

A regular meeting of the Town of Avon was held on Thursday July 8, 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: 89886485180 Passcode: 687551. The following members participated:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, Councilmen James Harrington, Paul Drozdziel, and Malachy Coyne (arrived 6:02 P.M.)

OTHERS: Code Enforcement Officer Brian Glise, Attorney James Campbell, Assessor Tami Snyder, and Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: Deb Nupp, Karl Mitchell, Carolyn McKee, Robert McKee, Edward ...K (sp.) Craig Welch, John Campany, Anne Bristol, Gary Wheat, Rick Crater, Karen Crater, Dale Twardokus, Brenda/Brandon Piccarr (sp.), Kevin Lillis, Karen Schiedel, Debra Salmon, Eric Huppert, Tom McGovern, Cindy Kellen, Jacqueline Parks, Bryan Parks, Bruck Maxon, Fred Eisenberg, Tamar Eisenberg, Stan Phillips, Barb Phillips, Julie Hart, Wolfgang Rietz, Lorraine Rietz, Bob Westfall, and Edward Forsythe

Zoom Visitor: Judy Falzoi, Bruce, Camp, Roger Vanderbrook, Deb Spratt, and Chuck Morgan

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

DISCUSSION – OPEN PUBLIC HEARING FOR OAK OPENINGS LLC HARDSHIP VARIANCE REQUEST

Supervisor LeFeber read the legal notice for the Hardship application as follows:

LEGAL NOTICE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, and pursuant to Town Law §130 and §264, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, that a hybrid (in-person and remotely held) public hearing shall be held by the Town Board of the Town of Avon at 6:00 p.m. on Thursday, July 8, 2021, at the Avon Town Hall, located at 23 Genesee Street, Avon, New York AND through the use of ZOOM, a remote video and/or telephone conferencing tool that will allow the public to participate remotely by telephone or video connection for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A request by Oak Openings, LLC for a hardship variance from the moratorium on Excavation Operations as established by Local Law 5 of 2020, adopted on December 10, 2020.

A copy of any materials submitted by the applicant in support of such request that are not exempt under the Freedom of Information Law (NYS Public Officers Law Article 6.) will be available for review by the public at the office of the Town Clerk during regular Town Clerk hours and will also be available on the Town's website at <https://www.avon-ny.org/town-of-avon/town-home.html>.

All interested persons are invited to appear and be heard at the aforesaid time and place.

To join by ZOOM, please follow the below instructions:

Join Zoom Meeting on your computer or smart device:

<https://us02web.zoom.us/j/89886485180?pwd=RXpkV3VtQ1c5MFFVOUcrZmh5L2E5QT09>

Meeting ID: 898 8648 5180

Passcode: 687551

One tap mobile

+19292056099,,89886485180#,,,,*687551# US (New York)

+13017158592,,89886485180#,,,,*687551# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 898 8648 5180

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Dated: June 11, 2021

By Order of the Town Board of the Town of Avon

Sharon Knight - Town Clerk, MMC/RMC

Supervisor LeFeber stated that the last Public Hearing continues to be open of solar.

He invited the Applicant to address the Board with information of their Hardship Application.

Attorney Welch provided an update stating an application for hardship has been submitted to the Town Board including a letter and list of job opportunities that will be missed. Tax returns were chosen not to be made public, but a summary was provided.

Attorney Campbell updated everyone on the process stating the Board would be considering the hardship application. The ZBA would consider any future applications. December of this year the moratorium would expire that allows a hardship application to be considered. Possible considerations are if there is a hardship an application could be made to the ZBA. Other parts of the moratorium local law were read that the Board would weigh, prior to making decisions. The hardship application that was submitted only applies to the moratorium. After the moratorium expires a hardship application would not apply.

Those in attendance were welcomed to address the Board.

John Campany - 916 Works Road, Rush NY - Right to Farm – Oppose the variance. They opened the mine with the 12-truck limit and now they are coming back later. The hardship that he has every day is caused by the mine. They have imported materials that were not supposed to be placed in the mine and they were fined. Like consideration of local solar to be visual, the impact for the mine is smoke and loud noise. His home was built in the 1800s and is near the road.

Kevin Lillis - 1623 Oak Openings - Special Use Permit they are making money during covid, and they do not have hardship.

Carolyn McKee – 1665 Oak Openings - Loss \$500,000.00 job? Attorney, NYS Department of State 5 other companies that are working under the same name.

Eric Huppert - 1160 Oak Openings – Hardship is imposed on the residents, consent violations, fed up with the indifference. Elections are coming up in the Town and he will cast a vote based on the will of the people.

Bob McKee - 1665 Oak Openings - Read the following:

Gravel Pit Hardship ???

To begin with, this is the 4th time Dale Twardokus has claimed financial hardship when he is denied his requests.

Rochester Gravel Products has claimed to the DEC that they were suffering a financial hardship based on the DEC's denial to reinstate the pit's C&D operation on 3 different occasions, March 24,2020, April 8,2020 and April 17,2020. If the gravel pit was in such a state of financial distress, why would they allow the importing of C&D debris for free and without compensation? Each time the DEC denied their request and they still remained in business.

The DEC requires a pit owner to prove they have financial security before a permit is approved. The pit owner must provide a bond, or CD from a financial institution which must be verified by Albany. In the case of the original permit, this amount was approximately \$500,000.

When an expansion is requested, that amount increases to an additional \$5500-6500 per acre. This amount must also be verified by a bond, CD,etc and can be returned to the pit owner after reclamation.

By requesting this expansion, it is apparent that Rochester Gravel has the additional money and financial security to cover their security deposit.

According to the DEC, this financial information can be FOILED.

According to the NYS Dept of State Business Database, there are 5 companies listed all having the same address...784 Old Dutch Rd., Victor, NY.

Oak Openings LLC, Victor Gravel Corp., Victor Excavating, INC., Victor Real Estate Corp. Old Dutch properties, INC.

All of these companies are listed as "Active" and having either Dale Twardokus or Richard Hannan as the CEO. This does not indicate financial hardship.

There is also an additional location on Middle Rd in Rush which advertises topsoil for sale by Rochester Gravel products and would provide additional income.

Rochester Gravel Products has purchased numerous new trucks with the new logo. These are currently being used on a daily basis under the current 12 truck per limit permit. Apparently the financial institution who approved the purchase of these trucks felt that Rochester Gravel products was not in any financial hardship.

There are numerous signs indicating that Rochester Gravel Products is hiring additional employees. A company under financial hardship does not advertise for more employees.

When all of these things are taken into consideration.....proving previous financial security to the DEC, proving additional financial security for any expansion, several additional companies from which to receive income, additional locations for selling topsoil to receive additional income, numerous new trucks currently in use and advertising for more employees, it is apparent that Rochester Gravel products is not suffering any financial hardship.

Karen Crater - 1177 Oak Opening Road – There have been several complaints – it may have been determined that they may not have happened, but they are real.

Tom McGovern - 6429 North Avon Road – When the mine was initially approved there was not a hardship, and they were anxious to get the business open. An additional concern is the wells, and it is not listed.

His well was 250 deep and was getting one gallon of water per minute and he used a holding tank. The mine is in our water table at this point. The earth has been opened and anything in the pit is coming into our wells. There is not another way to get water in the area. He would like the applicant to be able to make money and requested the applicant offer ways to consider the hardships everyone has shared. One possible solution might be to have an exit/driveway on Route #5/20 that could support their truck loads. Again, would like to see the company make money and do well, but truck traffic, noise and the wells are concerns.

Jackie Parks - 1391 Oak Opening – The emergency was created by the company's poor planning. Not just our home is affected by noise, dust, and dirt but our business. We have clients coming in on Fridays setting up and weddings/events on Saturday. Serious consideration to her business was requested. This affects her home and livelihood. When the business came, they claimed to be responsive to neighbor's concerns, but this has not happened. When she sent a letter to the company asking for help with her concerns, she never received a response.

