

A regular meeting of the Town of Avon was held on Thursday, January 27, 2022 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, Councilmen James Harrington, Malachy Coyne, and Paul Drozdziel

OTHERS: MRB Group Engineers William Davis and David Willard, Code Enforcement Officer Brian Glise, Attorney James Campbell (by phone), Highway/Water Superintendent Thomas Crye, Motor Equipment Operator/Water Laborer Eric Hendrick, and Sharon M. Knight, MMC/RMC Town Clerk

GUESTS: Mayor Freeman, Village Trustees Mark McKeown, Bill Zhe, Pat McCormick, and Tim Batzel

VISITORS: Amanda Hoffmann and Edward Forsyth

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

DISCUSSION – PRESENTATION OF PROCLAMATION

Supervisor LeFeber presented the proclamation prepared by Town Clerk Knight to Cathy Young in honor of her dad James C. Orman. Cathy shared her heartfelt appreciation and thanks for the hard work that everyone puts into her hometown. The proclamation brings happiness to her entire family including her mom that lives in the Village on High Street. The proclamation will be a keepsake to her grandson, Roman Young.

DISCUSSION – PUBLIC COMMENTS

Supervisor LeFeber asked for public comments and there were none.

RESOLUTION #32 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 January 13, 2022 as presented by e-mail and to request they be published on the Town of Avon website at townofavon-ny.org.

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

RESOLUTION #33 ADOPTION OF BOND RESOLUTION

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

ADOPTED BY A ROLL CALL VOTE AYES 5 NAYS 0

NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 35.00

NOTICE IS HEREBY GIVEN THAT the Town Board of the Town of Avon, New York (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all the members of such Board has, on January 27, 2022, adopted, pursuant to the Local Finance Law of the State of New York, a bond resolution stating that:

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on January 13, 2022, has duly issued a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts: now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK, (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all the members of such Board, as follows:

1. capital improvements consisting of reconstruction of the unrestored/undeveloped 3rd floor of the historic Avon Town Hall, formerly known as the “Opera Block” building, to meet the operational needs of the Town and create safe and suitable space for community use and public interest programming, with the addition of a 3 story, masonry, rated stair tower required for a second means of egress, fire alarm and sprinklers, ADA accessibility, new bathrooms and new mechanical systems, various site and other incidental improvements in connection therewith and the acquisition of original furnishings, equipment, machinery or apparatus that may be required in connection therewith for such construction and Town use (hereinafter referred to as “purpose”), are authorized and general obligation serial bonds in an aggregate principal amount up to \$1,500,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are authorized to be issued to finance said purpose; and

2. the maximum aggregate cost to the Town is estimated to be \$1,500,000 for said purpose and such amount is appropriated therefor and the plan for financing of said purpose is to provide all of such maximum cost by issuance of serial bonds and bond anticipation notes as authorized, to be offset and reduced dollar for dollar by the amount of grants received from the NYS Department of Parks and Recreation, currently estimated to be \$574,999; and

3. (a) such building shall be a class "B" building as defined in Subdivision 11 of Paragraph a of Section 11.00 of the Local Finance Law, and said purpose is one of the class of objects or purposes described in Subdivision 11 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty-five (25) years, (b) the proposed maximum maturity of said bonds authorized by the resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds; and

4. the bonds and notes authorized by the resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of all the taxable real property in the Town is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes; and

5. the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, from the proceeds of the obligations authorized for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations, and such is a declaration of official intent under Treasury Regulation §1.150-2; and

6. the power to further authorize the issuance of said bonds and bond anticipation notes and to prescribe the terms, form and contents of said bonds and bond anticipation notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for and determinations with respect to, credit and liquidity enhancements, if any, and to sell and deliver said bonds and bond anticipation notes subject to the provisions of the resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is delegated to the Town Supervisor, the Town's chief financial officer, the Town Supervisor and the Town Clerk are authorized to sign by manual or facsimile signature any bonds and bond anticipation notes issued pursuant to the resolution, and are authorized to affix to such bonds and bond anticipation notes the corporate seal of the Town of Avon and to attest the same; and

7. the faith and credit of the Town of Avon, New York, are irrevocably pledged for the payment of the principal of and interest on such bonds and bond anticipation notes as the same respectively become due and payable, and an annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year; and

8. after compliance with the next paragraph hereof, the resolution shall be published in full by the Town Clerk of the Town of Avon together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law, and the validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of the resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

9. Such bond resolution is subject to a permissive referendum of the qualified electors of the Town of Avon pursuant to Section 35.00 of the Local Finance Law and petitions protesting and requesting that it be submitted to the electors of the Town of Avon for their approval or disapproval, may be filed with the Town Clerk at any time within thirty (30) days after the date of the adoption of such resolution.

By order of the Town Board of the Town of Avon, New York.

DATED: January 27, 2022

PUBLISH: February 10, 2022

Sharon M. Knight MMC/RMC, Town Clerk Town of Avon, New York

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

DISCUSSION - ADOPTION OF BOND RESOLUTION

Attorney Campbell will work with the Town Clerk regarding publications he will also begin looking for rates with institutions.

RESOLUTION #34 LOCAL LAW T-2A-2022 BATTERY ENERGY STORAGE LAW

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

RESOLVE to set the public hearing for Local Law T-2A-2022 entitled Battery Energy Storage Law for February 24, 2022 at 6:15 PM at the Opera Block/Town Hall. Attorney Campbell will send to the County Planning Department for their review.

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

RESOLUTION #35 LOCAL LAW T-1A-2022 ADDING PARKING AND STANDING RESTRICTION FOR TOWN ROADS

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

RESOLVE to set the public hearing for Local Law T-1A-2022 entitled Adding Parking and Standing restriction for Town Roads February 24, 2022 at 6:30 PM at the Opera Block/Town Hall.

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

RESOLUTION #36 SCHEDULE JOINT TOWN BOARD MEETING

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

RESOLVE to schedule a Joint Meeting with the Town Board, Planning Board and Zoning Board of Appeals for Monday, February 21, 2022 at 7:00 P.M.

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

DISCUSSION – ATTORNEY REPORT

Attorney Campbell reported on the following:

He is working with CEO Glise on two solar projects. One on Starkey Drive and the second on Lake Road. A part of the work is formatting decommission agreements, a new PILOT agreement, community agreements and road use agreements.

CEO Glise is working on SWIPP and accessibility with EMS and Fire protection. The County is requesting emergency information.

Supervisor LeFeber spoke of the need for the Town to be provided with information regarding property changing hands that have solar panels. The previous property owner is happy to provide the information. CEO Glise will send the boiler plate letter that will be reviewed by Attorney Campbell prior to mailing.

Attorney Campbell updated the Board on the Oak Openings application for a Special Use Permit that will be presented at the reschedule Zoning Board of Appeals meeting on Wednesday, the 2nd of February.

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise reported on the following:

He is working with the two solar projects regarding inspections.

There have been complaints of people on snow mobiles driving on properties with solar projects.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Superintendent Crye provided the following report:

HIGHWAY: Snow removal and shop maintenance

WATER: Everyday maintenance & sampling, meter reading, changing meters with large usage customers.

RESOLUTION #37 AMEND 2022 FEE SCHEDULE

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

RESOLVE to amend the 2022 Fee Schedule to add the following:

Water Department Fees:

Purchase of portable water \$25.00 for first 1,000 and \$6.08 per additional 1,000

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

DISCUSSION – ENGINEER DEPARTMENT REPORT

Supervisor LeFeber stated that he would like an update on what the Solar project on Route #5/20 needs to complete regarding storm water drainage. Engineer David Willard stated the Solar Farm provided their mitigation plan and its being reviewed by MRB Engineer Lance Brabant.

MRB Group Engineer William Davis and David Willard provided the following report:

A draft proposal for a water study update is being completed. It is being formatted for grant funding applications.

There is a meeting scheduled with the County Water and Sewer Director for discussion on the County Water Study Plans.

The authorization for the tank painting for Underwater Solutions was received. It was recommended to add the tank mixer for \$10,000.00. The Town will be responsible to provide the electric. The control panel will provide notification if things are not working properly.

RESOLUTION #38 UNDERWATER SOLUTIONS AGREEMENT

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

RESOLVE to authorize Supervisor LeFeber to sign a contract in the amount of \$10,000.00 with Underwater Solutions to install a mixer with a floor mount control panel.

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

DISCUSSION – ENGINEER DEPARTMENT REPORT-continued

An update regarding the approved Paper Mill Park grant was provided that included no forward movement. It was suggested to check back in a few months. Supervisor LeFeber will reach out to Assemblywoman Burns and Senator Galvin.

Work on GIS continues.

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight confirmed with the Board their receipt of her report dated January 26, 2022 as received by the Town Board. A request came in this evening for a turning lane at the entrance to the NYS DEC located on Route #5/20. A copy of the request will be provided to the Board for discussion at the next meeting.

DISCUSSION – VALUE OF THE TOWN OF AVON eCODE 360

There was discussion on the Town and public use of the eCode 360 provided by General Code.

RESOLUTION #39 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2022-02 in the following amounts:

Concerning ABSTRACT of Claims Number 2022-02 including claims as follows:

General Fund	Amounts totaling \$3,765.70
Highway Fund	Amounts totaling \$6,166.25
Water Fund	Amounts totaling \$411.65
Town of Avon Fire Protection	Amounts totaling \$654,054.00

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

DISCUSSION – SUPERVISOR REPORT

Supervisor LeFeber spoke of a preservation grant that was not approved and the interest in re-applying. The Board appeared to support re-applying by the March deadline.

Supervisor LeFeber requested the Board consider approval to replace the Historian's computer. There continues to be questions for Hurricane Technology when they come to the meeting. The Board took the following action for the Historian's computer.

RESOLUTION #40 HISTORIAN COMPUTER

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

RESOLVE to approve the purchase of a new computer and docking station for the Historian.

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

DISCUSSION – JOINT MEETING WITH THE VILLAGE BOARD

Mayor Freeman and Councilman Coyne updated the Boards regarding the Village Sewer Plant. Discussion included but was not limited to the following:

- A tour of the Village facilities occurred
- Estimate of future growth for volume was requested
- Suggestion the Village and Town Planning Boards meet to develop a list of potential growth for the next 3, 5, 10, 20 and 30 years
- A consulting firm will then present all the options
- Past work has kept things operational, but it is time to work on replacements
- Supervisor LeFeber will draft a letter to both Planning Boards for this new partnership requesting a February meeting. Mayor Freeman stated the grant applications are due in the summer.

MRB Group Engineer Davis updated the Boards regarding the Pebble Beach Pump Station. Discussion included but was not limited to the following:

- Installation of new below water level pipe to connect to the new pump station
- Waiting for the contractor to provide shop drawings
- February/March timeframe complete test pits
- The project a little behind due to materials
- Special inspections have been solicited and is a part of the quoted price at \$5,000.00.
- final numbers will be available soon.
- Completion should be end of this year possibly September/October

Mayor Freeman and Councilman Coyne updated the Boards regarding the egress and ingress to the parking lot. Discussion included but was not limited to the following:

- Cost is \$20,000.00 for each the Village and the Town to be spent in 2022
- No issues with National Grid moving their poles
- Geneva granite curbing is most expensive part of project
- Laying the blacktop in the Spring
- Additional handicap parking spots will be on Genesee Street
- Waiting for topographical and overlay maps from Kevin O'Donoghue
- Parking lot out back will be completed later
- Storm water plan is being worked on for the parking lot
- The design of the pocket park is a separate plan, and a committee will be developed in the future.
- Retaining walls will be needed
- Completed traffic study
- Will be looking for grant applications
- The West side of the pocket park is still in design phase
- Opera Block/Town Hall currently has a dedicated handicap parking spot
- The construction of a new stair well will reduce current Opera Block/Town Hall parking

Councilman Drozdziel updated the Board on the third-floor renovation and master plan of the Opera Block/Town Hall. Discussion including but was not limited to the following:

- A floor plan was shared with those in attendance
- Additional stairwell at the back of the building
- Customer service will be on the first floor except for the Assessor's office on the South side of the building.
- Finishing off the bank side of the first floor
- Town Court will be continued to be held on the second floor and will add space for the Judge's Chambers
- During construction court may need to be moved – possibility to the Village Hall or an adjourning municipality
- The metal detector will be placed on the first floor during court

SHIPPO has approved the plans

A walk through for bidding was held on Tuesday the 25th of January

There will be four contractors – General, HVAC, Electrical and Plumbing

Bids are due on the 10th of February

Overbudgeted items are expected, concerned about the budget, and hope we can buy all that was planned

Handicap accessibility to the stage, ceiling reproduced, refinishing floor, chair rail, stenciling duplicated are all a part of the project

Additional bathrooms on the second floor

Outside of third floor we have applied for a grant for a generator

Phasing plan is to move the Code/Water Office to the first floor

210 days of construction is planned

Construction parking will be in the municipality parking lot

MRB Group Engineer William Davis reported the on Solar Project behind Pole Bridge Road stormwater drainage maps are being reviewed for comments and it is expected to be completed in a few weeks.

MRB Group Engineer William Davis provided maps of a recommendation addressing the ongoing stormwater project on Pole Bridge Road. Discussion included but was not limited to the following:

Four of five property owners have agreed to provide easements, the fifth will be contacted for their consideration

A proposed map was shared for potential stormwater including two ponds

Additional easement maybe required on the South end

A walk though of the properties was completed

Although the map includes the ponds the written proposal does not

It is common for Engineer's designed maps keep ownership as they provide liability insurance on their drawing/maps

Sometimes owners are negotiated along with the liability

As a professional curtesy Engineers often share design maps

Property owners would require additional maintenance easements

Water would come down Lake Road to the creek

Stormwater drainage improvements would be provided to CVS and Tom Wahls

The fire department are constantly pumping Lake Road due to flooding

Mr. Piampiano, property owner on Pole Bridge cannot mow in his back yard until June

Previous \$25,000.00 was spent on proposed stormwater drainage

MRB drawings for stormwater improvements taking water across Route 5/20 were completed prior to the development of solar on Pole Bridge Road.

It was questioned if and how is Howlett Farm willing to assist with improvements to stormwater drainage

DEC regulations do not allow further increasing water flow from one property to another

These drainage issues represent a fact specific situation, it has consistently been a problem. The drainage issues have not been the caused by a specific person or use but has developed over time. Specific accountability is difficult as you would need to prove cause and that is very difficult. This is an ongoing issue that has taken place over a long period of time.

For any development of a commercial improvement, post development conditions are not allowed to be any worse than pre-development conditions. Our Engineers review the plans of the Developer's Engineer's plans.

At one time for many years there was a ditch behind homes that was five feet deep and five to six feet wide that no longer exists. It is believed that is the cause of the increased flooding. If that is the case, it needs to be demonstrated not just speculation. If an appeal to the property owner found his willingness, then that an appropriate way to resolve, but that is not a legal conclusion.

A Town/Village agreement would need to be developed to move forward.

Retaining swills are a part of the plan that slows the flow of the water

The pipe size under Route #5/20 is not a part of this design

The number of easements was estimated

Mr. Howlett has been very cooperative along with two municipalities (Village/Town) with vested interest to stop the flood that occurs several times each year.

Municipal agreements that include maintenance responsibilities and who is going to complete the construction is needed

We are talking about spending taxpayers' dollars on private property

Separation of the Village/Town portions of drainage was considered not practical

Consideration of the flow of water down Lake Road to Linden Street has produced flooding that includes private property on Linden Street

There are no effects on this proposal connected to "flipping the switch" at the Solar Farm

In a perfect world the development of a separate drainage district would be the focus.

The cost of updating the design map would not be more than \$1,000.00.

Acquire a reasonable easement that might need to be amended in the future

Property owner Howlett has been supportive of the Village and Town

Preserve, maintain, nurture, and build our relationships with all the neighbors.

The grades of the land determine the location of the ponds.

Easement maps would need to be developed if all are on board.

A list of names will be prepared by MRB Group Engineer Davis.

The Village and Town Boards agreed the best way to move forward is to invite the neighbors and share the concept design maps and seek input. Supervisor LeFeber and Mayor Freeman will prepare a joint letter of invitation in the early part of April to be held at the Town Hall/Opera Block.

DISCUSSION – AUDITS

Deputy Supervisor Mairs reported the audits of the Town Clerk, Tax Collection and Court is being rescheduled due to his illness.

DISCUSSION – VISITOR COMMENTS

Supervisor LeFeber asked for visitor's comments and Howard Forsythe shared his thoughts on the drainage project.

On motion of Deputy Supervisor Mairs, seconded by Supervisor LeFeber the meeting was adjourned at 8:50 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk