

A regular meeting of the Town of Avon was held on Thursday, April 14, 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: Code Enforcement Officer Brian Glise, Attorney James Campbell, Town Justice David Hoffman, and Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: Robert Westfall & Edward Forsythe

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

DISCUSSION – PUBLIC COMMENTS

Supervisor LeFeber asked for public comments and they follow:

RESOLUTION #91 APPROVAL OF MINUTES

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was ADOPTED AYES 4 NAYS 0

RESOLVE to approve the minutes of March 24, 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

DISCUSSION – COURT REPORT

Supervisor LeFeber asked if Town Justice Hoffman had a report and he responded that there was no report.

DISCUSSION – ATTORNEY REPORT

Attorney Campbell provided the following report:

Last week the ZBA resolved and finished the Oak Opening Special Use Permit application and filed with the Town Clerk's Office on April 5, 2022. The ZBA did an excellent job, considering the pressure of the neighbors. Town Board considered an overlay district to stop the problem from spreading although the Attorney did not recommend it. Discussion continued and included the Code Enforcement Officer's duty to address complaints. The DEC shut the residents down and is not addressing the residents' complaints. The Town of Avon Code Department keeps records of complaints that are sometimes necessary to use in court.

The Board directed Attorney Campbell to prepare a proposed overlay map to include specific boundaries using neighboring Towns and State Roads to prevent spot zoning. The definition of lithium mining within our Town Code will be reviewed. There is a requirement that a property owner would need to meet to get a special use permit.

Zoning Board of Appeals Member Westfall requested the Town Board look at the overlay maps used.

RESOLUTION #92 PREPARE A DRAFT OVERLAY MAP ON MINING

On motion of Councilman Coyne, seconded by Supervisor LeFeber the following resolution was ADOPTED AYES 4 NAYS 1 (Deputy Supervisor Mairs)

RESOLVE to request Attorney Campbell prepare a draft local law for an overlay map .

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

Attorney Campbell also reported that he will be looking at the wish list with CEO Glise and make some recommendations on zoning changes.

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise reported on the following:

A call was received to request no jake break signs on Oak Openings Road and a written request will be forwarded.

A request for relief regarding the dead end within the IDA.

Twin Cedars 30 - 40 new homes. Visiting three to four times per week.

DISCUSSION – ENGINEER REPORT

Engineer waiting for the results of the inspection of the Townline tank.

Emails back and forth regarding the Solar. MBR Group will be reviewing over the next few weeks.

Grant funding for water will be completed in May.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Superintendent Crye was not in attendance and Supervisor LeFeber provided the following report:

HIGHWAY: salt has been hauled, snow equipment off, crossover on North Avon Road. New mowers have not been received to date but have been ordered.

WATER: Changing hydrants on Lake and Pole Bridge Roads. The water lines look to be in decent shape.

DISCUSSION – TOWN CLERK DEPARTMENT REPORT

Town Clerk Knight confirmed receipt of her report dated April 12, 2022 as received by the Town Board. The Board took the following action.

RESOLUTION #93 APPOINTMENT OF GARY WHEAT – BOARD OF ASSESSMENT REVIEW.

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

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 – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #94 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 March 2022 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s March 2022 Report:

Total Local Shares Remitted:	\$ 1,331.61
New York State Department of Health	\$ 22.50
NYS Ag. & Markets for spay/neuter program	\$ 77.00
NYS Environmental Conservation	\$ 108.64
TOTAL	\$ 1,539.75

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

DISCUSSION WATER WORKS COMMITTEE

Councilman Coyne reported on the meeting he attended on April 5, 2022.

Moving forward with the Pebble Beach project.

RESOLUTION #95 ADOPT 2022 WATER RATE

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

RESOLVE to adopt a wholesale water rate of \$2.27 per one thousand gallons for 2022.

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

RESOLUTION #96 WATER WORKS COMMITTEE MEMBER APPOINTMENT

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

RESOLVE to make the following reappointment to the Water Works Committee:

William Labine, term to expire April 26, 2027.

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

DISCUSSION THIRD FLOOR

All the bidding information and MWBE requirements have been submitted to the State. Waiting for them to set up the MWBE reporting structure. Need to hear back from them before issuing a contract. They have 20 days to respond.

The Board could authorize Supervisor LeFeber to sign the bid contracts contingent on State approval to keep things moving along.

RESOLUTION #97 ALLOW SUPERVISOR LEFEBER TO SIGN CONTRACTS FOR OPERA BLOCK BUILDING RENOVATIONS

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

RESOLVE Authorize Supervisor LeFeber to sign contracts with, Whitney East for general construction which includes the base bid of \$1,614,000.00 and the master plan alternate for \$380,000.00 for a total of \$1,994,000.00.

LMC for the plumbing contractor which includes the base bid of \$120,988.00 and the master plan alternate for \$5,986.00 for a total of \$126,974.00.

LMC for mechanical contractor which includes the base bid of \$144,208.00 and the master plan alternate for \$28,218.00 for a total of \$172,426.00.

Erie Electric for electrical contractor which includes the base bid of \$210,224.00 and the master plan alternate for \$155,057.00 for a total of \$557,218.00. Contingent upon State approval and review by Attorney Campbell.

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

Supervisor LeFeber stated that new Graffiti was put on the wall of the third floor. Should new graffiti be allowed or are we preserving what is there? There was further discussion on new graffiti on the third floor.

DISCUSSION HOMETOWN BANNERS

There was a request from Anne Barrett coordinator of the Hometown Hero Banners for funding to replace old and faded banners. The projected cost to replace ten banners is \$380.00. There was discussion about splitting the cost with the village or having the Town pay the whole cost.

RESOLUTION #98 HOMETOWN BANNERS

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

RESOLVE to approve the request to pay the total amount of \$380.00 for the purchase of ten new banners.

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

The Town received a request from Jeff Schweitzer of the Avon Youth Lacrosse Program, which will be replacing mulch at the Avon Free Library on April 23, 2022, for a donation to help pay for the mulch.

RESOLUTION #99 PURCHASE MULCH TO BE USED AT THE AVON FREE LIBRARY

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

RESOLVE to approve \$70.00 to purchase mulch to be used at the Avon Free Library.

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

DISCUSSION ACCEPT THE CLAIMS

Councilman Harrington questioned several vouchers such as Hurricane, Attorney Campbell, and Mobile phone 447-7012. A new billing system will be provided from Attorney Campbell. Councilman Coyne questioned the HSA voucher for the Town Clerk.

RESOLUTION #100 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 2022-07 in the following amounts:

Concerning ABSTRACT of Claims Number 2022-07 including claims as follows:

General Fund	Amounts totaling \$55,978.00
Highway Fund	Amounts totaling \$94,765.88
Water Fund	Amounts totaling \$18,574.05
Royal Springs Lighting	Amounts totaling \$1,128.16

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

DISCUSSION – SUPERVISOR REPORT

The Town and Village has been awarded a \$5,500.00 grant for trails. Supervisor LeFeber would like to speak with the Village Treasurer to put a budget in place to spend the money by May 1, 2022.

DISCUSSION – OPEN ITEMS

Councilman Coyne stated that progress is being made on the Ingress/Egress to the back parking lot. The goal is to have the pocket park finished by Corn Fest. Accessible parking needs to be reviewed.

There is a push to have the Livingston County Sewer capacity study and upgrades ready by the end of the month. There is one more meeting to get through.

Councilman Drozdziel Congratulated Judge Hoffmann on getting the court grant and stated they will need to schedule a time to get together and discuss the way the grant will be used.

There is a need to find a place to conduct court during construction. The Village is willing to hold court during the construction. A tentative construction timeline is being put together and will be shared when completed. The first floor will be completed first.

There was further discussion on Accessible parking.

Judge Hoffmann stated he would like to hold off bringing in a new Deputy Court Clerk until after the building construction is done. Questions about who pays what hours for the Court Clerk Assistant who has been helping with court were discussed.

There have been some consequences for not filling the Deputy Court Clerk position, specifically when the Court Clerk is ill or needs to take time off the office must be closed.

We are paying the Court Clerk for every hour she is in the building and the village is also paying her a salary. We agreed to take money from the Deputy Court Clerk budget line to help pay her salary and as a result the position of Deputy Court Clerk has been revoked. If the position was recreated, then we would not have the issue of having to close the office when the Court Clerk is not here. It was questioned if there is enough work to justify hiring another person?

Judge Hoffman would like to fill the open hours with two clerks so that the office would not have to be closed. The two clerks would split the total number of hours.

The Town will continue to pay a court clerk for thirty hours whether it is for one or two Court Clerks.

RESOLUTION #101 RECREATE THE POSITION OF CLERK TO THE TOWN JUSTICE

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

RESOLVE to create the position of Clerk to the Town Justice with the same duties as the previous Clerk to the Town Justice position.

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

On motion of Councilman Drozdziel, seconded Councilman Harrington by the meeting was adjourned at 8:31 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk