

A regular meeting of the Town of Avon was held on Thursday August 12, 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

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

VISITORS: Richard Martin, Peter Vonglis, Bob Westfall, and Edward Forsythe

Zoom Visitor: None

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

Supervisor LeFeber stated that the Public Hearings for Local Law T-1C-2021, T-2A-2021 and T-3A-2021 remain open.

The following comments were received by email from resident Gary Wheat and were accepted and made a part of the record as follows:

Regarding Solar Discussion at 7/22/21 Town Board Meeting:

I will be in surgery getting a new hip on August 12th, so I won't be able to attend the Town Board Meeting. I would ask that the comments below be reviewed and added to the meeting minutes for public record.

Thanks!

Gary Wheat

The statements below are a continued conversation and direct response to comments made 7/22/21 at the continuing public hearing regarding the revised solar law.

- **Dave.** This is not a standard property tax issue. This is not "Apples to Apples". The PILOT and the CBA are "Pay to Play" fees, put in place because NYS Real Property Tax Law Article 487 specifically prohibits you from increasing the property assessment on these solar arrays for 15 years. So, while I understand and agree with the "Pay to play fees", this is not the same as a landowner paying their property taxes. The solar array is **not** my property. I always pay the property taxes for **my** property. It can't possibly be legal for you to charge me property tax on someone else's property, even if it's given a different name.

- **Jimmy.** Your 90% poop comment doesn't fly. (Thankfully) You say everyone on the committee is on board with this law. You saw immediately that Cindy Kellen is on record stating that she never missed a meeting, and never saw this Landowner language come into the conversation. The rest of the non-board members of the committee generally didn't seem interested enough to come to the Board meetings. You yourself incorrectly assumed that the payments were to be paid up front and told me so. Dan Brokaw said he never heard anything about the 90-day abandonment idea. I'm still led to conclude that this product is for the most part Mary Underhill and Jim Campbell's undertaking.
 - You compared commercial solar to the situation at D'Angelo Parkway where you're being asked to spend taxpayer dollars to make street and sidewalk repairs because you took dedication to them. It's not like that with this type of project.
 - You say this committee has been going for 14 months. The only Solar committee that I was aware of was about battery storage. It was November of 2020 before I even heard that the committee was looking at the setbacks and the CBA. I only wish the study had stayed limited to those items.
 - You've said a couple times that you are not a genius, implying that is a reason to let Mary Underhill and Jim Campbell, as the experts run with this process. I disagree. You are our elected representative.

- **Malachy.** When you say that my concern for being a cosigner on the PILOT/CBA makes you wonder if I trust NextEra to hold up their end. I submit that it is not what my concern is about. I very much believe in the integrity of this company. It's just about not having a negative "what if" scenario laid at my feet and my children's feet that rightfully doesn't belong there.

Thanks for everyone's time. I pray you do the right thing.

Gary Wheat
5410 Lake Road
585-746-6231
gary@strawloo.com

RESOLUTION #133 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 22, 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 – PROPOSED LOCAL LAWS

Supervisor LeFeber requested Attorney Campbell open the discussion on the proposed Local Law T-2A-2021 stating that we received comments from the Livingston County Planning Board. There was discussion on when site plan review would occur, and that it would be completed by the Planning Board.

RESOLUTION #134 CLOSE PUBLIC HEARING LOCAL LAW T-2A-2021 AMENDING CHAPTER 130

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close public hearing for Local Law T-2A-2021, Amending Chapter 130

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

DISCUSSION SEQR LONG FORM

Attorney Campbell reviewed the SEQR Form asking the Town Board Members the questions on the SEQR Form Part 2. The questions were answered, and the following action was taken.

RESOLUTION #135 TOWN BOARD ACT AS LEAD AGENCY FOR LOCAL LAW T-2A-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE the Town Board will act as Lead Agency for proposed Local Law T-2A-2021.

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

RESOLUTION #136 ADOPT THE FINDINGS FOR SEQR - LOCAL LAW T-2A-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the findings for Local Law T-2A-2021.

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

RESOLUTION #137 NEGATIVE DECLARATION FOR LOCAL LAW T-2A-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE this project will have no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

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

RESOLUTION #138 AUTHORIZE SUPERVISOR LEFEBER TO SIGN THE SEQR DOCUMENTS AND TOWN CLERK KNIGHT TO MAKE THE NECESSARY FILINGS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize the Supervisor to sign the SEQR documents and Town Clerk to make the necessary filing.

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

RESOLUTION #139 ADOPT LOCAL LAW 1-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt the following Local Law 1-2021:

**LOCAL LAW NO. 1 OF THE YEAR 2021
OF THE TOWN OF AVON**

A local law to amend the Zoning Ordinance of the Town of Avon, Livingston County, New York to modify Chapter 130 Article I and Article III of the Zoning Ordinance of the Town of Avon.

Be it enacted by the Town Board of the Town of Avon as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as “A LOCAL LAW TO AMEND CHAPTER 130 ARTICLE I AND ARTICLE III OF THE ZONING ORDINANCE OF THE TOWN OF AVON, SPECIFICALLY TO MODIFY ONE OR MORE DEFINITIONS IN SECTION 130-5 OF

SUCH CHAPTER AND TO MODIFY SECTION 130-16 B. TO ADD A NEW PERMITTED USE.”

SECTION 2. PURPOSE.

A. Authority. This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of Avon in a fashion that is not inconsistent with the Comprehensive Plan of the Town of Avon. This Local Law regulates the use of buildings and structures and the development and use of land within the Town of Avon.

B. To these ends, this local law and the Article that it amends is designed to:

1. Enhance and regulate the orderly growth, development and redevelopment of the Town in accordance with a well-considered plan so that the Town may realize its potential as a place to live and work, with the most beneficial and convenient relationships among the agricultural, commercial, industrial, and residential areas within the Town and with due consideration to the character of each district and its suitability for particular uses; and
2. Protect and manage the character of the Town.

SECTION 3. CHANGES TO SECTION 130-5 DEFINITIONS.

The current Section 130-5 of the Zoning Ordinance of the Town of Avon is hereby modified and amended to add a new definition for “SELF-STORAGE FACILITY” which shall be as follows:

“SELF-STORAGE FACILITY

A Building(s) or Structure(s), containing individual, self-contained units leased for the storage of personal property, goods or materials in such units. Each unit or storage area can be secured.”

SECTION 4. CHANGES TO SECTION 130-16 B. – PERMITTED USES

A. The current Section 130-16 B. of the Zoning Ordinance of the Town of Avon is hereby amended to include a new permitted use, which such section is designated as “§130-16 B. (11)” and shall read as follows:

“11. Self-Storage Facilities.”

SECTION 5. EFFECTIVE DATE.

This local law shall be effective thirty (30) days after its filing with the Office of the Secretary of State.

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

RESOLUTION #140 CLOSE HEARING FOR LOCAL LAW T-3A-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close the Public Hearing for Local Law T-3A-2021

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

RESOLUTION #141 TOWN BOARD ACT AS LEAD AGENCY FOR LOCAL LAW T-3A-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE the Town Board will act as Lead Agency for proposed Local Law T-3A-2021.

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

RESOLUTION #142 ADOPT THE FINDINGS FOR SEQR - LOCAL LAW T-3A-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the findings for Local Law T-3A-2021.

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

RESOLUTION #143 NEGATIVE DECLARATION FOR LOCAL LAW T-3A-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE this project will in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

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

RESOLUTION #144 AUTHORIZE SUPERVISOR LEFEBER TO SIGN THE SEQR DOCUMENTS AND TOWN CLERK KNIGHT TO MAKE THE NECESSARY FILINGS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize the Supervisor to sign the SEQR documents and Town Clerk to make the necessary filing.

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

RESOLUTION #145 ADOPT LOCAL LAW 2-2021

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

ADOPTED AYES 5 NAYS 0

**LOCAL LAW NO. 2 OF THE YEAR 2021
OF THE TOWN OF AVON**

A local law to amend the boundaries of a certain zoning district currently known as General Business (B-1), within the Town of Avon, Livingston County, New York, changing such certain specified area to a zoning classification of Combined General Business/Light Industrial District (B-1/LI).

Be it enacted by the Town Board of the Town of Avon as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as “A LOCAL LAW TO AMEND THE BOUNDARIES OF THE GENERAL BUSINESS (B-1) AND CHANGE A PORTION OF SUCH AREA TO A ZONING CLASSIFICATION OF COMBINED GENERAL BUSINESS/LIGHT INDUSTRIAL DISTRICT (B-1/LI), ALL WITHIN THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK.”

SECTION 2. PURPOSE.

The purpose of this local law is to modify the boundaries of a certain zoning district currently known as General Business District (B-1) within the Town, changing such certain specified area to a zoning classification of Combined General Business/Light Industrial District (B-1/LI), thereby also changing the boundaries of the Combined General Business/Light Industrial District (B-1/LI) within the Town.

SECTION 3. LOCATION OF MODIFIED ZONING DESIGNATION.

The area that is affected by the modified zoning classification is the entirety of a parcel 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 and being more particularly described as follows:

Beginning at a point which is at the southwesterly corner of the property being known as ___ Lakeville Road, Town of Avon, County of Livingston and State of New York, also being known as Tax Identifier Map Parcel No. 35.-1-31.11, where such point intersects with the easterly right-of-way line of NYS Route 15; thence southerly along the easterly right-of-way line of NYS Route 15 approximately 527 +/- feet to the southwesterly corner of the Subject Parcel where it intersect with NYS Route 15 (which is also the northwesterly corner of the parcel known as Tax Identifier Map Parcel No: 45.-1-7); thence southeasterly along the south line of the Subject Parcel (also being the north line of Tax Identifier Map Parcel No: 45.-1-7) approximately 242 +/- feet to a point, being the southeasterly corner of the Subject Parcel; thence northerly along the easterly line of the Subject Parcel (also being a portion of the westerly line of Tax Identifier Map Parcel No: 45.-1-23.141) for a distance of approximately 534 +/- feet to a point being the northeasterly corner of the Subject Parcel; thence westerly along the southerly line of Tax Identifier Map Parcel No. 35.-1-31.11, for a distance of approximately 244 +/- feet to the point of beginning; said area being approximately 2.96 acres +/- in size.

Said area is currently a part of the zoning classification known as General Business District (B-1) and such area shall hereby be reclassified to a zoning classification of Combined General Business/Light Industrial District (B-1/LI) as a result of this zoning district boundary modification. The official Zoning Map of the Town of Avon shall be amended to reflect such reclassification and the change of boundaries of the respective zoning districts (although not contemporaneously with the adoption of this Local Law).

It is the specific intention of this Local Law to only modify the zoning district boundaries (and accordingly change the zoning classification) relating to that property 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. 35.-1-31.11.

SECTION 4. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.

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

DISCUSSION LOCAL LAW T-1C-2021

Councilman Harrington asked Attorney Campbell what happens when developers sell their rights to the solar projects. Attorney Campbell responded that any subsequent owner would be bound to the same requirements. The change that was made to the hours of operations have been determined to be reasonable for construction.

RESOLUTION #146 CLOSE HEARING FOR LOCAL LAW T-1C-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close the Public Hearing for Local Law T-1C-2021

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

RESOLUTION #147 TOWN BOARD ACT AS LEAD AGENCY FOR LOCAL LAW T-1C-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE the Town Board will act as Lead Agency for proposed Local Law T-1C-2021.

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

RESOLUTION #148 ADOPT THE FINDINGS FOR SEQR - LOCAL LAW T-1C-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the findings for Local Law T-1C-2021.

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

RESOLUTION #149 NEGATIVE DECLARATION FOR LOCAL LAW T-1C-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE this project will in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

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

RESOLUTION #150 AUTHORIZE SUPERVISOR LEFEBER TO SIGN THE SEQR DOCUMENTS AND TOWN CLERK KNIGHT TO MAKE THE NECESSARY FILINGS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize the Supervisor to sign the SEQR documents and Town Clerk to make the necessary filing.

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

DISCUSSION LOCAL LAW T-3A-2021

Attorney Campbell stated this law is consistent with the Town of Avon Comprehensive Plan and there was much discussion regarding renewal energy and solar is the connection.

Supervisor LeFeber stated that Agricultural space and stainability have been accomplished. Letting individual landowner make decision on their properties is a part of the proposed law. Deliberation was held for a long time.

Councilman Harrington stated that he served on the Solar Committee for one and one-half years and is very comfortable with the final proposed law.

Attorney Campbell stated that Avon was the first to consider a solar law and this version protects the Town. Some are unhappy with this version, but it does protect the Town and landowners. The Committee did an excellent job and spent hundreds of hours deliberating.

RESOLUTION #151 ADOPT LOCAL LAW 3-2021

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt Local Law 3-2021 as follows:

**TOWN OF AVON
LOCAL LAW NO. 3 OF THE YEAR 2021**

A Local Law Entitled “Amending Article XV of Chapter 130 of the Code of the Town of Avon.”

Be it enacted by the Town Board of the Town of Avon as follows:

Article XV of Chapter 130 of the Code of the Town of Avon shall be amended and replaced in its entirety and the new Article XV shall read as follows:

§130-78. Authority and Legislative Intent.