Casey Dunne - 1251 Oak Opening – Has a 250 well and is concerned of running out of water. Agree with everyone, the permit issued is not being honored and how will they honor additional trucks and hours of operation. I cannot get a permit from the town if what I am doing will affect the neighbors negatively. My family lives one quarter mile away and it is not pleasant with the noise and the truck traffic is terrifying, and they want to truck more. OPPOSE

Deb Nupp - 6555 North Avon Road – Adding more truck traffic to the intersection of Oak Openings Road and North Avon Road is dangerous. It would be dangerous for their farm equipment, and kids getting on buses. There was a truck the size of an oil tanker today. She is concerned about what the truck traffic will do to the roads. She has a hardship - come to my house and clean the siding from your dust bowl.

Brian Parks 1591 -Oak Opening Road – Opposed to the hardship. The mine was not in operation when he moved in. Mr. Sanders was a resident of the Town, and he was the previous owner. When the mine reopened, he was glad the ZBA came up with restrictions since then there have been violations. Their wedding venue was miserable last year, and it will not get any better with more trucks on the road on the weekends, He drives a 2017 Honda rust bucket and in front of the mine is a nice truck and he is not feeling the hardship. In, 2012, The Public Service Commission ruled that the company was not responsible for busting through a one-inch gas line as the homeowner used the equipment. What was not considered is the homeowner also owned the company. Victor Gravel was also the homeowner. This is an example of the length that is taken to distort the reality.

Roger Vanderbrook – 1533 Oak Opening Road – He sees trucks going by on a regular basis. The moratorium came about at the end of last year and six months down the road the hardship was developed? The board should look at what were the conditions of the moratorium in the last six months and what has changed in the last six months. Conditions are not any different and the board should let it run its course unless things changed within the last six months.

The hardship is an exercise to try to make you feel sorry for them. But the reality is the economic viability should have been known back in December and taken into consideration when the moratorium was put in place.

Attorney Welch responded stating a traffic study done one year ago to support an application for what number of trucks would be appropriate on Oak Openings Road and then covid hit. He was told by the Town Attorney that he could not apply because of Covid and then the moratorium was put in place. But the law has provisions for hardship applications.

It was questioned what the nature of the traffic study is. The response was nothing has gone to the ZBA as the Board would need to accept the hardship application first.

Stanley Phillips -1483 Oak Openings Road - The mine was closed when we moved in, and we assumed it was closed permanently because the berm was removed. Since the reopening of the mine trucks are speeding down the road and although he cannot tell the speed, they are going fast enough that when they pass his truck, it is being pushing down, so they must be exceeding the 45 mile an hour speed limit and it happens on a regular basis. Another hardship is noise. I live on the hill and hear from 7 AM until 5 PM the constant grid of metallic machinery. To have to listen to this on additional days/hours is a hardship for him.

Debra Salmon - 1160 Oaks Opening Road – Stated that not everyone would like to speak and asked that anyone opposed please stand. A large majority of those in attendance, stood-up.

Carolyn McKee asked Attorney Welch what his relationship is with Mr. Hannon. It was stated this is not pertinent, but Attorney Welch answered the question stating that Mr. Hannon has a lot of different businesses, and they own businesses together that are not related. Mr. Hannon has retired except for Old Dutch Properties.

Supervisor LeFeber stated there should be some time for Town Board deliberation. The public hearing can remain open but unsure what new information would be provided.

Councilman Coyne questioned if the procedure was to consider the hardship plea to the Town Board to lift the moratorium and then they could proceed to the ZBA to request for more truck traffic. Attorney Campbell stated the application would need to be approved by the Town Board prior to going before the ZBA.

Councilman Drozdziel stated that he appreciated the application but that the moratorium was put in place for a reason, economic times have changed, they have construction opportunity to sell their product but that should not trump the moratorium. Unless someone can convince him differently.

Councilman Coyne stated that the time to speak up against the moratorium was when it was put in place. The law was presented, a public hearing was held, and the law was adopted. He agrees with Mr. McGovern that if it can work out in everyone's favor such as a different road or way to provide water. He supports them to make money.

Supervisor LeFeber stated that we have two significant projects in proximity. Bronson Hill Road will be totally redone and there is a big project on Route 390. He sees both sides and does not see a way to work it out for both. The health, safety and welfare of the residents is most important. He does want the business to be successful.

Councilman Coyne suggested to come back with a plan to make everyone benefit as it is not a function of the Town Board.

Attorney Campbell stated the moratorium would not prevent other mitigations strategies with the residents in the future.

Councilman Drozdziel stated that he would have liked to have seen some cooperation with the residents in the past but has not.

Deputy Supervisor Mairs stated that he has worked in construction for his whole life, and this has progressed with the neighbors being against the mine. If the Board acted in favor of the hardship and it went before the ZBA the moratorium would be over as it ends in December. He believes that it is too late to make the money. It is just no good for the neighborhood. A road to Route #5/20 would make everyone happy.

Councilman Harrington agreed to keep the moratorium in place. Is there a possibility to get road to Route #5/20 as they do not own the land?

Attorney Welch stated they looked at that two years ago without success. The land has a different owner. The Zoning Board of Appeals pushed the traffic North.

Visitor Gary Wheat stated he has no skin in this game, but solar fields would work towards the use of electric vehicles as you would lose the smoke.

Deb Nupp stated that the mine owner has stated in the past that he does not have control to send half the trucks in North and the other South. The truck drivers are contractors. If the Town changed the procedure, then who will police the trucks?

The Town Board acknowledged receipt of a letter of support for the hardship application.

RESOLUTION #122 CLOSE THE PUBLIC HEARING – HARDSHIP APPLICATION

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close the public hearing for the Hardship Application.

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

DISCUSSION – HARDSHIP APPLICATION

Attorney Campbell stated the next step is to provide a written decision based on the discussion within thirty days of closing of the public hearing. The moratorium specific requirements were discussed, and direction was provided to the Attorney of what to include in the written document. The balance would include the request of the hardship versus testimony provided during the public hearing.

- A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns. (*Water, Noise, Fumes, Safety, Traffic, and Dust*)
- B. The impact of the proposed application on the applicant's premises and upon the surrounding area, including any residential uses in the vicinity. (*Quality of life, another business could be hurt, bends in the Oak Opening Road.*)
- C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its potential effect upon the same. (*Suspended landowner rights*)
- D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Avon. (*ZBA placed a 12-truck limit for a reason*)
- E. The written opinion of the Town of Avon Zoning Board of Appeals, Planning Board, and the Town of Avon Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired. (*Not applicable*)
- F. Such other reasonable considerations and issues as may be raised by the Town Board. (*Overall property value, applicant's opportunity for financial gain cannot outweigh the health, safety, and welfare of the homeowner*)

Attorney Campbell stated he would compose the written decision prior to the next meeting and that gives the Board an opportunity to make any changes at the meeting to make your final determination. This would allow for a thoughtful and complete written decision.

DISCUSSION – PROPOSED SOLAR LAW T-1B-2021

Supervisor LeFeber stated that the amendment to the proposed solar law was drafted and provided to the Town Board. Attorney Campbell requested the Board review. An additional copy was provided to Visitor Gary Wheat. Discussion will continue at the next meeting.

DISCUSSION – VISITOR’S COMMENTS

Supervisor LeFeber asked for any visitor’s comments and Visitor Carolyn McKee stated that when there is a dump truck and school bus traveling in opposite directions on Oak Openings Road one or the other must go on the shoulder.

RESOLUTION #123 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 June 21, 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 #124 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 June 24, 2021 as presented by e-mail and to request they be published on the Town of Avon website at townofavon-ny.org.

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

DISCUSSION – ATTORNEY REPORT

Attorney Campbell reported on the following:

The changes to our proposed solar law (T-1B-2021) are not so significant that they would require sending to the County again for review. If the Board advances the draft the next step would be the requirement of going through SEQR Part 1 – 3.

A report of the request of the Town Clerk regarding what records could not be kept electronically include:

- Originals Bonds
- Surety Bonds
- Completion Bonds
- Current insurance policies and attachments
- Bond returned with annual payments
- Outstanding debts
- Satisfied bonds

Original easements
Abstract of title
Intermunicipal agreements that are pending
Village Water Agreement
South Avon Water Agreement
Hopkins Water Agreements
Share Equipment Agreements
Employment Agreements – bargaining, handbook agreement
Potential litigation
Worker Compensation Cases
Time worked – claims and calendars
Service contract
PILOTS
Dedication of infrastructure and facilities
Deed of dedication for roads and infrastructure (pipe),
Current or pending litigation including assessment or foreseen potential documents.

Town Clerk Knight stated the same procedure will be followed that we use to destroy records. Preparing a worksheet that is signed by the Department, Records Management Officer, Attorney and Town Board prior to destruction of any paper documents.

Working on Violations with CEO Glise regarding Oak Openings, DEC is also pressing thing and believes the town issuing appearance tickets and violations add additional credibility to the situation and process.

Work continues with battery storage.

Keep in mind legalization for the Marijuana Opt Out Bill period is fast approaching the December deadline and public hearings would need to be held. Opting out would mean the Town would not receive any revenue from the State. Villages are opting out more than Towns. As a County we will feel consequences of the Villages and Towns opting out or not opting out. The procedure to opt out includes holding public hearings.

Supervisor LeFeber stated that now that the Board of Assessment Review has completed their work, we will need to work on the public hearing for the three districts that we collect unit charges from. We have two public hearing scheduled for the next Town Board meeting. We also need to work on the Emergency Response Plan.

Councilman Drozdziel asked for an update on the Barilla lawsuit and Attorney Campbell replied that he expects a court date to be set in late summer, maybe August.

An invoice was sent to Jeff Mulligan for the professional services relating to providing water to the Mulligan Farm. It is assumed that he is moving forward with the Village.

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise reported on the following:

A Special Complaint Form for the Code Department was developed and will allow the completed form will go directly to the Code Department. There was discussion on anonymous/unsigned complaints not being acted upon if the complaint is not signed. The Board appeared to approve the complaint form as written.

Bob Johnson put in more gravel and are at their limit.

Genesee Builders have started on the Noyes offices.

It was questioned if the Town Board would like to adopt new legislation for food trucks that would charge permit fees and provide inspecting by the Code Department. The fees would be waived for the American Legion on Route #5/20. Also, new legislation for the placement of food trucks.

Recently food trucks are coming to areas outside of the Avon Flee Market.

He will talk with the Planning Board, get their thoughts, and bring back to Town Board.

DISCUSSION-ENGINEER REPORT

Supervisor LeFeber stated nothing much going on regarding engineering. He is worried about the appearance of the water tower. All our other buildings and properties are neat and clean. The tower is getting faded and generates money from the cell towers. The Tower was built in 1955 and was sand blasted and painted in 2002/2003, a dent was taken out and touch up was done 14/15 years ago. He is worried about what it will look like in a few years. We have agreements in place for leasing space and they will need to be reviewed regarding maintenance and decommissioning. Water tank restoration is expensive. Our safety specs are no longer in compliance. Attorney Campbell suggested having a conservation with the Water & Sewer Authority to see if we can work together on future improvements.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Superintendent Crye provided the following written report:

HIGHWAY:

- Drainage work for school
- Parks & Cemetery's mowed & Weeded
- Ditching
- Mow roadsides
- Worked in shop on equipment maintenance
- Shop Up-Keep

WATER:

- Everyday maintenance & sampling
- Stakeouts

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight provide a written report dated July 8th and confirmed with the Board Members present they received the report.

Board action items are:

Approval of minutes of June 21, 2021 and June 24, 2021
Proposed policies: Adopting Electronic Records Policy
Accept Town Clerk’s Monthly Report
USDA Vulnerability Assessment and Emergency Response Plan – Due September

All the action items were completed including the Board’s recognition of their responsibility to address the USDA Vulnerability Assessment and Emergency Response Plan.

DISCUSSION - SUPERVISOR DEPARTMENT REPORT

Supervisor LeFeber updated the Board on the following:

Hurricane has been working for more than one and one-half days on getting Kim’s computer up and going. A request was made with the new owner, Shawn for him to complete the work.

At the Joint meeting there was discussion on the Bridge New York Grant. It was approved for the Village and the Town to share the \$3,000.00 engineering cost but the next day the Village Mayor canceled. The Village will not be paying their share.

A letter was requested of the Board to write a letter of support to allow the sale of wine and liquor behind the current Dutch Hollow Store on Route #5/20. The Board appeared to support the request and a letter will be developed supporting economic development. Discussion of our hamlet zoning was discussed.

Town Clerk Knight shared a letter from the Dawson Law Firm, P.C, dated July 2, 2021. regarding an original On-Premises Alcoholic Beverage License Application notice form of Countryside Diner. After review of the letter and application, the Board took the following action.

RESOLUTION #125 WAIVE THE 30-DAY NOTICE

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

ADOPTED AYES 5 NAYS 0

RESOLVE to waive the 30-day advance notice fee submitted by Tricia Cifuentes for the Countryside Diner at 6105 E Avon Lima Road.

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

DISCUSSION - SUPERVISOR DEPARTMENT REPORT- continued

Supervisor LeFeber reported of a meeting with the Village of Avon Mayor and the Livingston County Water & Sewer Authority to discuss combining the Village treatment plant. Discussion of the operation of the plant included the financial aspects. They are looking at ways to allow the operations to increase their capacity. At this time no new development is allowed.

RESOLUTION #126 ACCEPT THE MONTHLY REPORTS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the monthly reports for June 2021 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk's June 2021 Report:

Total Local Shares Remitted:	\$5,727.74
New York State Department of Health	\$ 67.00
NYS Ag. & Markets for spay/neuter program	\$ 52.00
NYS Environmental Conservation	\$ 649.78
TOTAL	\$5,727.74

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

RESOLUTION #127 ACCEPT THE CLAIMS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2021-13 in the following amounts:

General Fund	Amounts totaling \$20,749.71
Highway Fund	Amounts totaling \$184,392.56
Water Fund	Amounts totaling \$17,102.20
Royal Springs Lighting	Amounts totaling \$1,006.49

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

DISCUSSION - SUPERVISOR DEPARTMENT REPORT- continued

Supervisor LeFeber reported on a previous agreed upon grant application to update our Comprehensive Plan and the Board agreed to not move forward with the application.

New York State has been approved by the Federal Government to hold the dollars received for Covid.

OPEN ITEMS

Councilman Drozdziel updated the Board on the progress of the 3rd floor grant project as follows:

We are focused on the master plan for the building.

Both extreme and less invasive scenarios of the floor plan were developed by NKB based on the surveys.

Changes were made to the NKB scenarios after review of Councilman Drozdziel, Code Enforcement Officer Glise and Supervisor's Secretary McDowell.

A review will occur with the Supervisor and Deputy Supervisor next week.

Deputy Supervisor Mairs stated that he liked the last one the best.

The plan will be complementary to what we have.

The original renovations to the bank area were set up as a gallery.

We will be improving circulation, provide an area for the Supervisor, court options, and the Assessor stays where she is located.

Bob Westfall will be invited back when future historical preservation discussions are planned.

Councilman Coyne reported on the following:

An update of "Pocket Park" was provided and included a fee of \$3,000.00 for work performed by LaBella to be split with the Village of Avon. A neighbor to the "Pocket Park", Rich Hite agreed to help move the utility poles within the right of way.

A survey is being conducted through the 22nd of July for a mural to be painted on the side of the building.

A meeting is scheduled for the 28th of July for further discussion with the Village Mayor and School Superintendent regarding storm water drainage.

DISCUSSION – VISITOR COMMENTS

Supervisor LeFeber asked if there were any visitor comments, and they follow.

Zoom Visitor Judy Falzoi addressed the Board regarding the local law for solar stating that the Board got more than we paid for. The regulations included what you need for the future and what other towns have learned. She is still interested in the New York State Ag Statement included in the regulation and does not understand where that goes. Attorney Campbell stated that he will contact Mary Underhill.

Visitor Wheat questioned the Attorney's review of comments and wanted to be sure all comments were considered in the revision and Attorney Campbell responded they were.

Visitor Forsythe reported another part of the broken bench has come off and nails are sticking out at Paper Mill Park.

On motion of Councilman Harrington, seconded by Deputy Supervisor Mairs the meeting was adjourned at 8:26 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk