, MMC/RMC Town Clerk

VISITORS: Gary Wheat, Cindy Kellen, Edward Forsythe, & Richard Martin

ZOOM VISITORS: 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 – VISITOR COMMENTS**

Visitor Judy Falzoi requested the Board answer questions that she prepared and provided to the Town Board regarding the proposed local law T-1A-2021. She stated that she is representing the community, although she is only one. She does not know what the Town Board knows and would like the Board members to answer the questions. Attorney Campbell stated that he would provide answers to her questions by email. The Local Law has gone through review by the Livingston County Planning Board. It will take some time to review and comment. There was a lengthy discussion that included but was not limited to the following:

Councilman Harrington would like more time to look at Judy's questions and review them with the committee.

Supervisor LeFeber would like the entire Board to hear the questions and answers.

Visitor Judy Falzoi stated the local law is not posted on the website.

The Livingston County Planning Department Mary Underhill was helpful and provided one answer and Heather had no idea on how to answer the questions.

The Town Board is representing me, and I would like you to answer the questions because I cannot understand the rest of the proposed law without understanding the definitions. Some are Title I and some are Title II.

She is not interested in spending the Town's money on research by the Attorney but has not seen the uses listed in any town law.

She is requesting a discussion with a Town Board Member and not an email.

This law places significant responsibility on the landowner.

The role of the Town is to protect the taxpayers and be conservative to this new business.

Councilmen Coyne and Harrington served on the Committee.

Councilman Harrington will contract Judy prior to the public hearing.

A public hearing has been scheduled for the 10<sup>th</sup> of June.

She has a right to have Town Board Members speak to her and answer the question.

The Board might learn from their conversations, as the Board will be voting on this proposed law.

There are new ways to use solar including rooftop and commercial and this has been added.

There are concerns of unlimited uses for agriculture.

Visitor Gary Wheat responded land use for solar would allow him to leave his land to his children. The land could be farmed again if solar is no longer needed.

Committee Member Cindy Kellen stated they talked very long and hard regarding landowner responsibility and changes were made to the landowner responsibility. Decommissioning and those types of things were to be considered prior to the development of solar construction.

There was discussion of a landowner waiving the set-back for their land.

Attorney Campbell stated the Town of Caledonia is also reviewing a proposed local law that was drafted by another Attorney and changes were made after the committee had finished their review. Another revision was made to make it clearer for decommissioning.

PILOTS were discussed that included percentages of payments, multiple municipal agreements, and risks. There is a huge amount of money for these projects and landowners need to be responsible.

Councilman Coyne likes the idea to ask and answer the questions in an open public forum for the residents and Board.

Supervisor LeFeber spoke of the need to protect the Town and is concerned of the being outsmarted as the Attorney for the Solar Companies are working on this twenty-four seven, while we have many more responsibilities. They understand their profits. PILOTS are unique and collecting up front is important. The landowner needs to protect themselves especially in year twelve.

The first application that was approved is already on the third developer.

Visitor Wheat stated that if the developer goes out in year four according to the law the solar needs to be decommissioned, which is unreasonable. And the PILOT still needs to be paid.

Monitors could be required to keep the track of production.

Councilman Harrington stated we may need to hire an Assistant Code Enforcement Officer to monitor the production electronically.

There were many conversations at the same time.

The Developer could be required to provide monitors showing production and provide notification if the systems is down.

Visitor Falzoi stated it is hard to follow the conservation but appreciated it. She requested the Board take a close look at the definition of Type 1 and she is concerned as it requires no SEQR, Special Use Permit or oversight by the Planning Board, can be located on multiple sites within the town of Avon if owned by same person, business, etc. That is uncontrollable by Town Law. The discussion was paused.

**DISCUSSION – ENGINEER REPORT**

MRB Group Engineer David Willard reported on a debriefing call with the State for discussion on why the Town of Avon did not receive a grant. The biggest reason is they did not have a lot of money as it was being spread throughout the entire state. Also, there are two different readers with different installations. One is AMI and the second is AMR. If we go with AMI, it will increase our chances of being awarded dollars. It comes with recurring cost and data usage cost for the real-time reads. Further discussion is needed with the Highway Department to seek their recommendation on deciding for a second grant application to be filed. The grant is tied to green technology, and we have two months prior to the application deadline. If we are not going to cloud based, then we may not need to move forward with the annual grant application. The cost is double for the AMI and the Town is responsibility for 25 percent and the reoccurring costs. The State is pushing for this technology.

The Chairman of the Livingston County Water & Sewer Board Mark McKeown will be requesting a letter from the Avon Village Mayor that would allow or not allow Piranha sewer flow. A response is being requested by the 14<sup>th</sup> of June. June 28<sup>th</sup> is the date to complete SEQR for Piranha.

Supervisor LeFeber stated he had a meeting with Jeff Mulligan. Jeff is trying to secure a cost of pipe from a vendor. Should we consider purchasing pipe now, not knowing what the cost will be in the future. The Board should be thinking about deciding soon. We could purchase half and store it inside at a cost of \$30,000.00 at a cost of approximately \$15.00 per foot. Then purchase the additional \$30,000.00 later. We are still waiting for Jeff Mulligan to decide if he will be taking part by expanding this or if the Town will just be replacing the existing pipe. We would use the pipe on fixing up our oldest infrastructure and this chunk of pipe would be the start.

Councilman Coyne questioned how tightly the infrastructure dollars are becoming available, we may be able to do the projects together. Supervisor LeFeber stated there is new information coming out daily and that is why we are using Bonadio. When the State received the monies, they have thirty days to get the money to the Town. At the County, it was understood the dollars would be available the 10<sup>th</sup> of May and as it turns out that is the date we must apply for the dollars. The County currently has received fifty percent. Bonadio will have a team of people working on it and we will be learning as we go.

On Lake Road, the 1955 fire hydrants need to be replaced and other aging infrastructure within the Town in the future.

Supervisor LeFeber stated that we have a good fund balance the only outstanding debt is the 2004 project. Our equipment and telemetry are up to date. We do have infrastructure to replace. Keeping up with meters. There are a lot of moving parts.

If Jeff decides to move forward then we will put all the pieces together and be ready to move forward with applications, water district extension, etc.

**DISCUSSION – MARTIN - ZONING CHANGE REQUEST**

Attorney Campbell reviewed the property owned by Martin, at 2077 Lakeville Road, tax map number 45.-1-8.11 as well as neighboring properties. He has been working with Code Enforcement Officer Glise. The zoning district modifications are to allow for mini storage. The only place that allows mini-storage is Hamlet Commercial, although we have mini-storage within our Town. It may be beneficial to adopt a Local Law to modify the code to permit indoor mini storage in the industrial district. This would accomplish what Mr. Martin is looking for. Our current mini storage sights are also interested in expanding and making improvements. Mini storage is popular, low impact, and you typically find them in communities. Step two would be to change the boundary of the Martin property.

There was discussion on past zoning and applications for mini storage.

It was suggested to look at the map prior to approval of the zoning change.

Mr. Martin provided his cell number to Attorney Campbell and offered to provide the survey maps that are being prepared by Kevin O'Donoghue.

**RESOLUTION #102 AUTHORIZE ATTORNEY CAMPBELL TO DRAFT A LOCAL LAW TO ALLOW MINI STORAGE**

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was  
ADOPTED AYES 3 NAYS 0 ABSENT 2 (DEPUTY SUPERVISOR MAIRS AND COUNCILMAN DRODZIEL)

RESOLVE to authorize Attorney Campbell to draft a proposed local law to allow mini storage as a permitted use in the Light Industrial Zoning District Classification.

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

**RESOLUTION #103 AUTHORIZE ATTORNEY CAMPBELL TO DRAFT A LOCAL LAW TO ALLOW REZONING TAX MAP NUMBER 45.-1-8.11**

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was  
ADOPTED AYES 3 NAYS 0 ABSENT 2 (DEPUTY SUPERVISOR MAIRS AND COUNCILMAN DRODZIEL)

RESOLVE to authorize Attorney Campbell to draft a local law to modify the boundaries of the existing General Business and Light Industry District to include property owned by Katherine Martin, at 2077 Lakeville Road, tax map number 45.-1-8.11.

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

**DISCUSSION – ATTORNEY REPORT**

Attorney Campbell reported on the following

Additional comments on the proposed solar law:

1. Type 1 cannot produce more than 110% of the total usage of the properties.
2. The Code does provide that Type 1 solar energy systems used for residential parcel do not require a SEQR however, for business or farm it is required to complete SEQR.

Attorney Campbell stated if the Board has any questions please call or email him.

We will be moving forward with excavation operations in the future.

**DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT**

Highway/Water Superintendent Crye provided the following written report May 26, 2021:

**HIGHWAY/WATER DEPARTMENT REPORT**

**HIGHWAY:**

- Paved Pole Bridge Road
- Put shoulders on Pole Bridge Road
- Mowed Town roadsides
- Mowed and Weed-eated Parks & Cemeteries
- Groomed Oxbow Lane

**SURPLUS EQUIPMENT:**

- 2004 Sterling \$22,000
- 2016 F250 \$22,100
- 2012 F250 \$10,600

**WATER:**

- Everyday maintenance & sampling
- Finished flushing
- GIS

**DISCUSSION – CODE DEPARTMENT REPORT**

- Code Enforcement Officer Glise provided the following report:

Assistance was requested and approved for Attorney Campbell to draft a letter of compliance as requested from Avon Mini Storage regarding zoning compliance.

Plans came in for NOYES today.

There was a combined meeting of the Planning Board and Zoning Board of Appeals for Piranha. Meyers was approved.

**DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

Town Clerk Knight provide a written report dated May 26<sup>th</sup> and confirmed with the Board Members present that they received the report.

Action items in consideration of approving the minutes of the 8<sup>th</sup> of April and the 13<sup>th</sup> of May.

Supervisor LeFeber questioned if the suggested changes made by Councilman Drozdziel were made. Town Clerk Knight has not changed the minutes that were submitted timely. The Board appeared to decide to wait until Councilman Drozdziel and Deputy Supervisor Mairs are present to consider.

Town Clerk Knight requested the Attorney and Board consider the Peddler’s Permit Application of Shane Spangler. Attorney Campbell stated he responded with an email just prior to the meeting approving the application and the Town Board took the following action:

**RESOLUTION #104 APPROVAL OF PEDDLING & SOLICITING PERMIT APPLICATION**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (DEPUTY SUPERVISOR MAIRS AND COUNCILMAN DRODZIEL)

RESOLVE to approve the Peddling and Soliciting Permit for Shane Spangler.

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

**DISCUSSION – TOWN CLERK DEPARTMENT REPORT-CONTINUED**

The last item was for a report back from Attorney Campbell regarding what “Official” records can be kept electronically. Attorney Campbell is currently working on a recommendation.

**RESOLUTION #105 ACCEPT THE CLAIMS**

On motion of Councilman Harrington, seconded by Councilman Coyne the following resolution was  
ADOPTED AYES 3 NAYS 0 ABSENT 2 (DEPUTY SUPERVISOR MAIRS AND COUNCILMAN DRODZIEL)

RESOLVE to accept for payment Abstract 2021-10 in the following amounts:

|                     |                              |
|---------------------|------------------------------|
| <b>General Fund</b> | Amounts totaling \$4,556.62  |
| <b>Highway Fund</b> | Amounts totaling \$5,241.75  |
| <b>Water Fund</b>   | Amounts totaling \$10,141.92 |

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

**DISCUSSION – SUPERVISOR REPORT**

Supervisor LeFeber reported on the following:

A quote was proposed by Elmer Davis for improvements to the third floor and Code Enforcement Officer Brian will review for recommendations.

Dollars may be available for update of the Comprehensive Plan or zoning updates. He read some correspondence from NYSCFA and stated there is one million dollars available. Councilman Harrington asked for the amount we paid for the last Plan and Attorney Campbell replied between \$10,000.00 and \$20,000.00. Ninety percent of the cost would be eligible. County Grant Writer Julie Berry will be contacted to ask to complete the application for the Town of Avon and she might be completing for other Towns. We also have shared service with Toma & The Ferguson Group, and they may be able to complete an application. A part time person will be assisting Julie Berry.

**OPEN ITEMS**

There were none.

**VISITOR COMMENTS**

Visitor Ed Forsythe reported on the condition of Paper Mill Park and identified needed repairs. Supervisor LeFeber responded stating our grant is still in the mix and the State budget is up more than two percent. We do have a new employee and he may be assigned to clean-up Paper Mill Park. The mill wheels are being stored safely at the highway garage.

The state is starting to loosen up as a nominee was approved by the State to serve on the Rochester Transit Authority.

Visitor Gary Wheat addressed the Board asking why it would matter if he had a solar field on his property. What is the adverse impact?

Supervisor LeFeber stated it is all about the money. If we are being fair and equitable and have a PILOT and they do not pay it puts the burden on everyone else. The history of PILOTS was discussed such as paying tax dollars to advocate and fight Barilla. There is additional burden on our Code Enforcement Department. There is not enough to protect the people that have lived here all their lives. Our budget is based on the money coming in and if there is a shortfall then the taxpayers pay more.

Visitor Wheat talked about what he pays in property taxes, and we will get more if everyone does what they are supposed to do.

Attorney Campbell spoke of what the panels are made out. But what we do not know is what is acceptable today might have a scientific impact in the future. What was okay thirty years ago is very different today. We are trying to cover the "what ifs", not to be a burden to the developer. If it causes the land to be a problem and then there is no tax revenue, and it goes for sale on the County Court House no one might buy it.

Visitor Wheat stated this is the same type of thing that goes around on the internet, like milk causes cancer. He does not believe it and will drink milk all day long. He has had solar panels for year.

Councilman Harrington spoke of abandon land on North Littleville Road and people in the community wants the land cleaned up. Code Enforcement Officer Glise stated that he has not received any complaints. School solar panels are an eye sore and after you, there may be no one that wants your property.

Code Enforcement Office Glise spoke of a full room of residents coming into meetings concerned with water runoff and deer walk through solar areas.

Many people were talking at the same time.

Visitor Falzoi stated that she is very supportive of farming and homeowners. She might like to have a horse, but she is not allowed to because of an effect of her neighbor. We have a rural character that everyone is so proud of. Solar panels are not rural character. Distance is a friend, however; what we do not recognize is when the wind blows under the panels of our flat ground it can whistle as there is a tunnel of metal and that might affect your neighbor.

She continued stating her supportive of farming including subsidies and tax exemptions on farmland enough the farming increases the value of this Town. It is shared by homeowners because that is what this community is. Farmer support my rural sense of community. When you put Solar panels or windmills you need to consider the impact on other people that support the Farmland Protection Program, The Right to Farm Laws, and the stinky smells. We support them all because it is a part of our community. The Town is trying to take into consideration the people that support farming and our rural character. There is a balance.



On motion of Councilman Harrington, seconded by Supervisor LeFeber the meeting was adjourned at 8:00 P.M.

Respectfully submitted by:

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Sharon M. Knight, MMC/RMC Town Clerk