

A regular meeting of the Town of Avon was held on Thursday, July 22, 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, Deputy Supervisor Thomas Mairs, Councilmen James Harrington, Malachy Coyne (arrived at 6:04 P.M.), and 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: Robert Westfall, Carolyn McKee, Robert McKee, Karl Mirchell, Debbie Nupp, Gary Wheat, Cindy Kellen, Jennifer Stover, Brian Stover, Andrea N. LaDelia-Batz, Mallory-Nicole Batz, Deb Salmon, Eric Huppert, Rick Crater, Karen Crater, Richard Martin, Dawn Conley, Blair Conley, Karen Schiedel, Randy Arnold, Edward Forsythe, Marc...., Casey Dunne, Wolfgang Rietz, Lorraine Rietz, Bryan Parks, Paul Dean, and Tom McGovern

ZOOM VISITORS: Judy Falzoi, John Company, and 1-845-821-5320

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

DISCUSSION – OPEN PUBLIC HEARINGS

Supervisor LeFeber stated the Public Hearing for Local Law T-1B-2021 Solar Law continues to be open.

DISCUSSION – HARDSHIP APPLICATION

Supervisor LeFeber stated we had new development on the hardship application and as a courtesy he requested the Attorney share the development with those in attendance. Attorney Campbell stated that the hardship application was withdrawn, and the Board would not need to take any action. We are expecting a new application in the future.

DISCUSSION – VISITOR COMMENTS

Supervisor LeFeber asked for any comments.

Visitor Gary Wheat addressed the Board regarding the proposed solar law stating that he is not in favor of the solar law. He read the following:

My name is Gary Wheat, and I am not in favor of the proposed law as written. I appreciate that there have been some improvements, but you continue to add to the regulations with each revision.

I want you to know that I'm likely as sick of having to continue this debate as you are listening to me!

As to the process:

I ask you to note that there has been almost no interest in this process, and I don't know that you have anyone on record supporting the proposed law. Meanwhile you've spent thousands of our tax dollars in attorney's fees and consumed a great deal of time from the volunteers tasked with studying this. I don't believe that even the committee is aware of or is on board with many aspects of this document.

Compared to mining, excavation, and even dairy farming, the collection of solar energy should really be very non-controversial. A current example showing the contrast is the turnout you've had for the gravel pit activity on Oak Openings Road. What is happening there affects people in a big way, with the dust, noise, diesel exhaust, etc. Yet you have chosen to take the quiet collection of solar energy and turned it into a monster. If it's such a monster, where is the interest? Is it noisier than the truck traffic from the gravel pit? Is the potential risk of pollution greater than the methane gas that we already produce in Avon?

And how was the Solar committee assembled anyway? I don't remember seeing an opportunity to join the group. If I was on the committee, one thing that I would have pushed for is a 400' setback from the edge of pavement, not a 200' setback. It's all about softening the view, right? You envisioned that people looking out from their dwelling should have 400' of their view clear of solar panels. Those same people though when driving down our roads may end up looking at panels only 200' away.

That stipulation alone would have more positive impact for Avon than putting landowners' farms at risk of foreclosure. I mean no disrespect, but the consequence of this proposed law is not in the best interest of anyone!

The buzz word of the last couple years has been "Transparency". Where is the transparency in this process? Transparency seems to me to mean that input and questions from your constituents deserve a direct and "transparent" response from the people elected to serve us. With only a couple exceptions I can think of, I'm hearing no response to my concerns except from the town attorney who was not elected by me and isn't from Avon.

Typically, when an attorney suggests that you don't answer any questions, as Jim has recommended, it's because you are on trial. When I was on the Board, the attorney was just there to make sure our process was legal, not to oversee the entire conversation. Very frustrating...

As to me as an Avon Landowner:

You still have the landowner listed as a co-signer on the Developer's PILOT and CBA commitments. Where in the world did the Town Board members get the idea that that is fair and proper?

Are you really willing to levy PILOT dollars against your landowner's property for a developer's project? I've never heard of such a thing. Are you willing to foreclose on that landowner to receive this literal windfall of dollars? I submit to you that my farm is not likely worth the amount that you plan to receive with the PILOT and the CBA. Do you want me to put my home up as collateral as well? Might as well clean me out completely.

And where is the town's exposure here, that makes any of this other than a plain old "Windfall". You've got no responsibility for roads, sewer, water, nothing! You say that there is no impact for the schools, hence you want to steer the dollars away from them. I submit that there is no impact on our town either. Am I right? Don't get me wrong, I'm happy to see this windfall for our town. I just don't think you should put my farm at risk to get that windfall.

In Summary:

We absolutely want and need farming in our community to provide essential energy to our bodies. Don't we also have a responsibility to provide energy to our community infrastructure including electricity to keep our homes and business's running? Currently that energy is provided from outside our town, and even from outside our country. Shouldn't we be thrilled to provide our own electrical energy if the means are available to us?

To my Republican elected representatives. When you reach out to your party for support, is it safe for us to assume that you believe in the ideals of the party platform as they apply to our citizens? That includes limited government, minimum regulations, and lower taxes, among other things. What is going on in front of you is none of those things. I hope you see that.

I end by respectfully asking you one last time that you either remove the landowner from responsibility for the PILOT and Community Benefit dollars, or specify that these dollars be paid up front, prior to the issuance of a building permit.

Thank you

The Board offered feedback to Mr. Wheat including but not limited to:

- What happens if they do not pay the PILOT?
- No recourse on this type of a PILOT.
- Out of State Developers.
- Pay taxes including re-levy of water or County forecloses on the property within two years.
- Lawsuit over Barilla costing taxpayer's dollars.
- Protecting this community.
- People have paid their taxes for years.
- Dairy farming is regulated. Kefo Agreement, environmental practices, plan of best management and worked for years to be compliant with DEC. Held back from responding as he is a farmer.
- Burden to make sure the Solar Farms are in Code Compliant as solar does not end once the solar field is installed.
- Do not agree ninety-nine percent of Mr. Wheat's statements.
- Meetings have been held over the last year and a half to develop the law including Councilmen Harrington and Coyne, Attorney Campbell, Livingston County Planning Director Mary Underhill, Dan Brokraw and Cindy Kellen.
- Property leasing to more than one business does not have relevance to PILOTS for solar.
- The proposed law is in good shape.

To an outside observer it could make one wonder, if there is a concern of the landowner, if the PILOT is not paid, they would have responsibility for paying the PILOT. This shows a lack of confidence.

The Town must have reasonable laws.

Attorney Campbell added:

Other Towns are following the Town of Avon

The wording of 180 days has been amended to remove an automatic trigger and to have the ability to apply for an extension.

Visitor Wheat further added:

This is new money the Town would not be receiving if the development does not happen.

Appreciate that we are having a conservation.

The law went from a 12-page document to 36 pages.

Property that allows for leasing multiple business do not have these types of restrictions.

Once the Town adopts the law, he will mitigate the risks.

DISCUSSION – OPEN PUBLIC HEARINGS

Supervisor LeFeber read the following Public Hearing Notices:

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, that a public hearing shall be held by the Town Board of the Town of Avon at 6:10 p.m. on Thursday, July 22, 2021, at the Avon Town Hall, located at 23 Genesee Street, Avon, New York for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A proposed local law that will amend Chapter 130 Article I and Article III of the Zoning Ordinance of the Town of Avon, specifically to add a definition in Section 130-5 of such chapter for the term “SELF-STORAGE FACILITY” and to modify Section 130-16 B. to add a new permitted use, allowing SELF-STORAGE FACILITY within the Combined General Business/Light Industrial District.

A copy of the proposed local law 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.

Dated: June 25, 2021

By Order of the Town Board of the Town of Avon
Sharon Knight, MMC/RMC Town Clerk

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, that a public hearing shall be held by the Town Board of the Town of Avon at 6:15 p.m. on Thursday, July 22, 2021, at the Avon Town Hall, located at 23 Genesee Street, Avon, New York for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A proposed local law that will amend the zoning district boundaries of the General Business District (B-1) to modify a portion of such District to an amended classification of Combined General Business/Light Industrial District (B-1/LI). The property that is subject to this potential modification is known as 2077 Lakeville Road, Town of Avon, County of Livingston, and State of New York, also being known as Tax Identifier Map Parcel No. 45.-1-8.11 (hereafter "Subject Parcel"), said area being approximately 2.96 +/- acres in size.

A copy of the proposed local law 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.

Dated: June 25, 2021

By Order of the Town Board of the Town of Avon
Sharon Knight, MMC/RMC Town Clerk

DISCUSSION – OPENED PUBLIC HEARING FOR LOCAL LAWS T-2A-2021 AND T-3A-2021.

Supervisor LeFeber stated the proposed local laws require sending to the County Planning Board for review. Attorney Campbell suggested leaving the hearings open as we do not have their responses.

DISCUSSION – VISITOR COMMENTS – LOCAL LAWS

Zoom Visitor Falzoi address the Board with the following comments:

Regarding the proposed local laws stating that the type of things to be stored in the warehouses need to be identified and legislated as their will be an increase in the storage of batteries. She referenced a fire that is still burning in Morris, Illinois that continues to burn for a third week. The Board needs to consider the location and request the owners monitor the facilities.

The Solar regulations are better than they were on the first time.

Five communications were shared by email to the Board this afternoon and follow:

Public Hearing LL T-1 B of 2021

Amending Article XV of Chapter 130 of the Code of the Town of Avon
July 22, 2021

To Town Board Members:

I (we) live in the Royal Springs PUD with very small lots located close to leased agriculture land. We understand the Town of Avon's energy law permits ground-mounted solar energy systems, intended to produce energy for offsite sale and consumption, randomly on qualifying parcels in the agriculture zone identified as Type 2 energy systems. These systems are appropriately permitted by the Special Land Use process and regulation. Our residential lots are adjacent to agriculture land or very near. We are interested in how Type 2 Solar Energy Systems are regulated in this law.

We agree renewable energy may benefit our power grid. Therefore, we support an individual property owner's right to generate their own energy - this includes consumption onsite, used solely on the premises as an accessory use by a business and farm. We agree remote net metering may be an option for some farms and businesses that qualify with National Grid. We agree a building permit is appropriate for permitting onsite energy systems used solely on the premises as an accessory use and identified as Type 1 systems in LL T-1 B of 2021.

However, we need assurance the revised energy regulations, Local Law T-1 B of 2021, requires all other ground-mounted solar energy systems be identified as Type 2 systems. Such Type 2 energy systems require a Special Land Use permit be issued for ground-mounted energy systems to be permitted in an agriculture zone. These systems are most likely commercial, or community ground-mounted solar energy systems generating energy for offsite consumption and not considered an accessory use or generating energy solely for use on a premise as in Type 1...

Therefore, we recommend the following words found in this law be completely deleted as a Type 1 Solar Energy System:

"Such Type 1 Solar Energy Systems may consist of Solar Energy Systems located on multiple sites within the jurisdictional limits of the Town of Avon, owned by the same person, entity, farm or business, but in no instance shall the aggregate yield on the combined systems equal more than 110% of the electricity consumed by such person, entity, farm or business within the previous 12 months, nor shall the aggregate coverage of the combined Solar Panels and Solar Energy Equipment across all parcels exceed twenty-five (25) acres. Type 1 Solar Energy Systems can be developed, operated and maintained by a third- party by lease agreement or through a power purchase agreement."

We expect the new regulations to require all commercial, community solar energy systems, or any energy systems not considered an accessory use, on any number of acres or megawatts to apply for a Special Land Use permit as a Type 2 energy system and comply with the procedures and regulations found in this law. We feel this fair and justified to protect our neighborhood character, environment, property use and value, health, safety, and welfare.

Signed by people residing at:

1739 Athena Drive, Avon, NY 14414 – Judy Falzoi

1741 Athena Drive, Avon, NY 14414 – Carma & Steven Cray 585-438-3058

1756 Athena Drive, Avon, NY 14414 – Douglas Thompson, Tamra Thompson 585-429-0995

5711 Eleni Court Avon, NY 14414 – Michael Koncija, Elizabeth Koncija, Ryan Koncija and
Olivia Koncija

1745 Athena Drive, Avon, NY 14414 – Janet Manko and Michael Manko

Visitor Falzoi continued stating:

Those are five comments that are positive of the Type II regulations and that it offers some protection to our lifetime investments. The operator and landowner, request for insurance is excellent, noise comes off the panels, but she does not think anyone will hear anything.

There is a problem with Type 1 and solar is coming, regulating it makes it easier. Zoning is a good idea as well as asking for a variance. Some people are agreeing that the committee did a good job.

Supervisor LeFeber stated we have the moratorium on battery storage and at some time we will have local law protections. Now, we have things at bay. He stated that solar fields do give off noise.

Visitor Mr. Martin addressed the Board as a landowner that leases to third parties and he has a lot of experience. He is ultimately responsible for his properties and tenants have left water bills unpaid and he found out when there was a tax lien. Other responsibilities are that the State can take away land that is knowingly allowing drugs on their property. He is responsible for third parties and does not know of anyone that is not held responsible for their properties. Supervisor LeFeber stated that's our position as a Town.

Committee Member Cindy Kellen stated that she got on the committee to protect the residents. The whole idea was to keep it away from other's property and they did that. Some of the things the Attorney has said we all agreed to. Some of the things she does not remember being discussed and Attorney Campbell has talked about this before. She does not remember, including the landowner end in so many things. She believes that she was at every meeting. If a solar company came in and paid the PILOT upfront everybody would be happy. The Town would have their money and not need to worry about getting their money, but she is only one member of the committee and it's up to the Board. But she does not know why a solar company cannot walk in and say, here is your money. It's a lot of money but if they are willing to do it, just do it. A lot of things went from a four-hundred-foot setback to 35 pages later. Do not remember discussing everything.

RESOLUTION #128 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 July 8, 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:

He's spending time regarding Oak Opening as well as solar stuff.

Town of York not having noise regulations for installation of solar panels in their Solar Local Law has become an issue. There are no construction hours, and they are working on Sundays. SEQR restrictions addressed this but it's not in the law. He suggested addressing this into the Town of Avon proposed Local Law T-1B-2021.

Other Towns are also developing local laws. Sharing information is beneficial to our Town. The regulatory framework is needed to protect the Town.

Other regulatory frame works to protect the Town is to sue the Developer if the PILOT is not paid. The PILOT is a contract. Legal action cost money and is not a certainty. There is no history to rely on. We could move forward with forcing decommissioning if they are not paying. If we can get the money upfront, then the landowner signing the PILOT has no virtual meaning at all.

Supervisor LeFeber stated the County is taking the money over time and if that does not come in then every resident will need to cover the underpayment.

Attorney Campbell stated that the school is not allowed to get the money upfront.

The Committee makes recommendations, and the Board makes the decisions. Another option regarding hours is to go through the Planning Board. They can limit hours. Our Town Code does not have hours of operation for development.

Councilman Harrington suggested having this added as we already have a problem with water and solar development.

Noise and dust have been problems with developers in the past.

A variance should be considered such as, if no neighbors are near the operation, construction hours may not need to be applied. This could be included in the local law.

Town Clerk Knight stated that there have been complaints, no discussions of the noise of the solar installation on Pole Bridge Road.

Code Enforcement Office Glise stated that he has had discussions with solar developer of Pole Bridge Road, and he would not be starting before 7:00 A.M. and is not allowed to work on Sundays.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Tom Crye provided the following written report:

HIGHWAY:

- Mow County roadsides
- Mow drainage districts
- Maintained driveways & shoulders
- Maintained gutters, sidewalks, trees in Royal Springs
- Shop
- Ditch
- Headwall repair
- Park's & Cemetery's
- Mowed behind guardrails - Town & County

WATER:

- Everyday maintenance & sampling
- Stakeouts
- Meter readings next week

MRB Engineer stated that he is waiting for Highway Superintendent Crye's crew to complete work on the GIS mapping.

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise provided the following report:

The complaint form for Code is on the website. Changes have already been made and an email is sent to Kim and once received an email will be sent to the person making the complaint, thus allowing for pictures to be sent after receipt by the Town of Avon.

Meeting was held regarding the third floor with Councilman Drozdziel.

There was a lengthy discussion on the four inches of rain that fell on Saturday. A home on Route #5/20 was flooded in the back yard and while trying to pump water it then started flooding the front yard. Many photos were taken. Councilmen Harrington and Coyne were on scene.

MRB Group Representative came out and will be sending representation on Monday for further discussion. Also, the General Contractor for the solar development was in attendance.

Councilman Coyne stated a meeting is being scheduled for further discussions.

The discussion included theories of the cause and effects of the water flow and the need to identify the type of storm.

Senator Gallivan, Avon Central School Superintendent, Mayor Freeman continue to be involved in cooperating to improve the issue.

Visitor Gary Wheat had a meeting with Mayor Tom Freeman some time ago and discussed a solution to the problem that could include the old dam behind Pole Bridge.

Visitor Richard Martin stated there was much more to the story than what is being discussed including the Avon Central School improvements.

Visitor Edward Forsythe stated the problem started when the State did work on Route #5/20.

Visitor Martin stated it was a cheap road and they did not fix the storm sewers during construction.

Code Clerk McDowell provided the following written report.

DEPARTMENTAL REPORT BUILDING & ZONING MAY 12, 2021 - JULY 19, 2021

The following Building Permits were issued during the time period May 11, 2021 - July 19, 2021

2021-0044	Warren	sign	5/25/2021	\$25.00
2021-0045	Torrey	generator	6/1/2021	\$40.00
2021-0046	Niagara Mohawk	re-roof	6/1/2021	\$40.00
2021-0047	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0049	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0050	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0051	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0052	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0053	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0054	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0055	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0056	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0057	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0058	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0059	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0060	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0061	Twin Cedars of Avon	demolition	6/1/2021	\$50.00

2021-0062	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0063	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0064	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0065	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0066	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0067	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0068	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0069	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0070	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0071	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0072	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0073	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0074	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0075	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0076	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0077	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0078	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0079	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0080	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0081	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0082	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0083	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0084	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0085	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0086	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0087	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0088	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0089	Twin Cedars of Avon	demolition	6/1/2021	\$50.00
2021-0090	Perry	shed	6/4/2021	\$25.00
2021-0091	Mark's Leisure Time	sign	6/10/2021	\$154.29
2021-0092	Noyes mental health	building	6/10/2021	\$470.40
2021-0093	Gilbert	ramp	6/18/2021	\$25.00
2021-0094	Hite	enclosed porch	6/18/2021	\$50.00
2021-0095	Shaw	AG pool	6/22/2021	\$50.00
2021-0096	Avon Lima Road Inc	single family residence	6/22/2021	\$922.55
2021-0097	Thompson	deck	6/24/2021	\$50.00
2021-0098	Spear	re-roof	6/25/2021	\$40.00
2021-0099	Ferrara	AG pool	6/25/2021	\$50.00
2021-0100	Verizon Wireless	antenna modification	6/28/2021	\$200.00
2021-0101	Kane	re-roof	6/29/2021	\$40.00
2021-0102	Reedhead	deck	7/1/2021	\$58.80
2021-0103	McKeown	AG pool	07/09/201	\$50.00
2021-0104	Herkimer	shed	7/13/2021	\$28.80

2021-0105	Vanderbrook	re-roof	7/15/2021	\$40.00
TOTAL PERMIT FEES FOR TIME PERIOD				\$4,459.84
FEES OUTSTANDING FOR TIME PERIOD				\$0.00
TOTAL FEES COLLECTED				\$4,459.84

The following are permits currently renewed for one year:

The following are projects/permits currently working on:

- Piranha on Tec Drive to begin Phase II of project and adding 2 more Flex Buildings
- Mark's Leisure Time Marine at 2979 Lakeville Rd - boat repair and maintenance - site plan & Special Use Permit

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

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

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight reported on the following:

Town Clerk Knight provide a written report dated July 22nd that was emailed to the Town Board and confirmed with the Board Members present they received the report.

Board action items are:

Consideration of approval of minutes, not yet considered: July 8, 2021 – A resolution was adopted.

Consideration to purchase lap top replacing Town Clerk PC, transferring my PC to replace the windows 7, scheduled to be replaced in 2015 and purchased in 2010 by NYS Records Management Grant. Total Cost \$1,554.48 including set-up.

RESOLUTION #129 AUTHORIZE THE SUPERVISOR TO SIGN HURRICANE QUOTE TO PURCHASE A LAPTOP FOR THE TOWN CLERK

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

RESOLVE to approve the quote from Hurricane Technology to purchase a laptop for Town Clerk Knight replacing a 2010 PC as follows:

Please note, all hardware/software purchases will be invoiced for at time of quote approval.



Quote
Quote Number: 5703

Payment Terms:
Expiration Date: 08/14/2021

Quote Prepared For

Sharon Knight
Town of Avon
23 Genesee Street
Avon, NY 14414
United States
Phone:585-226-2425
sknight@avon-ny.org

Quote Prepared By

Kara Petti
Hurricane Technologies, Inc.
53 Genesee Street
Avon, NY 14414
United States
Phone:585-226-2526
kpetti@hurricanetech.com

Item#	Quantity	Item	Unit Price	Unit Discount	Adjusted Unit Price	Extended Price
One-Time Items						
1)	1	Dell Latitude 3520 -11th Generation Intel® Core™ i5-1135G7 (4 Core, 8M cache, base 2.4GHz, up to 4.7GHz) -Windows 10 Pro -8 GB, 1x8 GB 3200 MHz DDR4, Non-ECC -M.2 256GB PCIe NVMe Class 35 Solid State Drive -Intel® Iris® Xe graphics for i5-1135G7 processor - 15.6" HD (1366 x 768) AG Non-Touch, 220units, Camera & Microphone, WLAN Capable - Single Pointing Non-Backlit Keyboard, US English, 10 Key Numpad - Intel Dual Band Wi-Fi 6 AX201 2x2 802.11ax 160MHz + Bluetooth 5.1 - 4 Cell 54Whr ExpressCharge™ Capable Battery - 1 year Dell hardware warranty	\$1,050.00		\$1,050.00	\$1,050.00
2)	1	Docking Station Dell Dock- WD19 90w Power Delivery - 130w AC	\$260.00		\$260.00	\$260.00
3)	1	DisplayPort to VGA Cable	\$15.99		\$15.99	\$15.99
4)	2.5	IT Technician *estimated labor to set up new laptop, transfer data, install programs and printers **Actual time will be deducted from retainer	\$110.00	\$25.00	\$85.00	\$212.50
5)	1	HDMI Cable HDMI Video Cable	\$15.99		\$15.99	\$15.99
One-Time Total						\$1,554.48
Subtotal						\$1,554.48
Total Taxes						\$0.00
Total						\$1,554.48

Authorizing Signature _____

Date _____

By signing this quote customer is agreeing to purchase above hardware, software and/or services. Dell hardware is not returnable once ordered. Software is not returnable. All other hardware is subject to a 20% restocking fee should the customer want to return the item.

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

DISCUSSION – TOWN CLERK DEPARTMENT REPORT-continued

Town Clerk Knight reported it was recommended by NYMIR to have individual emails for everyone required to take the annual training and all correspondences, including, employees, committees, all board members, and volunteers. The cost of adding email addresses for cyber security is \$5.00 per month. Attorney Campbell shared his thoughts regarding the Town’s use of personal emails to conduct town business and it’s FOILABILITY. He has always recommended to set up Town emails for all Town business. Discussion included the difference between having cyber security and FOILABILITY of Town versus personal emails. The Board appeared to agree to not take any action.

Town Clerk Knight asked if the Board would like her to work to complete the All-Hazard Mitigation Plan Due the 6th of August working with the Livingston County Planning Board on behalf of the Town of Avon. She is getting the updated emails of requirements. Supervisor LeFeber stated that he will work on this project.

Board of Elections – deadline is the 2nd of August for any proposition of ballot referendum including Marijuana Opt-out. The Board will consider opt-out soon but would not have it on the ballot, as recommended by Attorney Campbell, due to time constraints. He also recommended the Board complete online research of the pros and cons of opting out. A decision is required by the second meeting in August.

RESOLUTION #130 APPOINTMENT OF THOMAS MCGOVERN TO THE POSITION OF TOWN OF AVON PLANNING BOARD

On motion of Supervisor LeFeber, seconded by Councilman Coyne, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to re-appoint Thomas McGovern to the position of Town Planning Board Member, term to expire December 31, 2024.

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

DISCUSSION – SUPERVISOR REPORT

Supervisor LeFeber reported on the following:

An update on the American Rescue Plan Act's Coronavirus State and Local Fiscal Recovery Fund was provided. The Town of Avon is expected to get approximately \$365,000.00. Bonadio has evaluated our AUDs from prior years to see if we can use as loss revenue. The Federal Government did approve a 30-day extension to get the money from the State to the Town.

USDA Vulnerability & Emergency response thing needs to be completed. Attorney Campbell stated that we have a lot of the work completed with the New York State All Hazard Mitigation Plan. The Hero's Act is not just about municipalities it's about all employers. There is a third part of the Mitigation Plan, and we will need to work on that. Supervisor LeFeber will complete the and Town Clerk Knight has offered assistance.

DISCUSSION- SCHEDULE LEGAL NOTICE UNIT CHARGES

Supervisor LeFeber described the process to notify the property owners within the Route #39 Water Extension, Royal Springs Subdivision Lighting, and the Bruckel Drainage District. The Board took the following action.

RESOLUTION #131 SCHEDULE LEGAL NOTICE UNIT CHARGES

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

ADOPTED AYES 5 NAYS 0

RESOVLE to schedule the following legal notice:

LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The tentative 2021 special assessment roll (to be used for the 2022 tax bills) of the Route #39 Water Extension, Royal Springs Subdivision Lighting, and the Bruckel Drainage District has been completed and is on file at the Avon Town Clerk's Office, 23 Genesee Street, Avon, New York 14414 for review during regular business hours. The special assessment rolls indicate how many units you will be charged for water extension, drainage and/or lighting on your property tax bill for 2022.

The Avon Town Board will hold a public hearing for owners of properties located within the above-described districts on Thursday, August 26, 2021 at 6:30 P.M. in the Avon Town Hall/Opera Block, 23 Genesee Street, Avon, New York 14414 to hear objections to the special assessment roll and further give notice by mail to each property owner with unit charges on their tax bill.

By order of Town Board
Sharon M. Knight MMC/RMC, Avon Town Clerk
Dated: July 20, 2021
To be published: August 12, 2021

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

DISCUSSION - SCHEDULE LEGAL NOTICE UNIT CHARGES

Town Clerk Knight requested the tentative 2021 special assessment roll and Supervisor LeFeber stated that it would come from the Assessor. Once received by the Town Clerk the legal notice will be published and posted. Then letters will be prepared and mailed by the Town Clerk's Office.

DISCUSSION – REMOVE THE UNSIGNED VOUCHER FOR THE LETCHWORTH GATEWAY PROGRAM

Supervisor LeFeber was contacted by the Supervisor from Town of Wheatland regarding the voucher. There were concerns and the State Comptroller will be contacted to make sure the voucher is okay to pay. The voucher had not been signed. Town Clerk Knight stated many vouchers are provided to her to be placed on the abstract without signatures. She thanked Councilman Coyne for questioning a voucher not having a signature.

There was discussion on a bill from MRB Group regarding an approved project that was later canceled by Mayor Freeman. A bill was then received, and the Village is asking the Town to pay their fifty percent. MRB Group Engineer Willard will provide additional details for Supervisor LeFeber.

RESOLUTION #132 ACCEPT THE CLAIMS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2021-14 in the following amounts:

Concerning ABSTRACT of Claims Number 2021-14 including claims as follows:

General Fund	Amounts totaling \$3,812.34
Highway Fund	Amounts totaling \$1,356.46
Water Fund	Amounts totaling \$1,776.39

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

DISCUSSION – TOWN HALL/OPERA BLOCK OBSERVATION OF SUPERVISOR LEFEBER

Supervisor LeFeber shared his concern of customer service at the Town Hall/Opera Block that does not involve personnel type of issue. These are being worked on with a master plan and during budget time. The development of procedures so that everyone knows what is expected.

DISCUSSION – MASTER PLAN FOR THE TOWN HALL/OPERA BLOCK

Councilman Drozdziel address the Board sharing the prepared Renovation of the 3rd floor Opera Block – Programming option 5.

Highlights included:

- Screening and storage area.
- Lift for access to the stage.
- Access to the building.
- Purchase of some moveable seating. Usage of the building may require additional furniture that would require renting by the user.
- Code rated new stair tower at the Northwest side of the building.
- Additional bathrooms to be located on the 2nd floor to meet distance requirements.
- Moving departments with minimal disruption.
- Historical Preservation and use of space.
- Reception Area for Kim
- Holding space for the trustees of Livingston County for court

- Courtroom Suite with secure entrance/exits
- Conference meeting rooms on second floor and first floor
- Metal detector moving to the first floor for improved security during court hours.
- Security on the second floor
- Create circulation of the first floor
- One entrance – Accessible Door
- Programable elevator
- Historian onto the first floor
- Emergency generator
- Space for employees to eat lunch
- Recreation storage in the basement
- Sharing space with the Historical Society and Historian
- Change the location of the mechanical room on the first floor
- Security screen on the bank side that closes.
- Accessible door to the Town Clerk lobby
- Current stairwell marked as Court Entrance is not code compliant
- Operation of the Town Clerk's Office counter

The schematic plan is like warm jello that is being shared with all the stake holders. A thank you was extended to the survey participants. There were positive comments of having everyone on the first floor. How the Town Clerk's office works, a break room for employees, and the willingness of the Historical Society President Bob Westfall to entertain sharing space with the Historian are still being discussed.

Questions included the use of the stairs from Genesee Street to the 2nd floor (Town Board/Court Room), use of the elevator freight/passenger, and the placement of the lift near the right side of the stage and/or the stair tower, and an emergency generator for life safety and non-life safety.

A zoom meeting is scheduled with the Architect tomorrow for further discussion.

Parking will be an issue as the stair tower will take up two spaces. There is a sign on the wall that is required to be displayed for a specific time. Parking spaces are being used on weekends by the Village Restaurant. The Town has an agreement with the Village for parking spaces that was made when the Village purchased additional space for parking. Town Clerk Knight shared her appreciation of the work being done by Councilman Drozdziel.

DISCUSSION – SUPERVISOR REPORT-continued

Supervisor LeFeber reported on the following:

He made a request for the Highway Department to clean-up the back of the Town Hall/Opera Block.

We have three public hearings open.

There was discussion of the advantages of having within the Town Code or within the Solar Town Law hours of operation.

OPEN ITEMS

There were no open items.

DISCUSSION VISITOR COMMENTS

Ed Forsythe shared his thoughts on the flooding issues and update on Papermill Park.

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 9:05 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk