

A regular meeting of the Town of Avon was held on Thursday December 28, 2021, at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414.

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, and Councilman Malachy Coyne

ABSENT: Councilmen James Harrington and Paul Drozdziel

OTHERS: Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: None

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

DISCUSSION – VISITOR COMMENTS

Supervisor LeFeber asked for any visitor comments and there were none.

RESOLUTION #224 APPROVAL OF MINUTES

On motion of Supervisor LeFeber, seconded by Councilman Coyne the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN HARRINGTON AND DROZDZIEL)

RESOLVE to approve the minutes of December 9, 2021, as presented by e-mail and to request they be published on the Town of Avon website at townofavon-ny.org.

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

DISCUSSION-ENGINEER REPORT

MRB Group Engineer David Willard was not in attendance. Supervisor LeFeber reported that Engineer Willard is trying to reach the company that inspected the tanks the last time to provide a complete list of potential projects.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Superintendent Crye provided the following written report:

HIGHWAY: Snow removal, Brush, Shop, Fixed pipe (drainage) Pole Bridge, GIS, Royal Springs Pond Outlet – opened, Cemetery

WATER: Everyday maintenance & sampling, Stakeouts, PRV's, Health Department inspection Meter changes

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise was not in attendance and provided the following written report:

**DEPARTMENTAL REPORT
BUILDING & ZONING
NOVEMBER 16, 2021 - DECEMBER 27, 2021**

The following Building Permits were issued during the time period Nov.16 - Dec. 27, 2021

2021-0135	Wright	re-roof	11/17/2021 1	\$40.00
2021-0136	Maurer	electric work	11/23/2021 1	\$25.00
2021-0137	Paul	sign	11/24/2021 1	\$108.00
2021-0138	Klaus	re-roof	12/7/2021 1	\$40.00
2021-0139	Lippa	pole barn	12/17/2021 1	\$208.00
2021-0140	Scott	propane heating stove addition-	12/17/2021 1	\$40.00
2021-0141	Tietzworth	garage/storage/greenhouse	12/20/2021 1	\$76.56
2021-0142	Greenfield	generator	12/21/2021 1	\$40.00
TOTAL PERMIT FEES FOR TIME PERIOD				\$577.56
FEES OUTSTANDING FOR TIME PERIOD				\$0.00
TOTAL FEES COLLECTED				\$577.56

The following are permits currently renewed for one year:

The following are projects/permits currently working on:

- Piranha on Tec Drive to begin Phase II of project and adding 2 more Flex Buildings
- 2 new applications for solar arrays - Starkey/Wolcott Drive, Lake Road
- White Horse site plan for changes to current lot and adding another lot on West Henrietta Rd.
- Dutch Hollow Liquor store - site plan approval for renovations of building for liquor store

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

- processing all paperwork through the correct channels on a timely basis

-clean-up of outstanding permits, violations and Laserfiche filing system

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight provided a written report dated December 27, 2021 and confirmed with the Board Members present received the report.

RESOLUTION #225 ADOPT THE FOLLOWING PROCLAMATION FOR THE HONORABLE JAME C. ORMAN

On motion of Supervisor LeFeber, seconded by Deputy Supervisor Mairs the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN HARRINGTON AND DROZDZIEL)

RESOLVE to adopt the following proclamation

PROCLAMATION

Presented to Rowan Young, in honor of his grandfather, the Honorable James C. Orman

Whereas, a School, Village and Town are only as great as its citizens who demonstrate exemplary service to their community, whether through participation in voluntary programs, through unique personal achievement in their professional or other endeavors or simply through a lifetime of good citizenry; and

Whereas, it is with honor the Town Clerk can recognize and pay tribute to those within the Town of Avon who have made strong contributions to their communities and serve as role models for their peers; and

Whereas, the Honorable Justice James C. Orman according to the Avon Central School official records was elected/appointed and provided valuable leadership serving as an Avon Central School Board Members September 25, 1967 through July 11, 1972; and

Whereas, the Honorable Justice James C. Orman according to the Village of Avon's official records was elected/appointed to serve as Acting Police Justice from 1976 through 1993 and as Village Justice from 1993 through 2006; and

Whereas, The Honorable James C. Orman according to Town records served the Town of Avon in many positions; and

Whereas, at a meeting of the Town Board held on January 11, 1973, James C. Orman was appointed by Avon Town Board Supervisor Albert Burke, Councilmen Richard Coyne and Charles Moran, Councilmen/Justices James Steele, and William Farr, to serve as The Environmental Council for a two-year term along with Frank Fusco.

Whereas, at a Special Meeting of the Town Board held on November 6, 1975 the Avon Board Members Supervisor Albert C. Burke; Councilman Charles Moran, and Councilman/Justice William Farr authorized James C. Orman to attend Justice School in Buffalo at the expense of the Town of Avon; and

Whereas, at the Organization Meeting held on January 2, 1976, the Honorable Justice James Orman began his term to serve the dual position of Justice/Town Board Member until January 3, 1980 when the positions were separated, and the Honorable Justice James C. Orman served as one of the Town Justices; and

Whereas, the Honorable Justice James C. Orman completed his term that ended on December 31, 2003; and

Whereas, The Honorable Justice James C. Orman was contacted to return on July 28, 2005, by the Town Board members including Supervisor David LeFeber, Deputy Supervisor Deborah Coyne and Councilmen Donald Cook, Jr., Gary Wheat and Kelly Cole to once again serve as Town Justice to complete a term of the Honorable Justice Ellen Coyne who resigned during her term; and

Whereas, the Honorable Justice James C. Orman accepted the appointment and retired for the second time from his service to the Town of Avon serving as Town Justice on December 31, 2005; and

Whereas, the Official Minutes of the Avon Town Board dated December 28, 2021 reflects the Honorable James C. Orman tribute and was ratified by the adoption of these minutes by the Avon Town Board on January 3, 2022; and

Whereas, the Honorable James C. Orman, was a man of distinction whose remarkable insight and kindness was brought to these positions, with absolutely no ego. It is not easily described, and it may just sound like boilerplate tribute language, but he was truly an Honorable man; and

Therefore, be it Resolved the Avon Town Clerk hereby resolves to recognize a friend who has been described by a fellow Judge as one of the finest persons he has ever known and an extraordinary person.

The Honorable James C. Orman

As a former employee and resident with deep roots in the Avon community that exemplifies outstanding citizenry, a tradition of excellence and a commitment to the Avon Community and the great State of New York.

Dated: December 14, 2021

In Witness Whereof, I have hereunto set my Hand and Signature

Sharon M. Knight, MMC/RMC Avon Town Clerk

Vote of the Board: Councilman Drozdziel – Absent, Councilman Coyne- Aye, Councilman Harrington - Absent, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye
DISCUSSION TOWN CLERK/TAX COLLECTOR & COURT ANNUAL AUDIT

Supervisor LeFeber presented two proposals to conduct the annual audits. After discussion it was determined to have Deputy Supervisor Mairs, to once again, perform the audit saving approximately \$4,000.00.

RESOLUTION #226 APPOINTMENT OF GARY WHEAT TO THE BOARD OF ASSESSMENT REVIEW

On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN HARRINGTON AND DROZDZIEL)

RESOLVE to appoint Gary Wheat to the position of Board of Assessment review, term to expire September 30, 2026.

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

RESOLUTION # 227 AUTHORIZE SUPERVISOR LEFEBER TO SIGN LETTER OF SUPPORT FOR THE WILLARD FARM'S APPLICATION

On motion of Supervisor LeFeber, seconded by Councilman Coyne the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN HARRINGTON AND DROZDZIEL)

RESOLVE to authorize Supervisor LeFeber to sign a letter of support for the Willard Farm's application to the New York State Department of Ag & Markets for a Farmland Protection Implementation Grant

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

DISCUSSION - IDENTIFIED WATER LEAK FOR ACCOUNT #802

Supervisor LeFeber shared information from a new homeowner regarding a high-water bill. A request to reduce the bill was sent by email and the Board took the following action.

RESOLUTION #228 REDUCE THE WATER BILL FOR ACCOUNT #802

On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN HARRINGTON AND DROZDZIEL)

RESOLVE to reduce the water bill of account #802 for the November billing for water used to \$2.27 per gallon.

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

RESOLUTION #229 YEAR END BUDGET TRANSFERS FOR 2021

On motion of Supervisor LeFeber, seconded by Deputy Supervisor Mairs the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN HARRINGTON AND DROZDZIEL)

RESOLVE to make the following budget transfers for 2021:

TOWN OF AVON
PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 12/28/21 MEETING:

GENERAL FUND - TOWNWIDE			
<i>Transfer From:</i>	AA.1620.400	Buildings Contractual	\$ 2,358.00
	AA.5132.400	Garage Contr Exp	\$ 20,000.00
	AA.7310.100	Youth Service Per Serv	\$ 4,901.00
			<u>\$ 27,259.00</u>
<i>Transfer To:</i>	AA.1220.400	Supervisor Contractual	\$ 225.00
	AA.1355.400	Assessor Contr Exp	\$ 969.00
	AA.1420.400	Attorney Contr Exp	\$ 16,290.00
	AA.1910.400	Unallocated Insurance	\$ 4,608.00
	AA.1990.400	Contingency	\$ 16.00
	AA.7310.400	Youth Services Contr Exp	\$ 4,901.00
	AA.9060.801	Hosp & Med Ins - H.S.A	\$ 250.00
			<u>\$ 27,259.00</u>

GENERAL FUND - OUTSIDE VILLAGE

<i>Transfer From:</i>	BB.1420.400	Attorney Contr Exp	\$ 12,000.00
	BB.1440.400	Engineering Contr Exp	\$ 19,397.00
	BB.5650.400	Parking Contr Exp	\$ 7,500.00
			<u>\$ 38,897.00</u>
 <i>Transfer To:</i>	BB.3620.103	Safety Insp Clerk Pers Serv	\$ 1,676.00
	BB.6410.400	Publicity Contr Exp	\$ 1,291.00
	BB.8020.400	Planning Contr Exp	\$ 35,886.00
	BB.9055.800	Disability Insurance	\$ 44.00
			<u>\$ 38,897.00</u>

HIGHWAY FUND - TOWNWIDE

<i>Transfer From:</i>	DA.5142.400	Snow Removal Contr Exp	\$ 3,923.00
			<u>\$ 3,923.00</u>
 <i>Transfer To:</i>	DA.5130.200	Machinery Equipment	\$ 3,900.00
	DA.9055.800	Disability Insurance	\$ 23.00
			<u>\$ 3,923.00</u>

HIGHWAY FUND - OUTSIDE VILLAGE

<i>Transfer From:</i>	DB.9060.800	Hosp & Med Ins	\$ 2,300.00
		UNANTICIPATED REVENUE	
	DB.3501.000	Consolidated Highway	\$ 8,934.00
			<u>\$ 11,234.00</u>
 <i>Transfer To:</i>	DB.5112.200	Perm Improvements Pers Serv	\$ 8,934.00
	DB.9060.801	Hosp & Med Ins - H.S.A	\$ 2,300.00
			<u>\$ 11,234.00</u>

LIGHT DISTRICT

<i>Transfer From:</i>		UNANTICIPATED REVENUE	
	SL.5999.000	Unexpended Balance	\$ 78.00
			<u>\$ 78.00</u>
 <i>Transfer To:</i>	SL.5182.400	Street Lighting Contr Exp	\$ 78.00
			<u>\$ 78.00</u>

WATER DISTRICT

<i>Transfer From:</i>	SW.8320.400	Source of Supply Pwr & Pump Contr Exp	\$ 3,200.00
			<u>\$ 3,200.00</u>
 <i>Transfer To:</i>	SW.1440.400	Engineer Contr Exp	\$ 3,200.00
			<u>\$ 3,200.00</u>

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

RESOLUTION #230 AUTHORIZE SUPREVISOR LEFEBER TO SIGN THE MERGER AND COLLATERAL ASSIGNMENT LETTER - SOLAR ENERGY SYSTEMS

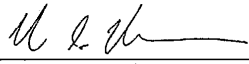
On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN HARRINGTON AND DROZDZIEL)

RESOLVE to authorize Supervisor LeFeber to sign the merger and collateral assignment letter that provided written notice of the Sponsor's intent to consummate the Merger and the assignment of the Agreement to the Surviving Entity that may be deemed to occur in connection with, and because of, the Merger by operation of law, and the Collateral Assignment as follows:

®

Sincerely,

Avon Solar Farm, LLC

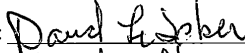
By: 

Name: Matthew G. Ulman

Title: Vice President

Acknowledged and Agreed:

Town of Avon

By: 
Name: David LeFebvre
Title: Supervisor

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

SUPERVISOR DEPARTMENT REPORT

Supervisor LeFeber reported there continues to be outstanding issues with the storm water management at the Next Era Solar Farm and they need to be resolved prior to flipping the switch. The electric trays are not in the ground and the discussion included what materials would be used. Snow removal is a part of the agreement as well as keeping the driveway open for emergency equipment.

Both solar and battery storage are going to put a burden on our Code Department.

RESOLUTION #231 ACCEPT THE CLAIMS

On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN HARRINGTON AND DROZDZIEL)

RESOLVE to accept for payment Abstract 2021-24 in the following amounts:

General Fund	Amounts totaling \$124,741.98
Highway Fund	Amounts totaling \$5,409.76
Water Fund	Amounts totaling \$4,171.75
Royal Springs Lighting	Amounts totaling \$1,148.15

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

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 6:53 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk