

A regular meeting of the Town of Avon was held on Thursday, June 9, 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, MRB Group Engineer David Willard (left at 7:00), and Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: Christopher Rau & 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 there were none.

### **RESOLUTION #123 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of May 26, 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 – ATTORNEY REPORT**

Attorney Campbell provided the following report:

Working with Assessor Snyder and Barilla Attorney to see if there is a settlement offer to avoid the potential of back payment.

The public hearing is scheduled for the next meeting on excavation overlay. No comments have been received from the Town Board. The County Planning Board is reviewing tonight, and clarifications were provided.

DG Wheat solar project is scheduled for the Planning/ZBA meeting on the 20<sup>th</sup> of June. It is expected to be approved. A new solar project is Stokoe Farms, and this will be the fifth solar project.

After the last planning Board meeting there was conversation on whether it is ok to have solar farms on prime soils.

Councilman Coyne asked if other municipalities are allowing large scale solar and Attorney Campbell spoke of the Towns that he represents including Lima and Livonia who are not allowing any large scale solar, and the other most active Town is York.

Councilman Drozdziel questioned if the Town could change the regulatory framework to limit prime soil and Attorney Campbell responded that the Board could adopt another local law. Further discussion included the possibility of making the law more limited. Preapproved and preexisting applications would not be changed.

### **DISCUSSION – CODE DEPARTMENT REPORT**

Code Enforcement Officer Glise reported on the following:

An overlay district for solar was thought about.

The proposed local law for excavation overlay was discussed.

Grass complaints.

Two complaints regarding the Oak Openings gravel pit.

LCSW was called regarding floor drains in the garage. One of the new homes in Royal Springs is interested in adding to a home.

Busy with issuing building permits.

There was discussion on MRB Group and a violation that will be noticed by the Town of Avon.

Councilman Harrington asked about the resident on Gilbert Mills Road that has been identified as having animals that are in poor condition. The Attorney updated the Board on the court case regarding code violations as the property does not have the required five acres. The Zoning Board of Appeals could issue a variance as a resolution but to date no application has been received. The Town does not have anything within the Code regarding the care of the animals.

Received a call from a resident on Bronson Hill Road who subdivided his property into one acre lots in 1967. He has one lot left and would like to sell as a building lot. Attorney Campbell stated that he would need to provide documentation that it was approved in 1967. If he could not provide the documentation, he could ask for a variance. Call the Livingston County Clerk's office to see if a map was filed. Also, Kim McDowell could review the minutes of 1967.

### **DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT**

Highway/Water Superintendent Crye provided the following report:

HIGHWAY: Kept up with parks and cemetery, mowing Town and County roadsides, milled Lake Road, equipment maintenance, Dump Days on Saturday

WATER: Regular maintenance and sampling, water leak east of Dutch Hollow Market, the hydrant was not working, and the hydrant was replaced.

### **DISCUSSION – ENGINEER REPORT**

MRB Engineer David Willard reported on the following:

Draft report of the water study and copies were shared. Before the 17<sup>th</sup> of June it needs to be put on the DWSRF project listing form. The estimated cost is eight and a half million dollars. The Town would need funding for these projects.

Supervisor LeFeber questioned why the study included replacing the Route 15 PRV as that was done in 2004. Discussion ensued and Engineer Willard will be reviewing and responding.

Supervisor LeFeber continued stating the dollars from the salt mine collapse might be available and decisions will be made soon. The Town line tank needs to stay, we have older pipes that could be replaced. Increasing the Village sewer capacity is also a project being considered. The Board took the following action:

### **RESOLUTION #124 APPROVE SUBMITTAL OF THE PRELIMINARY ENGINEERING REPORT DATED JUNE 2022**

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

RESOLVE to approve the submittal of the MRB Water Study Report dated June 2022.

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

### **DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

Town Clerk Knight confirmed receipt of her report dated June 7th, 2022, as received by the Town Board. The Board took the following action.

A building permit that requires to be issued and payment collected by the Town Clerk was both issued, and a cash payment was collected by the Code Enforcement Officer. A copy of the permit and cash was provided by the Code Clerk to my office after lunch. This was also recorded in the Town Clerk's detailed report.

Supervisor LeFeber spoke about the Town Clerk's Office being closed on Thursday as both the Town Clerk and her deputy were at conference. He did not receive notice of the closing until 9 pm the night before and Code Clerk McDowell who did not know of the closing told customers they could pick up their building permits on Thursday. The building ended up being closed for part of the morning as other staff had not started work yet or needed to leave for a brief period.

Supervisor LeFeber stated that the town funds attendance for several conferences a year for the Town Clerk’s department and that the Town Clerk and her Deputy should not be attending at the same time so the office can stay open. He feels a fiscal responsibility to the public and keeping the building and its offices open is part of that responsibility. He stated we fell short of that responsibility today.

**RESOLUTION #125 APPROVAL OF DISTRUCTION OF RECORDS**

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

Resolve that the Town Clerk destroy the following records:

**Town of Avon**  
Index of Destroyed Records

In accordance with the current SARA  
LGS-01 Records Retention &  
Disposition Schedule,  
the following records have been  
determined to be obsolete and are to be  
destroyed:

<b>Record Series Name or Description</b>	<b>LGS-1 Section Number</b>	<b>Inclusive Dates</b>	<b>Cubic Feet Destroyed</b>	<b>Date Record Obsolete</b>
Employee Training Records	Personnel/Civil Service 640	2008-2013	1/4 inch	2014-2022
Non-warrant copy of tax roll	Assessment/Tax Roll 1045e	2005,2007 2008-2010 2012 2016-2018	3 boxes	2006-2019
Expired Contracts	General - Legal Agreement 32	1998-2013	1 inch	2005-2021
Intergovernmental Agreements	Transportation & Engineering 1086	2012-2013	1/4 inch	2019-Jan 2022

Confidential? Yes

No

Department Approval: \_\_\_\_\_ Date: \_\_\_\_\_

RMO Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Destruction  
\_\_\_\_\_

Board Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Attorney Approval: \_\_\_\_\_ Date: \_\_\_\_\_

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

**RESOLUTION #126 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 May 2022 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk's May 2022 Report:

Total Local Shares Remitted:	\$ 1,877.15
New York State Department of Health	\$ 90.00
NYS Ag. & Markets for spay/neuter program	\$ 54.00
NYS Environmental Conservation	\$ 255.13
TOTAL	\$ 2,276.28

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

**RESOLUTION #127 ACCEPT ELECTED OFFICIAL CALENDARS FOR 2022**

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

BE IT RESOLVED to accept the Standard Workday calendar and that the Town of Avon/30058 hereby establishes the following standard workdays for these titles and will report to the officials to the New York State and Local Retirement System based on their record of activities:



Office of the New York State Comptroller  
New York State and Local Retirement System  
Employees' Retirement System  
Police and Fire Retirement System  
110 State Street, Albany, New York 12244-0001

**Standard Work Day and Reporting Resolution  
for Elected and Appointed Officials**

**RS 2417-A**  
(Rev. 3/14)

BE IT RESOLVED, that the Town of Avon / 30058 hereby establishes the following standard work days for these titles and  
(Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

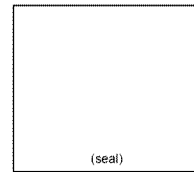
Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-If Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
<b>Elected Officials</b>									
Town Justice	6	Hon. David A. Hoffmann	████	R11995541	<input type="checkbox"/>	01/01/22-12/31/25	No	2.22	<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>
<b>Appointed Officials</b>									
					<input type="checkbox"/>				<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>
					<input type="checkbox"/>				<input type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Sharon M. Knight, MMC/RMC, secretary/clerk of the governing board of the Town of Avon, of the State of New York,  
(Name of secretary or clerk) (Circle one) (Name of Employer)  
do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 9th day of June, 2022, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Avon on this 9th day of June, 2022.  
(Signature of the secretary or clerk) (Name of Employer)

**Affidavit of Posting:** I, Sharon M. Knight, MMC/RMC, being duly sworn, deposes and says that the posting of the Resolution began on 6/2/22 and continued for at least 30 days. That the Resolution was available to the public on the 6/2/22  
(Date)  
 Employer's website at Avon-ny.org  
 Official sign board at 23 Genesee Street, Avon, NY 14414  
 Main entrance secretary or clerk's office at 23 Genesee Street, Avon, NY 14414



Page 1 of 1 (for additional rows, attach a RS2417-B form).

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

**DISCUSSION – APPOINTMENT OF COLLIN HAYES TO THE PLANNING BOARD**

Supervisor LeFeber stated that he did not take part in the interview process and will not be voting on the recommendation to appoint Collin Hayes to the position of Planning Board Member as he is his nephew.

Councilman Drozdziel and Planning Board Chairwoman Cathy Cole interviewed Collin Hayes for the position of Planning Board Member. Collin has a college degree, strong credentials, and is currently working for Ecode. Councilman Drozdziel and Planning Board Chairwoman Cole highly recommend him for this appointment.

**RESOLUTION #128 APPOINTING COLLIN HAYES TO THE POSITION OF PLANNING BOARD MEMBER**

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was ADOPTED AYES 4 NAYS 0 ABSTAIN 1 Supervisor LeFeber

RESOLVE to appoint Collin Hayes to the position of Planning Board Member, term to expire, December 31, 2028.

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

### **DISCUSSION – SUPERVISOR REPORT**

Supervisor LeFeber reported on the following:

An appraisal on a property on Route # 5/20 and Bronson Hill Road was conducted by the County. The County is submitting an offer with many contingencies such as grant awards and Town of Avon rezoning. The County would be Partnering with a non-profit and housing and education opportunities would be used. Deputy Supervisor Mairs shared his thanks to be informed of the information.

There was further discussion on the request provided at the last meeting regarding the division of properties with a fence. Attorney Campbell spoke to the person that attended the last meeting as requested. He questioned if the Supervisor would be supportive of the neighbors working together by scheduling a meeting for discussion. The Director who wrote the letter is no longer employed by the business.

Supervisor LeFeber stated that Quicklees had a high-water bill due to a valve being left open by someone working on the property. Supervisor LeFeber will review the history of the billing and if a credit is recommended, he would share with the Board for consideration.

### **DISCUSSION - THIRD FLOOR**

Councilman Drozdziel updated the Board stating construction start date will be the week of July 5<sup>th</sup> and a master schedule is being put together. Complete the first-floor work and stairwell. Discussion with the Village Mayor will take place regarding a building permit and use of the back parking lot. The court grant money \$50,000.00 has a timeline and it may cause work to create the Judge's suite on the second floor to be conducted at the same time as the first floor and stairwell. A meeting was held with the AV consultant and Justice Hoffmann regarding technology for the Court and the third floor.

### **RESOLUTION #129 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 2022-10 in the following amounts:

<b>General Fund</b>	Amounts totaling \$9,644.24
<b>Highway Fund</b>	Amounts totaling \$14,787.90
<b>Water Fund</b>	Amounts totaling \$18,715.20
<b>Royal Springs Lighting</b>	Amounts totaling \$1,052.42

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

**DISCUSSION – OPEN ITEMS**

Deputy Supervisor Mairs will be working dump day this Saturday. He inquired if the request for a four way stop sign at the intersection of Littleville and Cemetery Roads was sent to the County Traffic and Safety Board. Town clerk Knight stated it had been sent.

The mayor contacted Supervisor LeFeber about a joint meeting at their second meeting in July.

On motion of Councilman Drozdziel, seconded Councilman Harrington by the meeting was adjourned at 7:06 P.M.

Respectfully submitted by:

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Sharon M. Knight, MMC/RMC Town Clerk