

A regular meeting of the Town of Avon was held on Thursday, April 28, 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, Highway/Water Superintendent Tom Crye, Attorney James Campbell, Historians Clara Mulligan & Maureen Kingston, and Ellen M Zapf, RMC Deputy Town Clerk

VISITORS: Edward Forsythe & Cindy Kellen

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 there were none.

DISCUSSION – ATTORNEY REPORT

Attorney Campbell provided the following report:

Went to court earlier this week with Code Enforcement Officer Glise regarding a code matter on Gilbert Mills Road. The defendant did not appear, and the case was postponed until later in May.

Met yesterday with Supervisor LeFeber and representatives from Dimensions Solar, who will be putting out an additional 5-megawatt solar field on Stoke Farm property on Lake Road. Should have an application in by June.

Will have a public hearing later tonight for local law T-3A-2022.

Working on the overlay map and hope to have it ready by the next meeting.

Talking with Assessor Snyder about PILOTS for Solar. The State has put into place a formulated process for solar PILOTS. We will need to review to understand the process and then we can start our negotiations with Dimensions.

The Assessor and I will have discussions with our Attorney Joel Kurtzhalt regarding the Barilla Lawsuit.

Supervisor LeFeber stated that there has been discussion on the County level regarding available grants. The County is talking with the owner of the hotel on the corner of Routs 5 & 20 and Bronson Hill Road, about purchasing the property and making it available to house the homeless or others that need assistance. There may be an educational component involved.

DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT

Highway/Water Superintendent Crye provided the following report:

HIGHWAY:

Worked on crossovers and driveway pipes and blacktopped them, worked in shop, and started mowing parks and cemeteries.

Notified about the amount of CHIPS money the Town will be receiving.

CHIPS \$114,000.00, Early Winter Recovery \$28,000.00, Pave NY \$34,000.00, and Pothole Repair \$22,500 for a total of 198,500.00. This is about \$140,000.00 more than we usually get.

WATER:

Everyday maintenance and sampling, meter readings are done and are changing out meters.

Received the tank inspection report from Underwater Solutions and everything is in decent shape.

This quarter the Town had the highest water sales we have ever had. Our biggest water customers usage was up considerably.

There was discussion about purchasing a new CAT excavator and selling the old one. The new excavator would cost \$280,450.00, with a trade in it would cost \$148,450.00 and if we wait until after August 1st the price would increase by 15%. The Town should be able to get between \$150,000.00 to \$160,00.00 for the old excavator on Govdeals.com. We would not have to pay for the new machine until January of 2023 and it would go in the budget for next year, but we will receive the new excavator in July of this year.

RESOLUTION #102 AUTHORIZE THE PURCHASE OF A NEW CAT EXCAVATOR

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

RESOLVE to authorize the purchase of a new CAT excavator per contract below:



SALES ORDER

04/18/2022

ORDER DATE

SOLD TO: Town of Avon
 D/B/A: _____
 ADDRESS: 23 Genesee St
 CITY: Avon STATE: NY ZIP: 14414
 PHONE #: 585-226-8401 CELL: 585-303-4456
 Fax #: 585-226-9085 EMAIL: tcrye@avon-ny.org
 INVOICE TO Customer #: _____ P.O.#: _____
 SHIP TO ADDRESS: 5390 Agar Road
 CITY, STATE, ZIP: Avon NY 14414

Customer #: 0569757

FOB: Customers yard

SELL PRICE: \$280,450.00

TRADE IN: \$132,000.00

NET BALANCE: \$148,450.00

STATE TAX: Exempt

SALES TAX: \$0.00

FREIGHT \$ \$0.00

TOTAL DUE: \$148,450.00

DOWN PYMT: \$0.00

PAYOFF AMT: \$0.00

BALANCE: \$148,450.00

Enter total Sales Tax amount in \$'s.

DESCRIPTION

MAKE: CATERPILLAR SERIAL #: KE720002
 MODEL: M318 ID #: EQ205374

ATTACHMENTS & NOTES:

GRADE 2D, STICK, 9' 6", CYLINDERS, VA, SPEED, MAX MPH, UC, BLADE FRONT / OUT, REAR, FENDERS, SYNTHETIC, TIRES, 10-20 DUAL APOLLO AWE713, AUX HYD, HP1 + MP, JS, VA, NO SMARTBOOM, CAB, DELUXE, 70/30, JOYSTICK, 2-SLIDER, NETWORK MANAGER, STD, CAMERA, REAR + RH VIEW, MIRRORS, VA + MH, AUTOLUBE, STICK 9' 6", LINES, MP, STICK 9' 6", LINES, QC + GRADE, STICK 9' 6", CONTROLLER, RC/JS, SENSOR, GRADE /SB /RC, PEDAL, HAMMER,

Condition: NEW PRODUCT

WARRANTY: 1 year unlimited hours / 7 year 3500

TRADE IN: MAKE: CAT MODEL: M318F SERIAL #: F8B00309 ALLOWANCE: \$132,000.00

DESCRIPTION: with 4162 hours, Trump 60" dia, 32" dig buckets, Rockland Trumb, Possore 60" brushroll YEAR: 2015 SOLD TO CUSTOMER # / SALESMAN #:

TRADE IN: MAKE: _____ MODEL: _____ SERIAL #: _____ ALLOWANCE: \$0.00

DESCRIPTION: _____ YEAR: _____ SOLD TO CUSTOMER # / SALESMAN #:

TRADE IN: MAKE: _____ MODEL: _____ SERIAL #: _____ ALLOWANCE: \$0.00

DESCRIPTION: _____ YEAR: _____ SOLD TO CUSTOMER # / SALESMAN #:

SUBJECT TO CREDIT APPROVAL: CAT Financing SMI Financing

FINANCING TERMS: Net Cash Upon Receipt of Invoice
 See Installment Sale Contract
 Skip Payment

Other Net 160 Days

PAYABLE AS FOLLOWS:

Net 160 days from receipt of invoice. To be paid in full in Jan 2023

ADDITIONAL TERMS AND CONDITIONS ON REVERSE SIDE

My.CAT.com _____ VisionLink _____
 CSA or TM&R _____
 CVA _____
 Rental Conversion / Reverse Months _____
 Merchandising Program Code(s) _____
 Purchased Thru NYS/OGS/NJPA Heavy Equipment Contract #PC69406

Seller

SOUTHWORTH-MILTON, INC.

BY: Jeremy Bellinger G-1 00302 16
 (SALES AGENT) DIV./TYPE/#/STORE

ACCEPTED BY: _____
 (BRANCH OR SALES MANAGER)

PURCHASER

Print: _____

By: Thomas W. Crye
 X Thomas W. Crye (Apr 22, 2022 07:59 EDT)

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

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise provided the following report:

Very Busy at Twin Cedars with inspections.
Getting calls from the County about other solar projects. Spoke with Mary Underhill from County Planning Board and she stated that there are changes for the 94C solar projects.
Another complaint regarding the home on Gilbert Mills Road, horses are running amuck.
A couple of projects in zoning which include storage units and selling cars.

DISCUSSION - OPEN PUBLIC HEARING FOR LOCAL LAW T-3A-2022

Supervisor LeFeber opened the public hearing by reading the following legal notice:

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, and pursuant to Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of Avon at **6:15 p.m.** on **Thursday, April 28, 2022**, at the Avon Town Hall, located at 23 Genesee Street, Avon, New York for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A local law to amend the zoning district boundaries of a certain Parcel that partially lies within that zoning district known as General Business District (B1) and partially within that zoning district known as Agricultural District (A), so that all of such Parcel will hereafter be located within the General Business District (B1) within the Town of Avon, Livingston County, New York. The property that is subject to this potential modification is known as 1839 Lakeville Road, Town of Avon, County of Livingston, and State of New York, also being known as Tax Identifier Map Parcel No. 35.-1-33.1 (hereafter “Subject Parcel”), said area being approximately 1.54 +/- acres in size.

A copy of the proposed local law will be available for review by the public at the office of the Town Clerk during regular Town Clerk hours and will also be available on the Town’s website at <https://www.avon-ny.org/town-of-avon/town-home.html>.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: March 29, 2022

By Order of the Town Board of the Town of Avon

Sharon Knight - Town Clerk, MMC/RMC

DISCUSSION LOCAL LAW T-3A-2022

The law was sent to the County for referral and there were no comments. The adjoining parcel was rezoned a few years back. We are only rezoning half of the property as the front half is already zoned General Business (B1).

DISCUSSION – TOWN CLERK’S REPORT

Deputy Town Clerk Zapf confirmed receipt of her report dated April 26, 2022 as received by the Town Board.

Deputy Town Clerk Zapf reported that Town Clerk Knight and she were out sick with Covid 19 last week and the office was closed for three days. Town Clerk Knight is still recovering and is working partial days for now.

DISCUSSION PAPERMILL PARK

Historian Mulligan stated she met with Highway/Water Superintendent Crye at the park yesterday and decided where the new sign would go. Superintendent Crye stated that the post for the sign was put in today.

They also discussed the graffiti issue, the condition of picnic tables and the lack of supervision because of where the park is located. Someone put up a dog run, and it needs to come down.

Called the County Highway Department but was unable to get a hold of Jason Wolfanger about spraying the bridge with a special substance so it is easier to remove graffiti.

Would like to put vetch on the banks between the two bridges to help with erosion.

There was discussion about the grant we were awarded but have not received for the park.

The Town needs to develop rules and have a plan for the park. Councilman Coyne suggested to contact Catherine Young who was instrumental in procuring the grant to see what her vision of the park is. Historian Mulligan will contact her.

It was also suggested to put up cameras and surveillance signs to deter the destruction of Town property. It was decided to try just putting up the signs.

RESOLUTION #103 AUTHORIZE THE PURCHASE OF TWO SURVEILLANCE SIGNS

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

RESOLVE to authorize Highway/Water Superintendent Crye to purchase two surveillance signs to be placed at Papermill Park.

Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - 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 #104 ADOPT THE FINDINGS FOR SEQR - LOCAL LAW T-3A-2022

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-2022.

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

RESOLUTION #105 NEGATIVE DECLARATION FOR LOCAL LAW T-3A-2022

On motion of Councilman Harrington, seconded by Councilman Drozdziel 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 #106 AUTHORIZE SUPERVISOR LEFEBER TO SIGN THE SEQR DOCUMENTS AND TOWN CLERK KNIGHT TO MAKE THE NECESSARY FILINGS

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

RESOLVE to authorize the Supervisor to sign the SEQR documents and have Town Clerk Knight make the necessary filings.

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

RESOLUTION #107 CLOSE PUBLIC HEARING

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

Resolve to close the public hearing on Local Law T-3A-2022

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

RESOLUTION #108 ADOPT LOCAL LAW 3-2022 AMENDING ZONING DISTRICT BOUNDRIES

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

RESOLVE to adopt the following local law:

LOCAL LAW NO. 3 OF THE YEAR 2022
OF THE TOWN OF AVON

A local law to amend the zoning district boundaries of a certain Parcel that partially lies within that zoning district known as General Business District (B1) and partially within that zoning district known as Agricultural District (A), so that all of such Parcel will hereafter be located within the General Business District (B1) within the Town of Avon, Livingston County, New York.

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 ZONING DISTRICT BOUNDARIES OF A CERTAIN PARCEL THAT PARTIALLY LIES WITHIN THAT ZONING DISTRICT KNOWN AS GENERAL BUSINESS DISTRICT (B1) AND PARTIALLY WITHIN THAT ZONING DISTRICT KNOWN AS AGRICULTURAL DISTRICT (A), SO THAT ALL OF SUCH PARCEL WILL HEREAFTER BE LOCATED WITHIN THE GENERAL BUSINESS DISTRICT (B1) 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 Agricultural (A) within the Town, changing such certain specified area to a zoning classification of General Business District (B1), thereby also changing the boundaries of the General Business District (B1) within the Town.

SECTION 3. LOCATION OF MODIFIED ZONING DESIGNATION.

The area that is affected by the modified zoning classification is a parcel known as 1839 Lakeville Road, Town of Avon, County of Livingston and State of New York, also being known as Tax Identifier Map Parcel No. 35.-1-33.1, said parcel being more particularly described as follows: Beginning at a point along the easterly right-of-way line of NYS Route 15 which is approximately 2,043 +/-feet south of the southerly highway right-of-way line NYS Routes 5 & 20 at its point of intersection with the easterly right-of-way line of NYS Route 15, said point also being the southwesterly point of the property designated and known as Tax Identifier Map Parcel No. 35.-1-33.21, said point being the true point and place of beginning: thence easterly along the southerly line of Tax Identifier Map Parcel No. 35.-1-33.21 a distance of 453.7 +/- to a point, said point being the northeasterly corner of Tax Identifier Map Parcel Number 35.-1-33.1; thence southerly along the easterly boundary line of Tax Identifier Map Parcel No. 35.-1-33.1, a distance of 160 +/- feet to a point along the northerly boundary line of Tax Identifier Map Parcel No. 35.-1-32; thence westerly along the northerly boundary line of Tax Identifier Map Parcel No. 35.-1-32, a distance of 453.3 +/- feet to a point along the easterly right-of-way line of New York State Route 15; thence northerly along the easterly right-of-way line of NYS Route 15 a distance of 162 +/- feet to the point of beginning. Intending to describe the entirety of Tax Identifier Map Parcel Number 35.-1-33.1, which is approximately 1.54 acres in area. Said parcel is currently partially classified as General Business District (B1) and partially classified as Agricultural (A) and the whole of such parcel shall hereby be reclassified to a zoning classification of General Business (B1), and 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).

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 SUPERVISOR'S ITEMS

DISCUSSION MULLIGAN FARMS PRUCHASING OF WATER FROM THE VILLAGE

Mulligan Farms is moving forward with purchasing water from the Village as and out of district customer.

The Attorney for the Village would like the Town to sign off on the agreement between Mulligan Farms and the Village. Attorney Campbell does not think the Town needs to sign the agreement as it does not have any real purpose, obligation, or entitlement for the Town.

There was discussion about the formation of a water district in that area in the future and how it will affect Mulligan Farms.

DISCUSSION STORMWATER ISSUES ON POLE BRIDGE ROAD

MRB Group has put together a draft memorandum of understanding for the storm water issue on the east side of Pole Bridge Road. Let Attorney Campbell know your thoughts before we start drafting the agreement. This is an important document and will be long term.

There was discussion about what costs would be shared, who will perform the work, and what the scope of the work is. The scope of the project needs to be known before the agreement can be made.

There was also discussion regarding where the money is coming from to pay for the work.

It was questioned why the Town or Village should be responsible for a problem that is caused by a private landowner? Shouldn't the landowner be responsible?

RESOLUTION #109 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2022-08 in the following amounts:

Concerning ABSTRACT of Claims Number 2022-08 including claims as follows:

General Fund	Amounts totaling \$14,693.69
Highway Fund	Amounts totaling \$7,428.37
Water Fund	Amounts totaling \$10,942.57
Royal Springs Lighting	Amounts totaling \$1,098.94

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

DISCUSSION HIGH SPEED INTERNET

There will be a meeting on Tuesday May 3, at six or seven o'clock. There are five people who are interested to be on the committee. The committee will help the County reach its goal to get high speed internet to all areas of the County.

DISCUSSION TRAIL TOWNS GRANT

Working with the Village on how to spend the \$5,500.00 grant that was received. The decision was made to purchase a new picnic table to be placed at the entrance of the Erie Attica Trail.

OPEN ITEMS

Councilman Harrington would like Highway/Water Superintendent Tom Crye to get the price for vetch for papermill park.

Councilman Drozdziel stated that we are in a holding pattern for the third floor as we have not gotten the final approval from the State.

DISCUSSION – VISITOR COMMENTS

Historian Clara Mulligan stated she is concerned about the Stoke Farm solar field as it may be going on prime soil. She has spoken with Mary Underhill from the County, and she thinks that we should revisit our Solar Law.

On motion of Councilman Harrington, seconded by Councilman Coyne the meeting was adjourned at 7:50 P.M.

Respectfully submitted by:

Ellen M Zapf, RMC Deputy Town Clerk

&

Sharon M. Knight, MMC/RMC Town Clerk