

A regular meeting of the Town of Avon was held on Thursday, July 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, MRB Group Engineer David Willard, and Ellen M Zapf, RMC Deputy Town Clerk

VISITORS: Edward Forsythe, Sarah Santora, and Bob Westfall

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 are as follows:

Sarah Santora Representative of Senator Gallivan addressed the Board stating the office would no longer be representing our Town as the New York Senate Districts have changed.

Supervisor LeFeber thanked Sarah and Senator Gallivan for all their assistance over the years.

### **RESOLUTION #141 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 June 23, 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:

Still working on Barilla with Assessor Snyder  
Code discussions regarding Amanda Murphy  
PILOT discussions with Assessor Snyder regarding solar projects

Councilman Drozdziel asked if Attorney Campbell looked at the contract for the grant regarding financing for the Opera Block renovations. He has not and asked Councilman Drozdziel to resend the information.

**DISCUSSION – CODE DEPARTMENT REPORT**

Code Enforcement Officer Glise reported on the following:

Twin Cedars – new mobile homes - 30 to 40 new ones, demolition of old trailers, complaints regarding construction

Solar – meters are hooked up but not running.

Piranha – New phase will require a new letter of credit if old bond is closed out. Attorney Campbell will contact Land Tec.

Event Barns –

Can a property with an event barn on it be sold with same Special Use Permit (SUP).

SUP does not transfer

Buyer needs to complete a new application and a permit will need to be considered for approval.

Pole Bridge Road Solar – It was questioned if the panels have been turned on. Code Enforcement Officer Glise stated that no energy is flowing through the meters. Trees will be planted in the fall.

Drainage Issue – The solar company responded on June 28<sup>th</sup> stating that they are mobilizing surveyors to look at post construction contours so they can remodel the stormwater.

They need to contact the state because they made changes on the state highway right away that were not in the original permit. They have not addressed this issue yet.

**DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT**

Highway/Water Superintendent Crye provided the following written report:

HIGHWAY:

- P/C Parks & cemetery's
- Mowed Roadsides
- Change crossovers on Sutton Rd.
- Driveway pipe changes
- Cut trees Mill Street
- Ditching
- Brush pile ground
- New Ferris IN
- Excavator did not sell well on Gov Deals, going with CAT trade of \$142,000

WATER:

- Everyday maintenance & sampling

**DISCUSSION – ENGINEER REPORT**

MRB Engineer David Willard reported on the following:

WIIA Grant application timeline has changed and is now due on September 9, 2022.  
A SEQR needs to be completed along with a bond resolution for project costs  
SEQR will cost \$3,500.00, the WIIA application will cost \$2,500.00, and the bond council work for the bond resolution will cost between \$1,500.00 and \$2,500.00.  
The project cost is 8.3 million and the grant would cover 60% of the cost which would be around 5 million and the town would be responsible for 3.3 million.  
3.3 million at 4.5 % over thirty years would be \$125.00 per dwelling unit per year.

There was a lengthy discussion on the use of the money and different projects that are available from the County and Village, how the money could be used and if any of the projects are financially feasible.

**RESOLUTION #142 APPROVE TO SPEND FUNDS**

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

RESOLVE to Engage MRB Group to prepare the WIIA Application and SEQR, and engage Tim Magill as Bond Council with costs not to exceed \$8,000.00

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

**RESOLUTION #143 SCHEDULE SPECIAL MEETING**

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

RESOLVE to schedule a Special Meeting on September 1<sup>st</sup> at 6:00 P.M. for the purpose of water grant application approval.

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

**DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

Deputy Town Clerk Zapf confirmed receipt of the Town Clerk’s report dated July 12, 2022, as received by the Town Board. The Board took the following action:

**RESOLUTION #144 APPROVAL OF DISTRUCTION OF RECORDS**

On motion of Councilman Harrington, seconded by Councilman Coyne 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>
Meter Reading & Billing records	Fiscal 514a,b,c	1989-2012	1 box	2005-2018
Correspondence	General 53c	1989-2006	1 box	2005-2012
Vouchers	Fiscal 495	1989-2006	1 box	2005-2012
Certificate of Liability Insurance	Insurance 582	2004,2005 2013	7 pages	2010,2011 2019
Water Systems Operation Report	Environmental Health 419c	1997-2009	1 box	2000-2011
Highway Work Permit	Transportation & Engineering 1084	1993-2002	1 inch	1999-2008
Water Deposit Receipt	Fiscal 482	2004-2005	3 inches	2010-2011
Vehicle Maintenance Records	Public Property & Equipment 817d	2001 & 2005	1/8 inch	2007 & 2011
Mowing & Plowing Bids for Water	Fiscal 547	2006	1/4 inch	2012
Water Project Mailing	Election 367b	2003	1/2 inch	2009
Water Main Application	Environmental Health 430b	2004	1/8 inch	2010

Duplicates	General Administration 58	2004	1/8 inch	2004
Maintenance Bond	Licenses & Permits 605a	2006	1/8 inch	2012
Monthly Budget Reports	Fiscal 492b	1981-1989	4 Boxes	1987-1995

Confidential? Yes

X  No

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

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

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

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

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

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

**RESOLUTION #145 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 June 2022 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s June 2022 Report:

Total Local Shares Remitted:	\$ 1,696.33
New York State Department of Health	\$ 67.50
NYS Ag. & Markets for spay/neuter program	\$ 48.00
NYS Environmental Conservation	\$ 314.62
<b>TOTAL</b>	<b>\$ 2,126.45</b>

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

**RESOLUTION #146 SETTING MILEAGE REIMBURSEMENT RATE CONSISTENT WITH THE LIVINGSTON COUNTY RATE**

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

RESOLVE, that effective July 1, 2022 the mileage reimbursement rate to be used by Town of Avon employees will remain consistent with the rate set by Livingston County and is currently \$.625 and google maps beginning at the Opera Block/Town Hall must be attached to the voucher – excluding fieldwork.

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

**RESOLUTION #147 ADOPT THE ALL-HAZARD-MITIGATION PLAN**

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

WHEREAS, Town of Avon, with the assistance from Consultant X, has gathered information and prepared the County of Livingston Plan; and

WHEREAS, the County of Livingston Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Town of Avon is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Town of Avon have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by Town Council that Town of Avon adopts the County of Livingston Plan as this jurisdiction’s Natural Hazard Mitigation Plan and resolves to execute the actions in the Plan.

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

**RESOLUTION #148 SCHEDULE PUBLIC HEARING 2022 SPECIAL ASSESSMENT ROLL**

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

RESOLVE to schedule the Public Hearing with the following legal notice:

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

The tentative 2022 special assessment roll (to be used for the 2023 tax bills) of the Route #39 Water Extension, Royal Springs Subdivision Lighting, and the Bruckel Drainage District has been completed and is on file at the Avon Town Clerk’s Office, 23 Genesee Street, Avon, New York 14414 for review during regular business hours. The special assessment rolls indicate how many units you will be charged for water extension, drainage and/or lighting on your property tax bill for 2023.

The Avon Town Board will hold a public hearing for owners of properties located within the above-described districts on Thursday, August 11, 2022 at 6:15 P.M. in the Avon Town Hall/Opera Block, 23 Genesee Street, Avon, New York 14414 to hear objections to the special

assessment roll and further give notice by mail to each property owner with unit charges on their tax bill.

By order of Town Board  
Sharon M. Knight MMC/RMC, Avon Town Clerk  
Dated: July 15, 2022  
To be published: July 28, 2022

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

**RESOLUTION #149 ACCEPT THE CLAIMS**

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

RESOLVE to accept for payment Abstract 2022-13 in the following amounts:

**Concerning ABSTRACT of Claims Number 2022-13 including claims as follows:**

<b>General Fund</b>	Amounts totaling \$30,969.47
<b>Highway Fund</b>	Amounts totaling \$36,976.49
<b>Water Fund</b>	Amounts totaling \$2,857.36
<b>Royal Springs Lighting</b>	Amounts totaling \$1,047.00

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

**DISCUSSION THIRD FLOOR**

Councilman Drozdziel provided an update on the Opera Block renovations including:

- Generator will be shipped in October – preliminary work in September
- Shovels will be in the ground next Wednesday the 20<sup>th</sup> of July
- Going through the submittal phase with contractors

**SUPERVISOR DEPARTMENT REPORT**

Supervisor LeFeber reported on the following:

July 18<sup>th</sup> at 4:00 P.M. there will be a bench dedication to Dwight Brown

A FOIL request was received regarding the High-Speed internet grant that was submitted by Livingston County that was not approved. Another submittal for the grant will be done.

Our Livingston County Representative to the Youth Board Carole Hayes will not be continuing to serve the position. The Board expressed their thanks for her years of service.

**DISCUSSION – VISITOR COMMENTS**

CEO Glise questioned if the sidewalk in Royal Springs will be continued on the new homes being constructed. It was suggested to look at the original approved site plan.

Edward Forsythe addressed the Board on solar farms and how many should be in the Town of Avon. Are they taking our prime soils? There was discussion regarding our solar law.

On motion of Councilman Harrington, seconded by Supervisor LeFeber the meeting was adjourned at 7:45 P.M.

Respectfully submitted by:

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Ellen M Zapf, RMC Deputy Town Clerk

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Sharon M Knight, MMC/RMC Town Clerk