The Town Board of the Town of Avon states the following as its findings and legislative intent:

- A. This Local Law is adopted pursuant to New York State Town Law §§261, 263 and 264, which authorize the Town of Avon to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.
- B. The Town Board of the Town of Avon recognizes that solar energy is a clean, readily available and renewable energy source and the Town of Avon intends to accommodate the use of solar energy systems.
- C. However, the Town Board finds it is necessary to properly site and regulate solar energy systems within the boundaries of the Town of Avon to protect residential uses, Prime Farmland, Farmland of Statewide Importance, business areas and other land uses, to preserve the natural resources, overall beauty, nature and character of the Town of Avon, to promote the effective and efficient use of solar energy resources, and to protect the health, safety and general welfare of the citizens of the Town of Avon.
- D. The previously adopted Article XV has become insufficient to adequately address the many new aspects of Solar Energy System (as hereinafter defined) development that have arisen since its original adoption. Accordingly, the Town Board finds that the adoption of these updated and enhanced regulations is necessary to properly direct the location, size and construction of these Solar Energy Systems.

§130-79. Definitions.

The following definitions shall apply to this Article:

Applicant - The person or entity submitting an application and seeking an approval under this Article; the owner of a Solar Energy System or a proposed Solar Energy System project; the operator of Solar Energy System or a proposed Solar Energy System project; any person acting on behalf of an Applicant, Solar Energy System or proposed Solar Energy System. Whenever the term “applicant” or “owner” or “operator” are used in this Article, said term shall include any person acting as an applicant, owner or operator of such Solar Energy System.

Building-Integrated Solar Energy System - A combination of photovoltaic building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

Building-Mounted Solar Energy System - Any Solar Energy System that is affixed to the side(s) or rear of a Building or other Structure either directly or by means of support structures or other mounting devices, intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, multi-family residence, business or farm, but not including those mounted to the roof or top surface of a Building.

Building-Mounted Solar Energy System - Commercial - Any Solar Energy System that is affixed to the side(s) or rear of a Building or other Structure either directly or by means of support structures or other mounting devices, intended to produce energy for offsite sale to and consumption by one or more customers.

Decommissioning - The removal and disposal of all Solar Panels, Solar Energy Equipment, Structures, equipment and accessories, including subsurface foundations and all other material, concrete, wiring, cabling, or debris, that were installed in connection with a Solar Energy System and the restoration of the parcel of land to the original state prior to construction on which the Solar Energy System is built to either of the following, at the landowner's (either the Initial Landowner or it's heirs, successors or assigns) sole option: (i) the condition such lands were in prior to the development, construction and operation of the Solar Energy System, including but not limited to restoration, regrading, and reseeded, or (ii) the condition designed by landowner (either the Initial Landowner or it's heirs, successors or assigns) and the Town. Details of the expected Decommissioning activities and costs are to be described in the Decommissioning Plan and Decommissioning Agreement as may be required pursuant to this Article.

Decommissioning Agreement - A written Agreement between Applicant, Initial Landowner and Town that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned or becomes inoperable.

Farmland of Statewide Importance – Land designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage and oilseed crops as determined by the appropriate state agency or agencies.

Glare – The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

Ground-Mounted Solar Energy System - Any Solar Energy System that is affixed to the ground either directly or by support Structures or other mounting devices where such Structure and mounting exists solely to support the Solar Energy System.

Initial Landowner – The record title owner to the real property upon which a Solar Energy Systems is constructed, at the time such Solar Energy System is originally constructed.

Prime Farmland - Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, Prime Farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime Farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Roof-Mounted Solar Energy System - A Solar Energy System mounted on the roof of any legally permitted Building or Structure and wholly contained within the limits of the roof surface, intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, multi-family residence, business or farm.

Roof-Mounted Solar Energy System - Commercial - A Solar Energy System mounted on the roof of any legally permitted Building or Structure and wholly contained within the limits of the roof surface, intended to produce energy for offsite sale to and consumption by one or more customers.

Site Plan – The application materials, procedures and processes required by this Article XV and §130-45 E. of the Zoning Ordinance of the Town of Avon.

Solar Panel - A photovoltaic device capable of collecting and converting solar energy into electrical energy.

Solar Energy Equipment - Electrical energy devices, material, hardware, inverters, or other electrical equipment and conduit, not to include any type of battery energy storage system or similar device, that are used with Solar Panels to produce and distribute electricity.

Solar Energy System - An electrical energy generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

Special Use Permit – The procedures and processes required by this Article XV, §130-45 B. and §130-35 of the Zoning Ordinance of the Town of Avon.

Tilt – The vertical angle, where 0° minimum tilt means the panel is laying flat, and 90° maximum tilt means that it is vertical.

Town – The Town of Avon, Livingston County, New York.

Type 1 Solar Energy System – A Ground-Mounted Solar Energy System intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, multi-family residence, business or farm. Said system shall be considered an Accessory Use (as defined in §130-5) and an accessory Structure, designed and intended to generate electricity solely for use on the premises, potentially for multiple tenants, through a distribution system that is not available to the public. 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.

Type 2 Solar Energy System – A Ground-Mounted Solar Energy System intended to produce energy for offsite sale to and consumption by one or more customers.

§130-80. Zoning districts where allowed. Subject to the provisions of this Article, Solar Energy Systems shall be allowed as follows:

- A. Building Integrated Solar Energy Systems are allowed in all zoning districts upon issuance of a building permit based on special application materials supplied by the Town Building and Code Department.
- B. Building-Mounted Solar Energy Systems are allowed in all zoning districts upon issuance of a building permit based on special application materials supplied by the Town Building and Code Department.

- C. Rooftop-Mounted Solar Energy Systems are permitted in all zoning districts, subject to the following:
- (1) The placement, construction and major modification of Roof-Mounted Solar Energy Systems shall only be permitted upon issuance of a building permit (pursuant to §130-45 C.) based on special application materials supplied by the Town Building and Code Department.
 - (2) Height Exemptions. Roof-Mounted Solar Energy Systems shall not benefit from height exemptions as set forth in §130-32.
 - (3) Roof-Mounted Solar Energy System Design standards. Roof-Mounted Solar Energy System installations shall comply with the following design criteria:
 - (a) Solar Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof's surface and highest edge of the Solar Energy System at any point. Solar panels not facing the front yard can be mounted at any angle relative to the roof's surface, but shall not exceed a maximum height of 18 inches from the surface of the roof to the highest edge of the Solar Energy System at any point.
 - (b) No part of a Roof-Mounted Solar Energy System shall extend above, beyond, or below the edge of the roof it is mounted to. Additionally, the Code Enforcement Officer may require, at his/her sole discretion, a minimum three (3) foot wide center walkway for safe access purposes.
 - (c) If feasible, Solar Energy Equipment shall be installed inside walls and attic spaces to reduce their visual impact.
 - (d) If feasible, Solar Panels affixed to a flat roof shall be placed below the line of sight from a public right-of-way.
 - (4) Roof-Mounted Solar Energy Systems shall be exempt from Site Plan review under the Zoning Ordinance of the Town of Avon, but shall not be constructed without a building permit first being issued pursuant to §130-45 C. and this Article.

D. Commercial Building-Mounted Solar Energy Systems are allowed in the following zoning districts: Agricultural District (A), General Business District (B-1), Hamlet Commercial District (HCD), Light Industrial District (L-I), Combined General Business – Light Industrial District (B1-LI) and Restricted Business District. Commercial Building-Mounted Solar Energy Systems are subject to the requirements set forth in this Article, including Site Plan approval pursuant to §130-45 E., and are allowed only after the issuance of a Special Use Permit pursuant to §130-35. Applications for the installation of a Commercial Building-Mounted Solar Energy System shall be reviewed by the Zoning Enforcement Officer and referred, with comments, to the Town of Avon Planning Board (for Site Plan) and the Town of Avon Zoning Board of Appeals (for Special Use Permit) for their review and action, which can include approval, approval on conditions, or denial.

- (1) Special Use Permit Application Requirements. For a Special Use Permit application, the Applicant shall submit to the Zoning Board of Appeals the Site Plan application provided to the Planning Board, any information required by §130-35 and the following documents and information:
 - (a) If the location of the proposed project is to be leased (either building facade or surface and/or real property), proof of legal consent between all parties, specifying the use(s) of the leased area(s) for the duration of the project, including any signed lease agreement, easements and other agreements between the parties. Any lease agreement between the Applicant and an Initial Landowner shall conform to or be amended such that it conforms with the requirements for Applicant and Initial Landowner as set forth in the Decommissioning Agreement referenced in § D. (1) (i) (i) below.
 - (b) Plans and drawings for the Commercial Building-Mounted Solar Energy System signed by a Professional Engineer showing the proposed layout of the Solar Energy System along with providing a description of all components, any non-building mounted improvements or infrastructure, any proposed clearing and grading of the lot(s) on which the structure housing a Commercial Building-Mounted Solar Energy System is situate, any anticipated or possible storm water runoff or erosion disturbances resulting from the placement of the Commercial Building-Mounted Solar Energy System, and utility lines (both above and below ground) on the site and adjacent to the site. The applicant shall also provide a structural analysis signed by a Professional Engineer, demonstrating the structural adequacy of the building upon which a Commercial Building-Mounted Solar Energy System is to be placed to support such system in a safe fashion.

- (c) Submitted plans and drawings shall show all property lot lines and the location and dimensions of all existing Buildings or Structures and uses on any parcel within 500 feet of the outer perimeter of the Commercial Building-Mounted Solar Energy System.
- (d) Equipment specification sheets shall be provided for all Solar Panels, significant components, mounting systems, inverters or other Solar Energy Equipment that are to be installed.
- (e) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the Solar Energy System and upkeep of the property that houses such Commercial Building-Mounted Solar Energy System. Such Plan shall provide for biennial preventative maintenance site inspections that will include a representative from the owner or operator of the Solar Energy System and Code Enforcement Officer (or his/her designated representative). Additionally, the owner or operator shall provide the Code Enforcement Officer with reports of annual safety inspections of the Solar Energy System, as well as quarterly reports of inspection of the security systems relating to such Solar Energy Systems. Said plan shall demonstrate how the Applicant (or the successor owner of the Solar Energy System) shall ensure proper removal and disposal of all Solar Panels and/or Solar Energy Equipment that becomes inoperable or is no longer being utilized and the same shall be disposed of outside the jurisdictional limits of the Town of Avon unless there is a properly certified and/or licensed recycling facility within the Town that recycles Solar Panels and Solar Energy Equipment.
- (f) Clearing, grading, storm water and erosion control plan. If deemed desirable by the Planning Board, Zoning Board of Appeals or the Town's professional engineer or consultant, Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Town of Avon Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Commercial Building-Mounted Solar Energy System on the site.
- (g) Parking and Truck Traffic. Applicant shall a designated parking area on the site of the Solar Energy System for employees of Applicant (or the successor owner of the Solar Energy System) to park when providing monitoring or maintenance of the Solar Energy System. Additionally, the Plans and Drawings for a Commercial Building-Mounted Solar Energy System shall show adequate staging areas during the construction process to ensure that roadways are not impacted by delivery of materials.

The Plans and Drawings shall also show all areas in which stockpiling of materials and equipment will take place during construction. Applicant shall provide data on anticipated truck trips per day, including during peak material delivery periods, which shall also be provided to the New York State Department of Transportation.

- (h) Any such additional information as may be required by the Town's professional engineer or consultant, Town of Avon Planning Board, Town of Avon Zoning Board of Appeals, Town Attorney or Code Enforcement Officer.
- (i) Decommissioning Plan. To ensure the proper removal of a Commercial Building-Mounted Solar Energy System after such improvements are no longer reasonably operable or have been abandoned, a Decommissioning Plan shall be submitted as part of the application. The Decommissioning Plan shall contain a written and visual record of the original site condition (prior to installation of any Solar Energy Equipment) to facilitate complete remediation upon decommissioning. The Decommissioning Plan must specify that after the Commercial Building-Mounted Solar Energy System is no longer operational or has been abandoned, it shall be removed by the Applicant or any subsequent owner of the improvements. The plan shall demonstrate how the removal of all infrastructure of the Commercial Building-Mounted Solar Energy System and all Solar Energy Equipment shall be conducted to return the structure (s) and parcel housing such system to its original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the Decommissioning Plan, which is to be prepared by a Professional Engineer or reputable contractor. Cost estimations shall take into account inflation and shall be based on the operating life expectancy of the system.
 - i. Prior to obtaining a building permit and as a condition to issuance of any Special Use Permit, the Applicant and Initial Landowner must enter into a Decommissioning Agreement with the Town that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned, or becomes inoperable pursuant to section 130-82 of this Article.

Said Decommissioning Agreement shall require the Applicant to provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Avon at its discretion) for the removal of the Commercial Building-Mounted Solar Energy System, with Avon as the designated assignee/beneficiary, in an amount approved by the Planning Board which is equal to 110% of the estimated removal cost. The bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal. Each year after a Commercial Building-Mounted Solar Energy System has been constructed, and no later than sixty (60) days prior to the anniversary date of the issuance of the building permit for such system, the then owner/permit holder for the system shall provide the Town of Avon with written proof that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account for inflation or any other anticipated increase in costs of removal as provided for above. The Decommissioning Agreement shall provide that Initial Landowner (or the successor and/or assigns of Initial Landowner) shall be responsible for all obligations pursuant to the Decommissioning Agreement in the event Applicant (or the successor owner of the Solar Energy System) does not complete all obligations as required by said Decommissioning Agreement. The Decommissioning Agreement shall be recorded at the office of the Livingston County Clerk and shall be indexed as deed restrictions against the property upon which the Solar Energy System is constructed, with the Town as a benefitted party, so as to put all future owners of the subject real property on notice of the obligations contained in the Decommissioning Agreement.

- (2) Special Use Permit and Site Plan Approval Standards.
 - (a) Height. Commercial Building-Mounted Solar Energy Systems shall not be constructed in such a way that any portion of such system is higher than the highest point of the wall upon which it is attached.
 - (b) Distance from Building. Commercial Building-Mounted Solar Energy Systems shall not be constructed in such a way that any portion of the Solar Panels project more than 18 inches from the surface of the wall upon which it is attached.

- (c) Fencing and Screening. All Solar Energy Equipment shall be securely enclosed or placed about the property so as to prevent unauthorized access. Warning signs with the owner's contact information shall be conspicuously placed and maintained to aid in preventing injury by unauthorized access.
- (d) Glare. All Solar Panels shall have anti-reflective coatings(s).
- (e) Number of Commercial Building-Mounted Solar Energy Systems allowed per Lot. More than one Commercial Building-Mounted Solar Energy System may be permitted and allowed per lot or parcel, regardless of lot size.
- (f) Any Commercial Building-Mounted Solar Energy System shall be accessible for all emergency service vehicles and personnel to the satisfaction of the Livingston County Office of Emergency Management Services and local fire chief.
- (g) After completion of a Commercial Building-Mounted Solar Energy System, the Applicant shall provide a post- construction certificate from a Professional Engineer registered in New York State stating that the Solar Energy System complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
- (h) Compliance with regulatory agencies. The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Commercial Building-Mounted Solar Energy System.
- (i) Any application under this Section shall meet substantive Site Plan requirements in §130-45 E. that, in the judgment of the Avon Town Planning Board, are applicable to the Solar Energy System being proposed.
- (j) The Planning Board shall be required to hold a public hearing relating to Site Plan for any Commercial Building-Mounted Solar Energy System.
- (k) Prior to determination or issuance of any permit, all Commercial Building-Mounted Solar Energy System applications shall be subject to review pursuant to the New York State Environmental Quality Review Act (16 NYCRR 617). The Avon Planning Board and the Avon Zoning Board of Appeals shall conduct a coordinated review.

- (l) Time limit on completion. After receiving Site Plan approval and Special Use Permit approval of a Commercial Building-Mounted Solar Energy System, an Applicant shall obtain a Building Permit within twelve (12) months of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Commercial Building-Mounted Solar Energy System within twenty-four (24) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law.
- (m) General complaint process. During construction, the Code Enforcement Officer can issue a stop work order at any time for any violations of a Special Use Permit approval or condition, Site Plan approval or condition or Building Permit. After construction is complete, the permit holder of a Commercial Building-Mounted Solar Energy System shall establish a contact person, including name and telephone number for receipt of any complaint concerning any permit, approval, maintenance, or operational requirements.
- (n) Inspections. Upon reasonable notice, the Town of Avon Code Enforcement Officer, or his or her designee, may enter a Lot on which a Commercial Building-Mounted Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given or permit issued pursuant to this Article. Twenty-four (24) hours' notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a Commercial Building-Mounted Solar Energy System shall be inspected by a New York State licensed Professional Engineer that has been approved by the Town of Avon at any time upon a determination by the Town's Code Enforcement Officer that damage to such system may have occurred, and a copy of the written inspection report shall be submitted to the Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder and shall be reimbursed to the Town of Avon within thirty 30 days after delivery to the permit holder of an invoice substantiating such charges. Any failure to pay such reimbursable charges may result in revocation of any Special Use Permit granted. The Town of Avon reserves the right to levy all such un-reimbursed expenses onto the real property tax bill associated with the real property upon which the Commercial Building-Mounted Solar Energy System is located.

E. Commercial Roof-Mounted Solar Energy Systems are allowed in the following zoning districts: Agricultural District (A), General Business District (B-1), Hamlet Commercial District (HCD), Light Industrial District (L-I), Combined General Business – Light Industrial District (B1-LI) and Restricted Business District. Commercial Roof-Mounted Solar Energy Systems are subject to the requirements set forth in this Article, including Site Plan approval pursuant to §130-45 E., and are allowed only after the issuance of a Special Use Permit pursuant to §130-35. Applications for the installation of a Commercial Roof-Mounted Solar Energy System shall be reviewed by the Zoning Enforcement Officer and referred, with comments, to the Town of Avon Planning Board (for Site Plan) and the Town of Avon Zoning Board of Appeals (for Special Use Permit) for their review and action, which can include approval, approval on conditions, or denial.

- (1) Special Use Permit Application Requirements. For a Special Use Permit application, the Applicant shall submit to the Zoning Board of Appeals the Site Plan application provided to the Planning Board, any information required by §130-35 and the following documents and information:
 - (a) If the location of the proposed project is to be leased (either building facade or roof surface and/or real property), proof of legal consent between all parties, specifying the use(s) of the leased area(s) for the duration of the project, including any signed lease agreement, easements, and other agreements between the parties. Any lease agreement between the Applicant and an Initial Landowner shall conform to or be amended such that it conforms with the requirements for Applicant and Initial Landowner as set forth in the Decommissioning Agreement referenced in § E. (1) (i) (i) below.
 - (b) Plans and drawings for the Commercial Roof-Mounted Solar Energy System signed by a Professional Engineer showing the proposed layout of the Solar Energy System along with providing a description of all components, any non-building mounted improvements or infrastructure, any proposed clearing and grading of the lot(s) on which the structure housing a Commercial Roof-Mounted Solar Energy System is situate, any anticipated or possible storm water runoff or erosion disturbances resulting from the placement of the Commercial Roof-Mounted Solar Energy System, and utility lines (both above and below ground) on the site and adjacent to the site. The applicant shall also provide a structural analysis signed by a Professional Engineer, demonstrating the structural adequacy of the building and roof upon which a Commercial Roof-Mounted Solar Energy System is to be placed to support such system in a safe fashion.

- (c) Submitted plans and drawings shall show all property lot lines and the location and dimensions of all existing Buildings or Structures and uses on any parcel within 500 feet of the outer perimeter of the Commercial Roof-Mounted Solar Energy System.
- (d) Equipment specification sheets shall be provided for all Solar Panels, significant components, mounting systems, inverters or other Solar Energy Equipment that are to be installed.
- (e) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the Solar Energy System and upkeep of the property that houses such Commercial Roof-Mounted Solar Energy System. Such Plan shall provide for biennial preventative maintenance site inspections that will include a representative from the owner or operator of the Solar Energy System and Code Enforcement Officer (or his/her designated representative). Additionally, the owner or operator shall provide the Code Enforcement Officer with reports of annual safety inspections of the Solar Energy System, as well as quarterly reports of inspection of the security systems relating to such Solar Energy Systems. Said plan shall demonstrate how the Applicant (or the successor owner of the Solar Energy System) shall ensure proper removal and disposal of all Solar Panels and/or Solar Energy Equipment that becomes inoperable or is no longer being utilized and the same shall be disposed of outside the jurisdictional limits of the Town of Avon, unless there is a properly certified and/or licensed recycling facility within the Town that recycles Solar Panels and Solar Energy Equipment.
- (f) Clearing, grading, storm water and erosion control plan. If deemed desirable by the Planning Board, Zoning Board of Appeals or the Town's professional engineer or consultant, Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Town of Avon Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Commercial Roof-Mounted Solar Energy System on the site.
- (g) Parking and Truck Traffic. Applicant shall a designated parking area on the site of the Solar Energy System for employees of Applicant (or the successor owner of the Solar Energy System) to park when providing monitoring or maintenance of the Solar Energy System. Additionally, the Plans and Drawings for a Commercial Roof-Mounted Solar Energy System shall show adequate staging areas during the construction process to ensure that roadways are not impacted by delivery of materials. The Plans and Drawings shall also show all areas in which stockpiling of materials and equipment will take place during construction.

Applicant shall provide data on anticipated truck trips per day, including during peak material delivery periods, which shall also be provided to the New York State Department of Transportation.

- (h) Any such additional information as may be required by the Town's professional engineer or consultant, Town of Avon Planning Board, Town of Avon Zoning Board of Appeals, Town Attorney or Code Enforcement Officer.
- (i) Decommissioning Plan. To ensure the proper removal of a Commercial Roof-Mounted Solar Energy System after such improvements are no longer reasonably operable or have been abandoned, a Decommissioning Plan shall be submitted as part of the application. The Decommissioning Plan shall contain a written and visual record of the original site condition (prior to installation of any Solar Energy Equipment) to facilitate complete remediation upon decommissioning. The Decommissioning Plan must specify that after the Commercial Roof-Mounted Solar Energy System is no longer operational or has been abandoned, it shall be removed by the Applicant or any subsequent owner of the improvements. The plan shall demonstrate how the removal of all infrastructure of the Commercial Roof-Mounted Solar Energy System and all Solar Energy Equipment shall be conducted to return the structure (s) and parcel housing such system to its original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the Decommissioning Plan, which is to be prepared by a Professional Engineer or reputable contractor. Cost estimations shall take into account inflation and shall be based on the operating life expectancy of the system.
 - i. Prior to obtaining a building permit and as a condition to issuance of any Special Use Permit, the Applicant and Initial Landowner must enter into a Decommissioning Agreement with the Town that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned, or becomes inoperable pursuant to section 130-82 of this Article. Said Decommissioning Agreement shall require the Applicant to provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Avon at its discretion) for the removal of the Commercial Roof-Mounted Solar Energy System, with Avon as the designated assignee/beneficiary, in an amount approved by the Planning Board which is equal to 110% of the estimated removal cost. The bond or surety shall provide for an annual increase in the amount of the surety to

compensate for the cost of inflation or any other anticipated increase in costs of removal. Each year after a Commercial Roof-Mounted Solar Energy System has been constructed, and no later than sixty (60) days prior to the anniversary date of the issuance of the building permit for such system, the then owner/permit holder for the Solar Energy System shall provide the Town of Avon with written proof that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account for inflation or any other anticipated increase in costs of removal as provided for above. The Decommissioning Agreement shall provide that Initial Landowner (or the successor and/or assigns of Initial Landowner) shall be responsible for all obligations pursuant to the Decommissioning Agreement in the event Applicant (or the successor owner of the Solar Energy System) does not complete all obligations as required by said Decommissioning Agreement. The Decommissioning Agreement shall be recorded at the office of the Livingston County Clerk and shall be indexed as deed restrictions against the property upon which the Solar Energy System is constructed, with the Town as a benefitted party, so as to put all future owners of the subject real property on notice of the obligations contained in the Decommissioning Agreement.

- (2) Special Use Permit and Site Plan Approval Standards.
- (a) Height and Angle. Commercial Roof-Mounted Solar Energy Systems shall be constructed such that Solar Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof's surface and highest edge of the Solar Energy System at any point. Solar panels not facing the front yard can be mounted at any angle relative to the roof's surface, but no portion of the Solar Energy System shall exceed a maximum height of 18 inches from the surface of the roof to the highest edge of the Solar Energy System at any point.
 - (b) No part of a Roof-Mounted Solar Energy System shall extend above, beyond, or below the edge of the roof it is mounted to. Additionally, the Code Enforcement Officer may require, at his/her sole discretion, a minimum three (3) foot wide center walkway for safe access purposes.
 - (c) If feasible, Solar Energy Equipment shall be installed inside walls and attic spaces to reduce their visual impact.
 - (d) Glare. All Solar Panels shall have anti-reflective coatings(s).

- (e) If feasible, Solar Panels affixed to a flat roof shall be placed below the line of sight from a public right-of-way.
- (f) Fencing and Screening. All Solar Energy Equipment shall be securely enclosed or placed about the property so as to prevent unauthorized access. Warning signs with the owner's contact information shall be conspicuously placed and maintained to aid in preventing injury by unauthorized access.
- (g) Number of Commercial Roof-Mounted Solar Energy Systems allowed per Lot. More than one Commercial Roof-Mounted Solar Energy System may be permitted and allowed per lot or parcel, regardless of lot size.
- (h) Any Commercial Roof-Mounted Solar Energy System shall be accessible for all emergency service vehicles and personnel to the satisfaction of the Livingston County Office of Emergency Management Services and local fire chief.
- (i) After completion of a Commercial Roof-Mounted Solar Energy System, the Applicant shall provide a post- construction certificate from a Professional Engineer registered in New York State stating that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
- (j) Compliance with regulatory agencies. The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Commercial Roof-Mounted Solar Energy System.
- (k) Any application under this Section shall meet substantive Site Plan requirements in §130-45 E. that, in the judgment of the Avon Town Planning Board, are applicable to the Solar Energy System being proposed.
- (l) The Planning Board shall be required to hold a public hearing relating to Site Plan for any Commercial Roof-Mounted Solar Energy System.
- (m) Prior to determination or issuance of any permit, all Commercial Roof-Mounted Solar Energy System applications shall be subject to review pursuant to the New York State Environmental Quality Review Act (16 NYCRR 617). The Avon Planning Board and the Avon Zoning Board of Appeals shall conduct a coordinated review.

- (n) Time limit on completion. After receiving Site Plan approval and Special Use Permit approval of a Commercial Roof-Mounted Solar Energy System, an Applicant shall obtain a Building Permit within twelve (12) months of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Commercial Roof-Mounted Solar Energy System within twenty-four (24) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law.
- (o) General complaint process. During construction, the Code Enforcement Officer can issue a stop work order at any time for any violations of a Special Use Permit approval or condition, Site Plan approval or condition or Building Permit. After construction is complete, the permit holder of a Commercial Roof-Mounted Solar Energy System shall establish a contact person, including name and telephone number for receipt of any complaint concerning any permit, approval, maintenance, or operational requirements.
- (p) Inspections. Upon reasonable notice, the Town of Avon Code Enforcement Officer, or his or her designee, may enter a Lot on which a Commercial Roof-Mounted Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given, or permit issued pursuant to this Article. Twenty-four (24) hours' notices by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a Commercial Roof-Mounted Solar Energy System shall be inspected by a New York State licensed Professional Engineer that has been approved by the Town of Avon at any time upon a determination by the Town' s Code Enforcement Officer that damage to such system may have occurred, and a copy of the written inspection report shall be submitted to the Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder and shall be reimbursed to the Town of Avon within thirty 30 days after delivery to the permit holder of an invoice substantiating such charges. Any failure to pay such reimbursable charges may result in revocation of any Special Use Permit granted. The Town of Avon reserves the right to levy all such un-reimbursed expenses onto the real property tax bill associated with the real property upon which the Commercial Roof-Mounted Solar Energy System is located.

- F. Type 1 Solar Energy Systems are allowed as accessory uses and/or structures in all zoning districts except Planned Unit Development and Planned Development Districts. Type 1 Solar Energy Systems which are to be located in a Planned Unit Development must comply with the requirements of §130-17 and Type 1 Solar Energy Systems which are to be located in Planned Development Districts must comply with the requirements of §130-18, before the same are permitted.
- (1) The placement, construction and major modification of Type 1 Solar Energy Systems shall only be permitted upon issuance of building permit (pursuant to §130-45 C.) based on special application materials supplied by the Town Building and Code Department.
 - (2) Height. Type 1 Solar Energy Systems shall not exceed a maximum height of fifteen (15) feet as measured from the highest point of any Solar Panel (oriented at maximum tilt) or Solar Energy Equipment to the ground directly beneath it.
 - (3) Setbacks. Type 1 Solar Energy Systems setbacks shall be twice the standard setbacks for Accessory Buildings or Structures within the zoning district it is located, but in no event shall any such setback be less than twenty (20) feet.
 - (4) Coverage. Type 1 Solar Energy Systems ground coverage shall not exceed the allowable total surface or area coverage for Accessory Buildings or Structures within the zoning district in which it is located and in no event shall the combination of all Accessory Buildings and Structures located on the premises exceed 20% coverage of the entire area of such parcel. For purposes of this provision, coverage shall be calculated based upon the total surface area of the Solar Panels at minimum Tilt.
 - (5) Glare. All Solar Panels shall have anti-reflective coatings(s).
 - (6) All Type 1 Solar Energy Systems located in One-Family Residential Districts (R-1), One- and Two-Family Residential Districts (R-2), Multiple-Family Residential Districts (R-3), Limited Residential Districts (LR) and Residential Hamlet Mixed Use Districts (RH-M) shall be installed in the side or rear yard.
 - (7) All applications for Type 1 Solar Energy Systems for businesses (including Multifamily Dwellings) or farms, to the extent permitted by law, shall be subject to Site Plan review pursuant to §130-45 E. Applications for Type 1 Solar Energy Systems for use on residential parcels may be subject to Site Plan review at the sole discretion of the Code Enforcement Officer.
 - (8) Pursuant to 6 NYCRR 617.5, Type 1 Solar Energy Systems to be used on One- and Two-Family Dwelling parcels shall be deemed to be Type 2 Actions for purposes of review under the New York State Environmental Quality Review Act (16 NYCRR 617). All other Type 1 Solar Energy Systems shall be deemed to be Unlisted Actions pursuant to the New York State Environmental Quality Review Act.

- G. Type 2 Solar Energy Systems are permitted only in Agricultural Districts (A) and are subject to the requirements set forth in this Section, including Site Plan approval pursuant to §130-45 E., and are allowed only after the issuance of a Special Use Permit pursuant to §130-35. Applications for the installation of a Type 2 Solar Energy System shall be reviewed by the Zoning Enforcement Officer and referred, with comments, to the Town of Avon Planning Board (for Site Plan) and the Town of Avon Zoning Board of Appeals (for Special Use Permit) for their review and action, which can include approval, approval on conditions, or denial.
- (1) Special Use Permit Application Requirements. For a Special Use Permit application, the Applicant shall submit to the Zoning Board of Appeals the Site Plan application provided to the Planning Board, any information required by §130-35 and the following documents and information:
- (a) If the property of the proposed Solar Energy System is to be leased, proof of legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements between the parties. Any lease agreement between the Applicant and an Initial Landowner shall conform to or be amended such that it conforms with the requirements for Applicant and Initial Landowner as set forth in the Decommissioning Agreement referenced in § G. (1) (k) (i) below. Applicant shall be required to provide, as part of the application, any Lease Agreement, easements and other agreements between itself and Initial Landowner or any owner of property contiguous to the land upon which the Solar Energy System (or any component thereof, including access ways or utility lines) shall be constructed.
 - (b) Plans and drawings for the Type 2 Solar Energy System signed by a Professional Engineer showing the proposed layout of the Solar Energy System along with providing a description of all components, existing vegetation, any proposed clearing and grading of the lot(s) involved, any anticipated or possible storm water or erosion disturbances, and utility lines (both above and below ground) on the site and adjacent to the site.
 - (c) Submitted plans and drawings shall show all property lot lines and the location and dimensions of all existing Buildings or Structures and uses on any parcel within 750 feet of the outer perimeter fence line of the Type 2 Solar Energy System.
 - (d) Equipment specification sheets shall be provided for all Solar Panels, significant components, mounting systems, inverters and other Solar Energy Equipment that are to be installed.

- (e) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the Type 2 Solar Energy System and property upkeep, such as mowing and trimming, which shall also include details of anticipated use of pesticides, herbicides and other chemicals for vegetative abatement and/or maintenance. The Plan shall demonstrate that the use of any pesticide, herbicide or other chemical will be in compliance with all local, state and federal regulations and shall further demonstrate that alternatives to chemical treatments have been prioritized to the extent reasonably possible. Such Plan shall provide for biennial preventative maintenance site inspections that will include a representative from the owner or operator of the Solar Energy System and Code Enforcement Officer (or his/her designated representative). Additionally, the owner or operator shall provide the Code Enforcement Officer with reports of annual safety inspections of the Solar Energy System, as well as quarterly reports of inspection of the security systems relating to such Solar Energy Systems. Said Plan shall demonstrate how the Applicant (or the successor owner of the Solar Energy System) shall ensure proper removal and disposal of all Solar Panels and/or Solar Energy Equipment that becomes inoperable or is no longer being utilized and the same shall be disposed of outside the jurisdictional limits of the Town of Avon, unless there is a properly certified and/or licensed recycling facility within the Town that recycles Solar Panels and Solar Energy Equipment. Said Plan shall also obligate the Applicant (or the successor owner of the Solar Energy System) to provide the Town, not less than every other year (commencing the second year after the Solar Energy System is commercially operable), with test results from soil sampling collected and analyzed pursuant to the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (or similar successor document of the Department of Agriculture and Markets) that are in effect as of the date of sampling, to demonstrate that the soils upon which the Solar Energy System is constructed have not been contaminated in any fashion as a result of the Solar Energy System placed on the property. Such test results shall be compared to the pre-construction soil sample analysis referenced in paragraph (i) (Pre-Development Site Conditions) below.
- (f) Clearing, grading, storm water and erosion control plan. Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Town of Avon Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Type 2 Solar Energy System on the site.

- (g) **Parking and Truck Traffic.** Applicant shall a designated parking area on the site of the Solar Energy System for employees of Applicant (or the successor owner of the Solar Energy System) to park when providing monitoring or maintenance of the Solar Energy System. Additionally, the Plans and Drawings for a Type 2 Solar Energy System shall show adequate staging areas during the construction process to ensure that roadways are not impacted by delivery of materials. The Plans and Drawings shall also show all areas in which stock-piling of materials and equipment will take place during construction. Applicant shall provide data on anticipated truck trips per day, including during peak material delivery periods, which shall also be provided to the New York State Department of Transportation.
- (h) **Noise Study.** Applicant shall provide a noise study of the impacts of construction and operation of the proposed Solar Energy System. Said study shall reference any then existing regulations or suggested industry or development standards put out by the NYS Office of Renewable Energy Siting. Such study shall analyze the projected noise levels for both daytime and nighttime periods generated by the Solar Energy System and all collector substation equipment relative to all surrounding Dwellings.
- (i) **Viewshed/Line of Site Analysis.** Applicant shall provide a viewshed/line-of-site analysis, with scaled color visual renderings to demonstrate the adequacy of proposed buffering/screening at the completion of construction of the Solar Energy System, and similar visual renderings of the projected maturation of the buffering/screening at five (5) years and ten (10) years after completion of the Solar Energy System. The Planning and/or Zoning Board of Appeals may require the above viewshed/line-of-site analysis and scaled color visual renderings from multiple angles or perspectives as it/they deem appropriate.
- (j) **Pre-Development Site Condition –** Applicant shall provide a written and visual record of the pre-development site condition (which shall include the site condition prior to any logging/timber harvest or clearing of land in anticipation of the development of a Solar Energy Systems), which must be verified as to being complete by the Building and Zoning Department, to facilitate full and proper remediation of the site upon Decommissioning.

As part of this record, Applicant shall provide an analysis of pre-construction soil samples, with such samples collected and analyzed pursuant to the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (or similar successor document of the Department of Agriculture and Markets) that are in effect as of the date of sampling. Such samples shall be taken from various locations on the property on which the Solar Energy System is to be located and are specifically intended to demonstrate the pre-development condition and properties of the soils to ensure that full and proper remediation of the site occurs upon Decommissioning.

- (k) Any such additional information as may be required by the Town's professional engineer or consultant, Town of Avon Planning Board, Town of Avon Zoning Board of Appeals, Town Attorney or Code Enforcement Officer.
- (l) Decommissioning Plan. To ensure the proper removal of Type 2 Solar Energy Systems after such improvements are no longer reasonably operable or have been abandoned, a Decommissioning Plan shall be submitted as part of the application. The Decommissioning Plan must specify that after the Type 2 Solar Energy System is no longer operational or has been abandoned, it shall be removed by the Applicant or any subsequent owner of the improvements and/or the subsequent owner of the property upon which the Type 2 Solar Energy System is placed. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the Decommissioning Plan, which is to be prepared by a Professional Engineer or reputable contractor. Cost estimations shall take into account inflation and shall be based on the operating life expectancy of the system.
 - i. Prior to obtaining a building permit and as a condition to issuance of any Special Use Permit, the Applicant and Initial Landowner must enter into a Decommissioning Agreement with the Town that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned, or becomes inoperable pursuant to section 130-82 of this Article.

Said Decommissioning Agreement shall require the applicant to provide an irrevocable financial security bond (or other form of surety such as, but not limited to, letters of credit, etc. that are acceptable to the Town of Avon at its discretion) for the removal of the Type 2 Solar Energy System, with Avon as the designated assignee/beneficiary, in an amount approved by the Planning Board which is equal to 150% of the estimated removal cost. The bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal. Each year after a Type 2 Solar Energy System has been constructed, and no later than sixty (60) days prior to the anniversary date of the issuance of the building permit for such Solar Energy System, the then owner/permit holder for the system shall provide the Town of Avon with written proof that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account for inflation or any other anticipated increase in costs of removal as provided for above. The Decommissioning Agreement shall provide that Initial Landowner (or the successor and/or assigns of Initial Landowner) shall be responsible for all obligations pursuant to the Decommissioning Agreement in the event Applicant (or the successor owner of the Solar Energy System) does not complete all obligations as required by said Decommissioning Agreement. The Decommissioning Agreement shall be recorded at the office of the Livingston County Clerk and shall be indexed as deed restrictions against the property upon which the Solar Energy System is constructed, with the Town as a benefitted party, so as to put all future owners of the subject real property on notice of the obligations contained in the Decommissioning Agreement.

- (m) At its sole discretion, the Town of Avon Planning Board and/or the Town of Avon Zoning Board of Appeals may refer an application for a Type 2 Solar Energy System to one or more private consultants for review to assist such Board in properly fulfilling its duties. Such consultants may include a professional engineer, attorney, planning consultant or other specialist. All expenses incurred by the Town (through either Board) for this purpose shall be reimbursed to the Town by the Applicant within thirty (30) days of the Town issuing a detailed invoice to Applicant requesting reimbursement for the same.

At its discretion and at any time during the application process, either Board may require that Applicant furnish a deposit in an amount that it deems initially sufficient to be used for reimbursement of such expenses. Upon request of Applicant, the Board requiring the deposit shall provide a general estimate of anticipated consulting services to be provided and estimated costs for the same. However, any such estimate of services or costs related to such services shall not in any way restrict the level of reimbursement ultimately required to be made by Applicant. It is the specific intention of this section that all expenses relating to professional consulting services rendered to the Town or any of its Boards, relating to an application for development of a Solar Energy System, be borne by the Applicant and not the taxpayers of the Town. Any such deposit shall be held in a non-interest bearing account and shall be used to reimburse the Town for expenses that have been incurred as a result of such consultants. Prior to the Town making any payment or withdrawal from such account, the Town shall provide Applicant with notice of such intended payment and documentation supporting such payment. Applicant shall have the right, within five (5) business days from receipt of such notice, to protest any account withdrawal or payment to a consultant which it contends is not reasonably necessary or is not reasonable in amount. The Town Board shall thereafter have thirty (30) days to provide its determination with regard to Applicant's objection, which shall be provided to Applicant in writing. Should such deposit be depleted prior to final approval, either Board may require that additional monies be deposited with the Town before further review of the application will continue. A reviewing Board may suspend indefinitely the review of any application as a result of the failure of Applicant to timely remit a required deposit or to promptly reimburse the Town for expenses relating to such consultants. Any such suspension shall supersede any Town of New York State law, rule or regulation relating to the timing of issuance of decisions for such applications.

- (n) If a Type 2 Solar Energy System is proposed to be developed on land that is or could be in agricultural production, Applicant shall demonstrate how the proposed development complies with the then current guidelines as may be established by the New York State Department of Agriculture and Markets relating to Construction Mitigation for Agricultural Lands.

- (o) The Applicant shall be required to facilitate one or more site visits as deemed necessary or desirable by the Planning Board and/or Zoning Board of Appeals.
- (2) Special Use Permit and Site Plan Approval Standards.
- (a) Height. Type 2 Solar Energy Systems shall not exceed a maximum height of fifteen (15) feet as measured from the highest point of any Solar Panel (oriented at maximum tilt) or Solar Energy Equipment, to the ground directly beneath it.
 - (b) Setbacks. Type 2 Solar Energy Systems shall be sited to create a front setback of no less than 200 feet (measured from the fence-line of the Solar Energy System) from the right-of-way line of any public or private roadways and setbacks of 100 feet (measured from the fence-line of the Solar Energy System) from all side and rear property lines. In addition, no Type 2 Solar Energy System shall be located closer than 400 feet (measured from the fence-line of the Solar Energy System) from any Dwelling or Accessory Building containing a Dwelling Unit that is located on another parcel. The above stated side and rear property setback restrictions and those setbacks relating to a Dwelling or Accessory Building containing a Dwelling Unit, shall be waived on any contiguous parcel (to that parcel upon which the Solar Energy System is being developed) owned by a participating landowner that owns the parcel upon which the subject Solar Energy System is being parcel. The above waiver shall not apply to any contiguous parcels that are not owned by the same landowner that owns the land upon which the Solar Energy System is placed.
 - (c) Lot/Parcel Size. Type 2 Solar Energy Systems shall be located on parcels with a minimum lot size of 25 acres.
 - (d) Lot/Parcel Coverage. Type 2 Solar Energy Systems shall not exceed 25 acres of coverage on parcels that are 40 acres or more in size. On parcels that are less than 40 acres in size, Type 2 Solar Energy Systems coverage shall not exceed 60% of the total parcel size. It is the intent of this restriction to protect the valuable resource and benefits of Prime Farmland and Farmland of Statewide Importance and it is the express intention of the Town of Avon that no variance or hardship request be granted to permit increased coverage by Type 2 Solar Energy Systems on Prime Farmland and/or Farmland of Statewide Importance by any board or commission, or other agency having legal authority to consider and grant such a variance or hardship request. The coverage area shall be determined by the area covered by the perimeter of the Solar Energy System at minimum tilt and shall not include required fencing or access roads.

- (e) Glare. All Solar Panels shall have anti-reflective coatings(s).
- (f) Fencing and Screening. All Type 2 Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed and maintained on the entrance and perimeter of the fencing. The fencing and the Solar Energy System may be required to be further screened by landscaping to avoid adverse aesthetic impacts. All buffering/landscaping materials shall be designed to promote sustainability, diversity, and visual variety, which shall include a mixture of plant species, sizes/heights, deciduous and evergreen trees and/or shrubs and shall be noted in detail on a landscaping plan that shall be approved by the Planning Board and/or the Zoning Board of Appeals. The Planning Board and/or the Zoning Board of Appeals shall provide for enhanced screening and buffering for Type 2 Solar Energy Systems that are placed adjacent to residential zoning districts, areas containing residential parcels or abut a public road.
- (g) Number of Type 2 Solar Energy Systems allowed per Lot. Only one Type 2 Solar Energy System shall be allowed per Lot or parcel, regardless of Lot size.
- (h) Recent Subdivision of Lot/Parcel. In order to prevent circumvention of the size and coverage restrictions set forth above, when considering such restrictions, the Zoning Board of Appeals shall consider the Lot or parcel to be the largest configuration of the physical area where the Type 2 Solar Energy System is being proposed that has existed as a separate Lot or parcel (with its own Tax Identifier Map Parcel Number) in the official tax records of the Town of Avon within the ten (10) years immediately preceding the application seeking approval for such Type 2 Solar Energy System. This provision is specifically intended to prevent and owner of land from subdividing such land into smaller parcels that would permit siting of multiple Type 2 Solar Energy Systems on what would have otherwise been a lot or parcel that was restricted to one Type 2 Solar Energy System that would not exceed 25 acres of coverage.
- (i) Vegetation and Habitat. Type 2 Solar Energy System owners/developers shall develop and provide a written vegetation management plan (which shall be approved by the Planning Board and/or the Zoning Board of Appeals) to implement and maintain native, non-invasive plants and vegetation under and around the Solar Panels, such plantings to provide foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, owners/developers shall use native, non-invasive plant species and seed mixes.

- (j) Any Type 2 Solar Energy System shall be accessible for all emergency service vehicles and personnel to the satisfaction of the Livingston County Office of Emergency Management Services Director and local fire department Chief.
- (k) After completion of a Type 2 Solar Energy System, the Applicant shall provide a post- construction certificate from a Professional Engineer registered in New York State, certifying that the Type 2 Solar Energy System complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
- (l) Compliance with regulatory agencies. The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Type 2 Solar Energy System.
- (m) Any application under this Section shall meet substantive Site Plan requirements in §130-45 E. that, in the judgment of the Avon Town Planning Board, are applicable to the system being proposed.
- (n) The Planning Board shall be required to hold a public hearing relating to Site Plan for any Type 2 Solar Energy System.
- (o) Prior to determination or issuance of any permit, all Type 2 Solar Energy System applications shall be subject to review pursuant to the New York State Environmental Quality Review Act (6 NYCRR 617). All applications (Site Plan and Special Use Permit) for approval of a Type 2 Solar Energy System shall be deemed to be Type I Actions for purposes of compliance with the New York State Environmental Quality Review Act. The Town Planning Board and/or Zoning Board of Appeals has the authority, pursuant to 6 NYCRR 617.4 (a) (1) and (2), to classify such actions in addition to the list established by such statute. The Planning Board and the Zoning Board of Appeals shall conduct a coordinated review. Such review shall not be completed or closed out, and a final determination of significance made, until after the review of the application has been completed.
- (p) The development and operation of a Type 2 Solar Energy System shall not have a significant adverse impact on fish, wildlife or plant species or their critical habitats, or other significant habitats identified by the Town of Avon or other federal or state regulatory agencies.

The Avon Town Planning Board and the Avon Zoning Board of Appeals may impose conditions on the approval of any Site Plan or Special Use Permit under this Article to enforce the standards referred to in this Article or to discharge its obligations under the State Environmental Quality Review Act.

- (q) Time limit on completion. After receiving Site Plan approval and Special Use Permit approval of a Type 2 Solar Energy System, an Applicant shall obtain a Building Permit within twelve (12) months of such approvals or the approvals shall automatically terminate and be deemed null and void. The above time period may be extended by each of the approving Boards, at their sole discretion, upon a showing of good cause by Applicant. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Type 2 Solar Energy System within twenty (24) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law. The above time period may be extended by each of the approving Boards, at their sole discretion, upon a showing of good cause by Applicant.
- (r) General complaint process. During construction, the Code Enforcement Officer can issue a stop work order at any time for any violations of a Special Use Permit approval or condition, Site Plan approval or condition or Building Permit. After construction is complete, the permit holder of a Type 2 Solar Energy System shall establish a contact person, including name and telephone number for receipt of any complaint concerning any permit, approval, maintenance, or operational requirements.
- (s) Inspections. During construction and upon reasonable notice, the Town of Avon Code Enforcement Officer, or his or her designee, may enter a Lot on which a Type 2 Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given or permit issued pursuant to this Article. Twenty-four (24) hours' notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. After construction is completed and the Solar energy System is operational, upon reasonable cause at the discretion of the Town of Avon Code Enforcement Officer, or his or her designee, said Code Enforcement Officer (or his or her designee) may upon reasonable notice may enter a Lot on which a Type 2 Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given or permit issued pursuant to this Article.

Furthermore, a Type 2 Solar Energy System shall be inspected by a New York State licensed Professional Engineer that has been approved by the Town of Avon at any time upon a reasonable determination by the Town's Code Enforcement Officer that damage to such system may have occurred, and a copy of the written inspection report shall be submitted to the Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder and shall be reimbursed to the Town of Avon within thirty 30 days after delivery to the permit holder of an invoice substantiating such charges. Any failure to pay such reimbursable charges may result in revocation of any Special Use Permit granted. The Town of Avon reserves the right to levy all such un-reimbursed expenses onto the real property tax bill associated with the real property upon which the Solar Energy System is located.

- (t) Construction hours. During initial construction or any major replacement of the Solar Panels or Solar Energy Equipment after initial construction, all construction activities shall be limited to Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m. No construction activities shall take place on Sunday or any Federal holiday.

§130-81. General regulations. The placement, construction and major modification of all Solar Energy Systems within the boundaries of the Town of Avon shall be permitted only as follows:

- A. Any inconsistent provisions of the Code of the Town of Avon which purport to or may be interpreted to allow Solar Energy Systems in other districts are hereby superseded.
- B. All Solar Energy Systems that have received a Special Use Permit or Building Permit as of the effective date of this Article shall be "grand fathered" and allowed to continue as they presently exist. Routine maintenance (including replacement with a new system of like construction and size) shall be permitted on such existing systems. New construction other than routine maintenance on pre-existing systems shall comply with the requirements of this Article.
- C. All new Solar Energy Systems and all additions and modifications to any pre-existing Solar Energy System shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code, the NYS Energy Conservation Code and all local laws, codes, rules and regulations of the Town of Avon.

- D. For all Commercial Building-Mounted Solar Energy Systems, Commercial Roof-Mounted Solar Energy Systems or Type 2 Solar Energy Systems, Applicant and/or the successor owner or operator shall provide a written training plan that provides for proper training of the Town Code Enforcement Office, Fire Department, Emergency Responders, Livingston County Emergency Management Services and Police agencies relative to health and safety concerns associated with larger scale commercial Solar Energy Systems. Such training plan shall be implemented before the Solar Energy System is made commercially operational. All costs and expenses related to such training shall be borne by the Applicant or the successor owner or operator of the Solar Energy System.
- E. Any applications (including variance applications) pending for Solar Energy Systems on the effective date of this article shall be subject to the provisions of this Article.
- F. This Article shall take precedence over any inconsistent provisions of the Zoning regulations contained within the Code of the Town of Avon.
- G. No Solar Panels or other Solar Energy Equipment used in any Solar Energy System shall utilize or contain any amount of GenX chemicals or polyfluoroalkyl substances (PFAS).
- H. For all Solar Energy Systems, no signage or graphic content may be displayed on the Solar Energy Equipment except the manufacturer's badge, safety information and equipment specification information.
- I. For Type 2 Solar Energy Systems, a sign not to exceed nine square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number, disconnect and other emergency shutoff information, 24-hour emergency contact information, and it will be clearly displayed on a light reflective surface.
- J. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- K. Payment in Lieu of Tax Agreement. The owners or developers and landowners of the property upon which Commercial Building-Mounted Solar Energy Systems, Commercial Roof-Mounted Solar Energy Systems or Type 2 Solar Energy Systems are to be developed shall be required to enter into a contract with the Town for payments in lieu of taxes pursuant to Real Property Tax Law §487 9.(a).

Upon the owner or developer providing written notification to the Town of its intent to construct a Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System, the Town Assessor, or the Town Attorney on behalf of the taxing jurisdiction shall notify such owner or developer in writing within sixty (60) days of its intent to require a contract for payments in lieu of taxes.

- (1) In no event shall such payment in lieu of tax agreement operate for a period of more than fifteen (15) years, commencing in each instance from the date on which the benefits of such exemption first become available and effective under Real Property Tax Law §487.
- (2) In no event shall such payment in lieu of tax agreement require annual payments in an amount that would exceed the amount that would otherwise be payable but for the exemption under Real Property Tax Law §487.
- (3) The payment in lieu of tax agreement shall run to the benefit of the Town of Avon and be executed by the Applicant/developer as well as the owners of the real property upon which the Solar Energy System is to be located and such signatures shall be notarized in a format that allows the payment in lieu of tax agreement to be recorded at the Office of the Livingston County Clerk. Such payment in lieu of tax agreement shall, prior to commencement of construction, be recorded at the office of the Livingston County Clerk as a lien on the property upon which and indexed against the property upon which the Solar Energy System is to be constructed. The intent of the above provisions is so that should the Applicant/developer or owner of the Solar Energy System default with regard to such payment in lieu of tax agreement, that such obligation will become the responsibility of the then owner of the property upon which the Solar Energy System is sited and that failure to satisfy the terms of such agreement will permit the Town of Avon to enforce such agreement as against the owner of the real property and the real property.
- (4) At its sole discretion, the Avon Town Board may refer an application for a Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System to one or more private consultants to assist such Board in negotiating, drafting and/or reviewing the required payment in lieu of tax agreement. Such consultants may include a professional engineer, attorney, planning consultant or other specialist. All expenses incurred by the Town for this purpose shall be reimbursed to the Town by the Applicant within thirty (30) days of the Town issuing a detailed invoice to Applicant requesting reimbursement for the same.

At its discretion and at any time during the application process, the Town Board may require that Applicant furnish a deposit in an amount that it deems initially sufficient to be used for reimbursement of such expenses. Upon request of Applicant, the Town shall provide a general estimate of anticipated consulting services to be provided and estimated costs for the same. However, any such estimate of services or costs related to such services shall not in any way restrict the level of reimbursement ultimately required to be made by Applicant. It is the specific intention of this section that all expenses relating to professional consulting services rendered to the Town or any of its Boards, relating to an application for development of a Solar Energy System, be borne by the Applicant and not the taxpayers of the Town. Any such deposit shall be held in a non-interest-bearing account and shall be used to reimburse the Town for expenses that have been incurred as a result of such consultants. Prior to the Town making any payment or withdrawal from such account, the Town shall provide Applicant with notice of such intended payment and documentation supporting such payment. Applicant shall have the right, within five (5) business days from receipt of such notice, to protest any account withdrawal or payment to a consultant which it contends is not reasonably necessary or is not reasonable in amount. The Town Board shall thereafter have thirty (30) days to provide its determination with regard to Applicant's objection, which shall be provided to Applicant in writing. Should such deposit be depleted prior to final approval of the required payment in lieu of tax agreement, the Town Board may require that additional monies be deposited with the Town before further processing of the payment in lieu of tax agreement will continue. The Town Board may suspend indefinitely the negotiation and drafting and review of the payment in lieu of tax agreement as a result of the failure of Applicant to timely remit a required deposit or to promptly reimburse the Town for expenses relating to such consultants. Any such suspension shall supersede any Town of New York State law, rule or regulation relating to the timing of issuance of approvals for such payment in lieu of tax agreements.

- (5) No building permit may be issued for any approved Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System until such time as a payment in lieu of tax agreement has been executed by all parties.

L. Community Benefit Agreement. The owners or developers and landowners of the property upon which a Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System is to be developed shall be required to enter into a community benefit agreement with the Town for payment by the owners, developers or landowners to the Town of an agreed upon monetary amount or provision of a specified public improvement or improvements that shall act to offset the potential negative impacts that may be associated with a Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System.

- (1) At its sole discretion, the Avon Town Board may refer an application for a Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System to one or more private consultants to assist such Board in negotiating, drafting and/or reviewing the required community benefit agreement. Such consultants may include a professional engineer, attorney, planning consultant or other specialist. All expenses incurred by the Town for this purpose shall be reimbursed to the Town by the Applicant within thirty (30) days of the Town issuing a detailed invoice to Applicant requesting reimbursement for the same. At its discretion and at any time during the application process, the Town Board may require that Applicant furnish a deposit in an amount that it deems initially sufficient to be used for reimbursement of such expenses. Upon request of Applicant, the Town shall provide a general estimate of anticipated consulting services to be provided and estimated costs for the same. However, any such estimate of services or costs related to such services shall not in any way restrict the level of reimbursement ultimately required to be made by Applicant. It is the specific intention of this section that all expenses relating to professional consulting services rendered to the Town or any of its Boards, relating to an application for development of a Solar Energy System, be borne by the Applicant and not the taxpayers of the Town. Any such deposit shall be held in a non-interest-bearing account and shall be used to reimburse the Town for expenses that have been incurred as a result of such consultants. Prior to the Town making any payment or withdrawal from such account, the Town shall provide Applicant with notice of such intended payment and documentation supporting such payment. Applicant shall have the right, within five (5) business days from receipt of such notice, to protest any account withdrawal or payment to a consultant which it contends is not reasonably necessary or is not reasonable in amount. The Town Board shall thereafter have thirty (30) days to provide its determination with regard to Applicant's objection, which shall be provided to Applicant in writing.

Should such deposit be depleted prior to final approval of the required community benefit agreement, the Town Board may require that additional monies be deposited with the Town before further processing of the community benefit agreement will continue. The Town Board may suspend indefinitely the negotiation and drafting and review of the community benefit agreement as a result of the failure of Applicant to timely remit a required deposit or to promptly reimburse the Town for expenses relating to such consultants.

- (2) No building permit may be issued for any approved Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System until such time as a community benefit agreement has been executed by all parties.

M. Road Use Agreement. Prior to issuance of any building permit for a Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System and as a condition to any Special Use Permit being issued, the Applicant and its general contractor shall enter into a written Road Use Agreement benefitting the Town and in a format acceptable to the Town at its sole discretion. Such Road Use Agreement will require Applicant and its General Contractor to indemnify and hold the Town harmless from any and all damage to the roadways within the Town that may result from the development of Applicant's Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System. As a part of such Road Use Agreement, Applicant (or its General Contractor) shall provide an irrevocable financial security bond (or other form of surety acceptable to the Town of Avon at its sole discretion), benefitting the Town, that shall ensure the indemnification and hold harmless provisions set forth in the applicable Road Use Agreement.

- (1) In the event that any damage is done to any Town road as a result of the development of an Applicant's Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System, said Applicant and/or its General Contractor shall be responsible to perform repairs to such road that are acceptable to the Town Highway Superintendent in his/her reasonable discretion.
- (2) Such repairs shall be completed within sixty (60) days of when written notice of a demand to repair was personally served or sent via certified mail to Applicant or its General Contractor or such longer timeframe as determined by the Town Board at its sole discretion upon a showing of good cause by Applicant .

Should Applicant or its General Contractor fail to effectuate such repairs within sixty (60) days, or within a different timeline at the discretion of the Town Board, the Town shall be permitted to execute on the irrevocable financial security bond (or other form of surety) with written notice to Applicant or its General Contractor.

- (3) The provisions of the Road Use Agreement required hereby and the requisite financial security bond (or other form of surety) shall remain in full force and effect for no less than one year after all construction has been completed and the project has been certified as complete by a professional engineer.
- (4) No building permit may be issued for any approved Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System until such time as a Road Use Agreement as required hereby has been executed by all parties.

N. Traffic Routes. Construction and delivery vehicles for Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System and Type 2 Solar Energy Systems shall use traffic routes established as part of the applications review process. Factors in establishing such corridors shall include:

- (1) Minimizing traffic impacts from construction and delivery vehicles.
- (2) Minimizing Solar Energy System related traffic during times of school bus activity.
- (3) Minimizing wear and tear on local roads.
- (4) Minimizing impacts on local businesses.
- (5) Special Use Permit approval may contain conditions that limit Solar Energy System related traffic to specified routes and include a plan for disseminating traffic route information to the public.

§130-82. Abandonment and Decommissioning.

- A. If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned after 180 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Type 1 Solar Energy Systems or 180 days without production of energy and offsite sale to and consumption by one or more customers for Commercial Building-Mounted Solar Energy Systems, Commercial Roof-Mounted Solar Energy Systems or Type 2 Solar Energy Systems.

Each of the above time frames may be extended by the Town Board, at its sole discretion, upon a showing of good cause by the then owner or operator of the Solar Energy System.

- B. Determination of Abandonment or Inoperability. A determination of the abandonment or inoperability of a Solar Energy System shall be made by the Town Code Enforcement Officer, who shall provide the permit holder, owner or operator and owner of the real property upon which the Solar Energy System is located with written notice by personal service or certified mail. At the earlier of the 91 days from the date of determination of abandonment or inoperability without reactivation or upon completion of dismantling and removal, any approvals and/or permits granted or issued for the Solar Energy System shall automatically expire.
- C. Removal. All Solar Energy Systems (and related infrastructure) shall be dismantled and removed immediately from a Lot where the Special Use Permit or Site Plan approval has been revoked by the Town of Avon Zoning Board of Appeals or the Town Planning Board respectively, or if the Solar Energy System has been deemed by the Code Enforcement Officer to be inoperative or abandoned for a period of more than 180 days (unless the time frame is extended by the Town Board pursuant to the provisions of paragraph A. above) and the Lot shall be restored to its pre-development condition. The responsibility to dismantle and remove and all such costs of removal shall be the sole responsibility of the permit holder, owner, or operator and/or owner of the real property upon which the Solar Energy System is located. If the permit holder, owner or operator and/or owner of the real property upon which the Solar Energy System is located does not dismantle and remove said Solar Energy System as required by the Decommissioning Agreement, the Town Board may complete removal and decommissioning as set forth in the Decommissioning Agreement and levy all related expenses (not covered by any removal bond or other form of surety provided pursuant to such Decommissioning Agreement) associated with the removal onto the real property tax bill associated with the property upon which the Solar Energy System was located, regardless of who the permit holder, owner or operator and owner of the real property upon which the Solar Energy System is/was. Any costs or expenses related to removal (by the Town or completed on behalf of the Town's authority pursuant to this section) that are to be levied onto the real property tax bill for the property on which the Solar Energy System was located, shall not be off-set, reduced or diminished for any recycling or salvage credits or value relating to the removed Solar Panels or Solar Energy Equipment, except and unless the Town has actually received such credits or value prior to the relevy of such costs and then, such reduction shall be limited to the actual dollar value received by the Town. Nothing in this Article shall be interpreted to require or obligate the Town to undertake to obtain salvage or recycling credits, value, or proceeds with regard to any Solar Panels or Solar Energy Equipment to be removed pursuant to this section.

- (1) Removal of all Commercial Building-Mounted Solar Energy Systems, Commercial Roof-Mounted Solar Energy Systems and Type 2 Solar Energy Systems shall be in accordance with the Decommissioning Agreement required by §130-80 E. (1)(k)i above.

§130-83. Revocation.

If the Applicant or its successor in title/ownership of any Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state, or federal laws, rules or regulations, such violation shall be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of Avon Zoning Board of Appeals and Planning Board holds a joint hearing on the alleged violations, at which the Applicant or its successor in title/ownership shall have an opportunity to be heard and present evidence in defense of the allegations of such violations.

§130-84. Interpretation; conflict with other law.

In its interpretation and application, the provisions of this Article shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. This Article is not intended to interfere with, abrogate or annul other rules, regulations, or laws, provided that whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards shall govern.

§130-85. Severability.

If any section, subsection, phrase, sentence or other portion of this Article is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

This Local Law shall take effect immediately upon filing with the Secretary of State of New York.

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

RESOLUTION #152 SUSPEND THE MORATORIUM FOR SOLAR

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

ADOPTED AYES 5 NAYS 0

RESOLVE to suspend the Moratorium for Solar.

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 Twin Cedars may possibly be putting in a new pit (meter vault). It would require meeting our design criteria and be installed under the Town's restriction, and then be dedicated to the Town of Avon. MRB Group will be reviewing the project.

DISCUSSION-ENGINEER REPORT

MRB Group Engineer David Willard spoke about his discussion with the Supervisor LeFeber regarding opportunities for spending the dollars received from the State for Covid on the town tank. They are looking at other projects and the Town's Water Study. The price of pipe has not been reduced and availability continues to be low.

Councilman Coyne requested Code Enforcement Officer Glise share all emails related to the solar project on Pole Bridge Road as he is working on the drainage issued in the area. His request was made to keep him updated. Discussion continued and included:

Site plan revisions need to be sent to MRB Engineer David Willard

What is the flow chart? – Solar Engineer might have a solution

Where are the details?

MRB Group Engineer Lance commented and responded back to Code Enforcement Officer Glise.

Code Enforcement Officer Glise attempted to forward from his home computer, but forwarding was not working. It was sent from the Town Hall/Opera Block at 5:55 P.M., just before tonight's meeting.

Who is making the decision the Project Financial Supporter, Project Engineer, or Project General Contractor? The Board responded stating it is the Permit Holder.

This could be an addition to the site plan.

Things are still pending.

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise reported on the following:

Complaints continue on the quarry.

Building in Royal Springs

Planning Board – Tec Park line adjustments

Meeting next week to discuss sewer and the Town hands continue to be tied.

Considering new building software from Williamson with other proposals.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Superintendent Crye provided the following written report:

HIGHWAY:

- Park's & Cemetery's
- Wedging
- Maintained driveways & shoulders
- Boom mowing Town & County
- Help Livonia pave
- Fix Agar & Pole Bridge guiderail
- Helped County with Fowlerville Road

WATER:

- Everyday maintenance & sampling
- GIS
- Read meters

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight provide a written report dated August 10th and confirmed with the Board Members present they received the report.

In addition, the Annual training requirement is assisted by NYMIR, and they have a new software system for our use. The first group to use the new system is the Town Board, Highway/Water Superintendent, and his Deputy. Activation is necessary to assign the required classes. Each Board Member was sent an email to make you aware of the activation email that was going to come from NYMIR's software entitled NEOGOV. Has the Board received both emails as I have not been notified that you have activated? There is a time limit of 5 days and the need to send again was determined.

Request for Town Board action includes:

Approval of minutes not yet considered: July 22, 2021
Accept Monthly Town Clerk Report
Request for response from Supervisor to Kevin Lillis

Supervisor LeFeber requested a phone number for Kevin Lillis, and it was provided by reviewing the complaint he completed for the Code Department.

A thank you is extended to Councilman Drozdziel for his question Can you use the printer/scanner/copier in the distribution center to put things into Laserfiche rather than using the "Laserfiche" scanner at the Town Clerk's counter workstation? Prior to his question, we could not use the printer/scanner/copier because we did not have the connection to Laserfiche. This week working with General Code Laserfiche Specialist as a part of our annual contract and Shawn at Hurricane Technology my office can perform that task.

We are still working out details for the Code Department to give them that capability. For our department this is a tremendous improvement to our efficiencies.

A few items for Board consideration are for the Historian's Office that both Clara and Maureen could not be in attendance tonight. The first request is to purchase a laptop computer with a docking station, cordless keyboard, and mouse. The second is to purchase a full user of Laserfiche for a cost of \$1,210.00, this includes four hours of training. The 2nd year forward is estimated to be \$110.00 annually. The Board will continue to consider during the preparation of the 2022 budget.

DISCUSSION – HISTORIANS

Town Clerk Knight provided the requests on behalf of Historian Mulligan as she was not able to attend tonight's meeting. Supervisor LeFeber stated the request for a new laptop and Laserfiche will be considered during budget time. The following 2020 Annual Report follows:

Annual Report for 2020
Office of Town Historian
Avon, New York
December 31, 2020

Objectives for 2020:

- The railroad historic marker will be dedicated.
- Digitization of the Subject File titles will be completed as a computer research aid.
- Activities leading up to the Bicentennial of Livingston County will be supported.
- Efforts in the development of Papermill Park will be continued.

The year began, as many have, with an optimistic outlook for our usual local history concerns— Research, Education, Historic Preservation, Presentations, etc. Little did we know that a worldwide pandemic would alter our lives. March of 2020 began a new reality of limited access to public facilities and activities, illnesses from the COVID 19 virus, fear of contracting the disease, much use of disinfectants, wearing of masks, maintaining distances between people, isolation for those in nursing homes and care facilities, postponement of gathering “until 2021” and the hope that the new year would offer some relief.

However, the good news is, there were many accomplishments in spite of adversity.

Because of social distancing efforts, Clara began consistent but separate office hours on Thursday afternoons, starting in September. Clara spent her time learning how to accurately attend to office duties, most importantly, properly accessioning items into the collection so that they can easily be retrieved for research purposes.

As COVID retreats and normal operations resume, it is important to note that Clara, Maureen and volunteer, Gail Settle, each put in three hours a week. Totalling nine hours, we keep email correspondence up to date, continuously file obituaries and recent articles relating to Avon, continue to properly accession donated items, and research inquiries regarding local history. As a result, we are actively fulfilling our role as providers of local history for the public to access.

Research

- John Liccini was our hero as we prepared for our Avon Railroad historical marker dedication on September 25. He researched the confusing history of the many railroad lines that came through Avon, and successfully wrote the brochure. We are very grateful for his enthusiasm and volunteering his time, especially as our railroad history file was lacking content.
- Research was conducted on the Paper Mill area in preparation for the Paper Mill historical marker to be dedicated in 2021.

Education

- Maureen and Clara joined forces with Holly Watson, Deputy County Historian, to help direct the mural to be painted on the west wall of the Avon Fire Hall. Shawn Dunwoody, muralist extraordinaire, has been hired to encompass elements of Avon into a colorful mural. We offered our historic perspectives, including Native American Corn Planter, the mastodon, and the importance of water, including the Spa Era and the Genesee River.
- The office supported activities planned and/or launched by the County Historian's Office in 2020 in the anticipated celebration of the Livingston County Bicentennial (2021).

Historic Preservation

Maureen and Clara participated in two important committees concerning historic preservation in Avon.

- The Third-Floor restoration grant process involved gathering as much information as we could find to support the validity of making the third floor a useable community space. With the grant now awarded, the work continues as we hope to help guide the protection of the graffiti and theater elements that have remained intact over the decades.
- We also participated in guiding the Avon Village towards a National Register nomination to become a Historical District. The district acknowledges the homes and businesses over 50 years old. Tax credits will be available to those who improve their building, keeping the historic elements intact. This designation will attract more tourism and help increase local pride in our many legacies.

Presentations

Alas, there were few public functions in any capacity this year due to the COVID virus.

- Avon Central School teacher, Cordulla Kennel met with Maureen and Joan Reid to develop a creative writing project. High school students visited the APHS Museum in February to investigate their various topics, narrow the focus of their search, and had planned follow-up visits. Then the office and Museum closed as directed in March.

Documentation

We were advised to observe and note some of the conditions presented by the COVID-19 virus pandemic.

- The office closed March 10, 2020. Brief visits were made to check e-mail, etc., and send the 2019 Annual report to the County and State Historians.
- There was a brief ceremony in the Park on May 25, for Memorial Day. The service was not advertised, the veterans massed flags, presented wreaths, honored the day and the dead and went home.

- Schools and churches closed.
- Restaurants either closed completely or were limited to take-out service.
- Stores limited the number of people admitted. Many products were not available.
- All were mandated to wear masks and to allow a six-foot distance between people.
- The office reopened in June with strict conditions—no visitors, researchers. All surfaces were to be sanitized, from hands to equipment. Inquiries were answered on-line.

Additional documentation projects:

- Volunteer assistance is provided by Gail Settle. Obituaries and clippings are copied, filed and scanned into Laserfiche format.

Objectives for 2021

- Maureen, in the official and respected role as Historian Emerita, is working on completing the updated version of “The Heart of the Genesee Country”.
- Dedicate the Paper Mill historical marker
- Digitize some of the important images stored by the AP&HS

Respectfully submitted,
Clara Mulligan, Maureen Kingston

DISCUSSION - SUPERVISOR DEPARTMENT REPORT

Supervisor LeFeber provided the following budget transfers for Board consideration.

RESOLUTION #153 BUDGET TRANSFER REPORT

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the budget line transfers for yearend 2020 as follows:

GENERAL FUND – TOWNWIDE

<i>Transfer From:</i>		
AA.1620.400	Buildings Contractual	\$16,134.00
		\$16,134.00
 <i>Transfer To:</i>		
AA.1355.400	Assessor Contr Exp	\$8,489.00
AA.9010.800	State Retirement	\$3,581.00
AA.9055.800	Disability Insurance	\$247.00
AA.9060.800	Hosp & Med Insurance	\$3,817.00
		\$16,134.00

GENERAL FUND - OUTSIDE VILLAGE

Transfer From:

BB.1289.000	Other Departmental Revenue	\$14,187.00
		\$14,187.00

Transfer To:

BB.1420.400	Attorney Contr Exp	\$7,923.00
BB.1440.400	Engineer Contr Exp	\$6,264.00
		\$14,187.00

HIGHWAY FUND – TOWNWIDE

Transfer From:

DA.5148.400	Services Other Gov't Contr Exp	\$9,143.00
		\$9,143.00

Transfer To:

DA.5130.100	Machinery Pers Serv	\$1,952.00
DA.5130.400	Machinery Contr, Exp	\$6,408.00
DA.9010.800	State Retirement	\$ 675.00
DA.9055.800	Disability Insurance	\$ 108.00
		\$9,143.00

HIGHWAY FUND - OUTSIDE VILLAGE

Transfer From:

DB.5110.400	General Repairs Contr Exp	\$108.00
		\$108.00

Transfer To:

DB.9055.800	Disability Insurance	\$108.00
		\$108.00

WATER DISTRICT

Transfer From:

SW.8320.400	Source of Supply Pwr & Pump Contr, Exp	\$1,169.00
		\$1,169.00

Transfer To:

SW.8340.102	Transmission & Dist Deputy Pers Serv	\$392.00
SW.9010.800	State Retirement	\$777.00
		\$1,169.00

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

RESOLUTION #154 BUDGET TRANSFER REPORT

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

ADOPTED AYES 5 NAYS 0

RESOLUTION to approve the following midyear line transfers for 2021 as follows

GENERAL FUND – TOWNWIDE

Transfer From:

AA.1990.400	Contingency	\$5,000.00
AA.8810.400	Building Contractual	\$4,000.00
UNANTICIPATED REVENUE		
AA.1090.000	Interest & Penalties	\$1,000.00
AA.2401.000	Interest & Earnings	\$1,000.00
AA.2651.000	Sale of Refuse for Recycling	\$1,200.00
AA.5999.22	Unexpensed Fund Balance	<u>\$4,400.00</u>
		\$16,600.00

Transfer To:

AA.1220.400	Supervisor Contractual	\$ 3,800.00
AA.1355.400	Assessor Contr. Exp.	\$12,000.00
AA.9055.800	Disability Insurance	<u>\$ 800.00</u>
		\$16,600.00

GENERAL FUND - OUTSIDE VILLAGE

Transfer From:

UNANTICIPATED REVENUE

BB.2555.000	Building Permits	\$3,694.00
		\$3,694.00

Transfer To:

BB.6410.400	Publicity Contr Exp.	\$1,800.00
BB.8020.400	Planning Contr Exp.	\$1,700.00
BB.9060.800	Hosp. & Medical Insurance	\$ 194.00
		\$3,694.00

HIGHWAY FUND – TOWNWIDE

Transfer From:

DA.2414.000	Equip. Rental-Other Govt.	\$16,449.00
DA.5999.000	Unexpended Balance – Reserve	\$210,000.00
		\$226,449.00

Transfer To:

DA.5130.200	Machinery Equipment	\$219,861.00
DA.9010.800	State Retirement	\$ 6,163.00
DA.9055.800	Disability Insurance	\$ 425.00
		\$226,449.00

HIGHWAY FUND - OUTSIDE VILLAGE

Transfer From:

DB.5110.400	General Repairs Contr Exp	\$ 590.00
	UNANTICIPATED REVENUE	
DB.3501.000	Consolidated Highway	\$21,071.00
		\$21,661.00

Transfer To:

DB.5112.200	Perm Improvements Pers Serv	\$21,071.00
DB.9005.800	Disability Insurance	\$ 590.00
		\$21,661.00

WATER DISTRICT

Transfer From:

SW.2665.000	Sale of Equipment	\$21,113.00
		\$21,113.00

Transfer To:

SW.1440.400	Engineer Contr Exp.	\$21,113.00
		\$21,113.00

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

RESOLUTION #155 ACCEPT THE MONTHLY REPORTS

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

ADOPTED AYES 5 NAYS 0

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

Town Clerk's July 2021 Report:

Total Local Shares Remitted:	\$1,516.39
New York State Department of Health	\$ 67.50
NYS Ag. & Markets for spay/neuter program	\$ 53.00
NYS Environmental Conservation	\$ 278.71
TOTAL	\$1,915.60

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

DISCUSSION – ASBESTOS SAMPLING

Councilman Drozdziel opened the discussion on the proposals from Paradigm and the requirement for asbestos sampling. The Board took the following action:

RESOLUTION #156 APPROVE CONTRACT WITH PARADIGM FOR LIMITED ASBESTOS SURVEY FOR PHASE 1 PROPOSAL 1

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the following contract:



PARADIGM
ENVIRONMENTAL SERVICES, INC.

WWW.PARADIGMENV.COM

179 Lake Avenue, Rochester, NY 14608 PHONE: 585-647-2530 TOLL FREE: 800-724-1997 FAX: 585-647-3311

August 6, 2021

Town Of Avon
Paul Drozdziel
23 Genesee St.
Avon NY

Re: Limited Asbestos Survey for Phase 1 Proposal 1

Dear Mr. Drozdziel:

Paradigm Environmental Services, Inc. is pleased to present the following proposal regarding your specifications for the limited asbestos survey at the above referenced location.

Paradigm Environmental Services Inc. has provided all labor, supplies, materials, and equipment incidental to laboratory analysis of samples as required by and in strict accordance with all Federal, State, and Local regulations.

APPROACH

The importance of careful planning and development of a systematic approach to the inspection cannot be over-emphasized. A well-organized inspection will result in a more accurate and efficient field assessment. Paradigm will provide New York State Department of Labor certified Asbestos Inspectors to conduct an asbestos survey in accordance with New York State Code Rule 56 and in the manner prescribed by the USEPA AHERA protocol established in 40 CFR 763. The purpose of this survey is to assist in determining the presence of asbestos containing materials in the spaces identified.

SCOPE OF WORK

The following protocol shall be followed to assure a well-developed field inspection and asbestos survey report:

Space Identification:

The first step in a building survey is to delineate and identify the spaces within the property to be inspected. Paradigm will provide drawings identifying the locations where sampling was performed and include them in the final report.

Homogeneous Materials:

Identification of homogeneous materials can be determined from the information gathered during the space identification process. A homogeneous material contains a material that is uniform in texture and appearance, was most likely installed at one time, and is unlikely to contain more than one type of material. The required number of each suspect material will be taken in accordance with the State of New York protocol.

Assessment of Material:

The assessment of potential asbestos containing materials shall include the identification of the homogeneous area, description of the material being assessed, designation of friable or non-friable, and the actual condition of the materials.

Sample Locations:

Sampling locations and materials shall be limited to those locations and materials designated by you. All samples shall be collected in inconspicuous spaces whenever feasible (closets, above ceilings, in pipe chases, etc.). All sample locations shall be plotted on the drawing. Interior and exterior core samples shall be repaired with roofing tar, caulk, or spackle depending on the material or area sampled.

ASBESTOS ANALYTICAL PROCEDURES

Paradigm Environmental Services, Inc. is an accredited environmental laboratory for the analysis of asbestos as bulk material, airborne fibers, and settled dust or debris. Staffed by experienced and qualified personnel, Paradigm’s laboratory is certified by the New York State Department of Health through the Environmental Laboratory Approval Program NYS ELAP ID# 10958 for bulk and air samples.

Certified asbestos analysts will analyze bulk samples using the Polarized Light Microscopy (PLM) method prescribed by NYS ELAP Item 198.1 and 198.6, *Identifying and Quantitating Asbestos in Friable and Non-Friable Bulk Samples* and EPA Method for the Determination of Asbestos in Bulk Building Materials EPA/600/R-93/116. All negative non-friable, organically bound materials (NOB) such as roofing, floor tiles, mastics, vinyl, etc. will be noted on the PLM report with the following disclaimer as per NYS ELAP Item 198.1.6.3.2.2.1: *Polarized Light Microscopy is not consistently reliable in detecting asbestos in floor coverings and similar non-friable, organically bound materials. Quantitative Transmission Electron Microscopy (TEM) is currently the only method that can be used to determine if this material can be considered or treated as non-asbestos containing.* Transmission Electron Microscope (TEM) analysis will be performed by NYS ELAP Item 198.4, *Identifying and Quantitating Asbestos in Non-Friable Organically Bound Bulk Samples*.

REPORT FORMAT

The final inspection report will contain the following sections relative to the information collected during the inspection:

- Introduction
- Conclusions
- Identification and approximate quantities of all asbestos containing materials
- Laboratory analysis reports
- Sample Location Drawings

ESTIMATED BUDGET

Paradigm Environmental Services, Inc. estimates a budget of two thousand three hundred seventy dollars (\$2,370) to complete this project based on your scope, previous sampling, the square footage, knowledge of the building, and similar projects. Our breakdown is as follows:

	Quantity	Rate \$	Total \$
PLM Sample Analysis	40	\$25.00	\$1,000.00
TEM Sample Analysis	12	\$65.00	\$780.00
NYS Certified Inspector Labor	12	\$45.00	\$540.00
Report	1	\$50.00	\$50.00
Total			\$2,370.00

The client will be charged for the actual labor involved and the actual number of samples that are analyzed to provide a compliant report.

Paradigm appreciates this opportunity to provide you with our professional services. If you have any questions, please feel free to contact me at (585) 647-2530.



WWW.PARADIGMENV.COM

179 Lake Avenue, Rochester, NY 14608 PHONE: 585-647-2530 TOLL FREE: 800-724-1997 FAX: 585-647-3311

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn House", is written over a horizontal line.

Shawn House
Vice President
Paradigm Environmental Services Inc

Client Approval:

Approved By Date

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

RESOLUTION #157 APPROVE CONTRACT WITH PARADIGM FOR LIMITED ASBESTOS SURVEY FOR PHASE 2 PROPOSAL 2

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the following contract:



WWW.PARADIGMENV.COM

179 Lake Avenue, Rochester, NY 14608 PHONE: 585-647-2530 TOLL FREE: 800-724-1997 FAX: 585-647-3311

August 6, 2021

Town Of Avon
Paul Drozdziel
23 Genesee St.
Avon NY

Re: Limited Asbestos Survey for Phase 2 Proposal 2

Dear Mr. Drozdziel:

Paradigm Environmental Services, Inc. is pleased to present the following proposal regarding your specifications for the limited asbestos survey at the above referenced location.

Paradigm Environmental Services Inc. has provided all labor, supplies, materials, and equipment incidental to laboratory analysis of samples as required by and in strict accordance with all Federal, State, and Local regulations.

APPROACH

The importance of careful planning and development of a systematic approach to the inspection cannot be over-emphasized. A well-organized inspection will result in a more accurate and efficient field assessment. Paradigm will provide New York State Department of Labor certified Asbestos Inspectors to conduct an asbestos survey in accordance with New York State Code Rule 56 and in the manner prescribed by the USEPA AHERA protocol established in 40 CFR 763. The purpose of this survey is to assist in determining the presence of asbestos containing materials in the spaces identified.

SCOPE OF WORK

The following protocol shall be followed to assure a well-developed field inspection and asbestos survey report:

Space Identification:

The first step in a building survey is to delineate and identify the spaces within the property to be inspected. Paradigm will provide drawings identifying the locations where sampling was performed and include them in the final report.

Homogeneous Materials:

Identification of homogeneous materials can be determined from the information gathered during the space identification process. A homogeneous material contains a material that is uniform in texture and appearance, was most likely installed at one time, and is unlikely to contain more than one type of material. The required number of each suspect material will be taken in accordance with the State of New York protocol.

Assessment of Material:

The assessment of potential asbestos containing materials shall include the identification of the homogeneous area, description of the material being assessed, designation of friable or non-friable, and the actual condition of the materials.

Sample Locations:

Sampling locations and materials shall be limited to those locations and materials designated by you. All samples shall be collected in inconspicuous spaces whenever feasible (closets, above ceilings, in pipe chases, etc.). All sample locations shall be plotted on the drawing. Interior and exterior core samples shall be repaired with roofing tar, caulk, or spackle depending on the material or area sampled.

ASBESTOS ANALYTICAL PROCEDURES

Paradigm Environmental Services, Inc. is an accredited environmental laboratory for the analysis of asbestos as bulk material, airborne fibers, and settled dust or debris. Staffed by experienced and qualified personnel, Paradigm’s laboratory is certified by the New York State Department of Health through the Environmental Laboratory Approval Program NYS ELAP ID# 10958 for bulk and air samples.

Certified asbestos analysts will analyze bulk samples using the Polarized Light Microscopy (PLM) method prescribed by NYS ELAP Item 198.1 and 198.6, *Identifying and Quantitating Asbestos in Friable and Non-Friable Bulk Samples* and EPA Method for the Determination of Asbestos in Bulk Building Materials EPA/600/R-93/116. All negative non-friable, organically bound materials (NOB) such as roofing, floor tiles, mastics, vinyl, etc. will be noted on the PLM report with the following disclaimer as per NYS ELAP Item 198.1.6.3.2.2.1: *Polarized Light Microscopy is not consistently reliable in detecting asbestos in floor coverings and similar non-friable, organically bound materials. Quantitative Transmission Electron Microscopy (TEM) is currently the only method that can be used to determine if this material can be considered or treated as non-asbestos containing.* Transmission Electron Microscope (TEM) analysis will be performed by NYS ELAP Item 198.4, *Identifying and Quantitating Asbestos in Non-Friable Organically Bound Bulk Samples.*

REPORT FORMAT

The final inspection report will contain the following sections relative to the information collected during the inspection:

- Introduction
- Conclusions
- Identification and approximate quantities of all asbestos containing materials
- Laboratory analysis reports
- Sample Location Drawings

ESTIMATED BUDGET

Paradigm Environmental Services, Inc. estimates a budget of two thousand three hundred seventy dollars (\$2,370) to complete this project based on your scope, previous sampling, the square footage, knowledge of the building, and similar projects. Our breakdown is as follows:

	Quantity	Rate \$	Total \$
PLM Sample Analysis	24	\$25.00	\$600.00
TEM Sample Analysis	10	\$65.00	\$650.00
NYS Certified Inspector Labor	12	\$45.00	\$540.00
Report	1	\$50.00	\$50.00
Total			\$1,840.00

The client will be charged for the actual labor involved and the actual number of samples that are analyzed to provide a compliant report.

Paradigm appreciates this opportunity to provide you with our professional services. If you have any questions, please feel free to contact me at (585) 647-2530.



WWW.PARADIGMENV.COM

179 Lake Avenue, Rochester, NY 14608 PHONE: 585-647-2530 TOLL FREE: 800-724-1997 FAX: 585-647-3311

Sincerely,

Shawn House
Vice President
Paradigm Environmental Services Inc

Client Approval:

Approved By Date

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

DISCUSSION – STIPEN FOR CODE ENFORCEMENT OFFICER

Councilman Coyne questioned the voucher for the Code Enforcement Officer for his \$700.00 mileage stipend. It was determined that the amount is budgeted and has occurs annually. The number of miles is not required to be recorded. Councilman Harrington is not in favor of providing a vehicle and supports the stipend.

RESOLUTION #158 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2021-15 in the following amounts:

General Fund	Amounts totaling \$35,481.83
Highway Fund	Amounts totaling \$4,402.64
Water Fund	Amounts totaling \$57,850.82
Royal Springs Lighting	Amounts totaling \$1003.69

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

DISCUSSION - SUPERVISOR DEPARTMENT REPORT

Supervisor LeFeber reported on finding a discrepancy in a base water bill reading. We did loose water as it was not caught during the last reading or prior to the review conducted by Supervisor LeFeber. It was questioned why the software did not catch the discrepancy.

Department budgets are being collected and Deputy Supervisor Mairs, Supervisor Secretary McDowell and he will be working on putting together a tentative budget with Shelby.

SHIPPO approval needs to happen prior to any construction. A number will be plugged in to provided estimates in the 2022 budget for the Opera Block and Pocket Park

The CAP will need to be revisited because of the PILOT dollars.

OPEN ITEMS

Councilman Harrington asked for an update on Barilla Article 7 and Attorney Campbell responded stating that nothing has happened. The courts start to pick back up around September.

Councilman Coyne asked Board Members for any comments on the Pocket Park. Drawings were provided and Councilman Drozdziel shared his written comment by email to the Town Board, the Village and he provided a paper copy to Councilman Coyne. Councilman Coyne stated the Committee needs feedback and appreciates all written comments. Supervisor LeFerber asked if there is a timeline as we will need budget planning. Councilman Coyne will provide the requested information.

Councilman Coyne also requested Code Enforcement Officer Glise share with the entire Town Board all correspondences regarding drainage.

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

Working on submission to SHIPPO that includes renovation work with a thirty-page drawing attachment that paints the picture of the renovation. The State has thirty days to respond, and it is expected there will be some back-and-forth communications for clarifications.

The master plan will be a part of the submission as it paints a picture of the entire building.

Further steps will be taken to keep the building open during construction. He is working with Justice Hoffman, and he has been very corporative and enthusiastic. Placement of the metal detector on the first floor will cause a need for more than one officer. It was confirmed with Justice Hoffman that he is sharing information with Justice Torregiano.

The goal is to be completed in 2022. Sixty percent of the architectural fees will be paid in 2021.

Social Media is being used to seek photographs of the building and will be expanded with the help of a Board Member of the Historical Society. She is planning to hook up with Livingston County News to ask for pictures while promoting the project.

The Landmark Grants of \$50,000.00 are pending.

We will be responsible to complete quarterly reports of the grant.

The new entrance to the stairwell at the back of the building will be complementary to the existing building.

Site plan visits and consideration of a generator will be discussed.

Supervisor LeFerber thanked Councilman Drozdziel for the working that he is doing.

DISCUSSION – VISITOR COMMENTS

Supervisor LeFeber asked if there were any visitor comments.

Visitor Forsythe suggested contacting the owner of the Avon Herald for photographs as it was a newspaper that covered Avon for a long time. Mr. Westfall, President of the Avon Preservation & Historical Society agreed to assist.

Visitor Forsythe also made suggestions of controls for traffic on North Avon and Oak Openings Roads.

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

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk