

A regular meeting of the Town of Avon was held on Thursday, August 11, 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, Assessor Tami Snyder, Attorney James Campbell, MRB Group Engineer David Willard, and Ellen M Zapf, RMC Deputy Town Clerk

VISITORS: Edward Forsythe, Bob Westfall, and Richard Martin

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:

Visitor Richard Martin addressed the board about his recent dealings with the Planning and ZBA Boards regarding his building project on Lakeville Road. He is not happy with the procedures he had to follow and would like them to be more mainstreamed. It has cost him a lot of money and he would like the board to reconsider the amount designated by the engineer for his bond.

There was further discussion regarding the process and the town code, and the bond will be sent back to Mr. Martins engineer to be revised.

### **DISCUSSION – OPEN PUBLIC HEARING**

Supervisor LeFeber opened the public hearing by reading 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.

**DISCUSSION – OPEN PUBLIC HEARING-continued**

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

**RESOLUTION #160 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 July 28, 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:

Presented the board with Local Law T-5A-2022 which is a local law amending chapter 130 of the town code. There are updates regarding Special Use Permits and article 15 of Solar Energy Regulations. He would like the board to review and email him with any questions or revisions. If the board agrees with the law, he will send it on to the Livingston County Planning Board.

Attended a meeting with Supervisor LeFeber, Mayor Freeman, and LCWSA Director Jason Molino regarding the proposed regional water expansion. Mayor Freeman seems interested in discussions and would like Supervisor LeFeber to attend the next Village Board meeting.

Attorney Campbell sent the information to the Village Attorney and will speak with him tomorrow.

If the Village Board agrees to enter into the agreement, then Supervisor LeFeber would like to sign the agreement also and asked the Board if they are willing to let him do so. The board took the following action:

**RESOLUTION #161 ALLOW SUPERVISOR LEFEBER TO SIGN AN AGREEMENT WITH LCWSA REGARDING THE PROPOSED REGIONAL WATER EXPANSTION**

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

RESOLVE to allow Supervisor LeFeber to sign an agreement with LCWSA regarding the proposed Regional Water Expansion contingent on the Village Board signing the agreement.

**RESOLUTION #161 ALLOW SUPERVISOR LEFEBER TO SIGN AN AGREEMENT WITH LCWSA REGARDING THE PROPOSED REGIONAL WATER EXPANSTION**

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

There has been a request to put up Right to Farm signs as this is a Right to Farm Community. Attorney Campbell will investigate this.

**RESOLUTION #162 AUTHORIZE ATTORNEY CAMPBELL TO SEND LOCAL LAW T-5A-2022 TO THE COUNTY PLANNING BOARD**

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

RESOLVE to authorize Attorney Campbell to send local law T-5A-2022 to the County Planning Board for their comments

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

**DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT**

Highway/Water Superintendent Crye provided the following written report:

**HIGHWAY:**

- Parks & cemetery's mowing and weed whipped
- Mowed Town and County guardrails
- Ditching
- Start mowing back roadsides
- Wedging around Town
- Helped Lima pave
- Restocked shop
- Driveway pipe installed

**WATER:**

- Everyday maintenance & sampling

**DISCUSSION – CODE DEPARTMENT REPORT**

Code Enforcement Officer Glise reported on the following:

Rochester Street Solar asked for a municipal inspection next week. Set up for Tuesday. Couple of houses on Royal Springs.

**DISCUSSION – CODE DEPARTMENT REPORT-continued**

Twin Cedars is asking for twenty more permits.

Twin Cedars is asking for a variance so the homes in the park can be twenty feet apart the code right now states they should be thirty feet apart. They are also asking that the lot sizes be six thousand square feet. Now it is fifteen thousand square feet.

It was questioned where the building permits are being kept in the Town Clerk's Office. The Code Officer is not happy with this, so he has decided to keep permits in his office until the person comes in to pay.

**DISCUSSION – ENGINEER REPORT**

MRB Engineer David Willard reported on the following:

Received an email from Bernard Donegan's Office regarding the financial application to be sent to the EFC. This should help with getting the WIIA Grant. Supervisor LeFeber would like to get the cost of the proposals before signing the agreements.

The town would also need to appoint a minority business officer who will be able to sign all the reports. The board took the following action:

**RESOLUTION #163 APPOINT DEPUTY SUPERVISOR MAIRS AS THE MINORITY BUSINESS OFFICER**

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

RESOLVE to appoint Deputy Supervisor Mairs as the Minority Business Officer for the Town of Avon.

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

**RESOLUTION #164 AUTHORIZE SUPERVISOR LEFEBER TO SIGN A LETTER OF SUPPORT FOR THE EFC GRANT**

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

RESOLVE to Authorize Supervisor LeFeber to sign a letter of support on town letterhead for the EFC Grant.

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

**RESOLUTION #165 CHANGE THE START TIME OF SPECIAL MEETING ON SEPTEMBER 1, 2022**

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

RESOLVE to change the start time of the September 1, 2022 special meeting from 6:00 P.M. to 4:00 P.M.

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

**DISCUSSION – TOWN CLERK DEPARTMENT REPORT**

Deputy Town Clerk Zapf confirmed receipt of her report dated August 9, 2022, as received by the Town Board. The Board took the following action.

**RESOLUTION #166 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 July 2022 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s July 2022 Report:

Total Local Shares Remitted:	\$ 1,902.16
New York State Department of Health	\$ 112.50
NYS Ag. & Markets for spay/neuter program	\$ 43.00
NYS Environmental Conservation	\$ 1,457.59
<b>TOTAL</b>	<b>\$ 3,515.25</b>

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

**RESOLUTION #167 BUDGET TRANSFERS**

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

RESOLVE to make the following budget transfers:

GENERAL FUND - TOWNWIDE  
Transfer From:

A1320.400 Auditor Contr Exp \$ 5,000.00

**RESOLUTION #167 BUDGET TRANSFERS-continued**

A7310.100 Youth Service, Pers Serv \$ 3,000.00  
UNANTICIPATED REVENUE  
A3820 Youth Program \$ 3,000.00  
TOTAL: \$ 11,000.00

Transfer To: A1680.400

Central Data Proc Contr Exp \$ 8,000.00  
A7310.400 Youth Service Contr Exp \$ 3,000.00  
TOTAL: \$ 11,000.00

**GENERAL FUND - OUTSIDE VILLAGE**

Transfer From:

B1420.400 Attorney, Contr Exp \$ 2,000.00  
B1440.400 Engineer, Contr Exp \$ 5,000.00  
UNANTICIPATED REVENUE  
B2115 Planning Board Fees \$ 12,000.00  
TOTAL: \$ 19,000.00

Transfer To:

B8020.400 Planning, Contr Exp \$ 19,000.00  
TOTAL: \$ 19,000.00

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

**RESOLUTION #168 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 2022-15 in the following amounts:

**Concerning ABSTRACT of Claims Number 2022-15 including claims as follows:**

<b>General Fund</b>	Amounts totaling \$18,681.80
<b>Highway Fund</b>	Amounts totaling \$12,232.00
<b>Water Fund</b>	Amounts totaling \$2,159.27
<b>Royal Springs Lighting</b>	Amounts totaling \$1,077.31

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

**DISCUSSION – PUBLIC HEARING TENTATIVE 2022 SPECIAL ASSESSMENT ROLL**

Supervisor LeFeber asked for any public comments, and there were none. The following action was taken:

**RESOLUTION #169 CLOSE PUBLIC HEARING ON SPECIAL ASSESSMENT ROLL**

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

RESOLVE to close the public hearing.

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

**RESOLUTION #170 NO ACTION TAKEN ON SPECIAL ASSESSMENT ROLL**

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

RESOLVE that no changes are made to the Special Assessment Roll.

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

**DISCUSSION – OPEN ITEMS**

Councilman Drozdziel stated that we received a fifty thousand dollar grant for court upgrades. Forty thousand for construction and ten thousand for technology. The quote received for technology upgrades came to twenty thousand dollars. He asked if the board wanted to provide the extra ten thousand dollars or eliminate part of the upgrades to keep the cost at ten thousand? The board determined not to spend the extra ten thousand.

Construction progress on the building has been slow. There will be a progress update meeting next Wednesday at 9 A.M.

**RESOLUTION #171 EXECUTIVE SESSION**

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

RESOLVE to enter executive session for the purpose of discussions regarding proposed, pending, or current litigation and contract negotiations. Inviting Attorney Campbell and Assessor Snyder TIME 7:35 P.M.

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

**RESOLUTION #172 CLOSE EXECUTIVE SESSION**

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

RESOLVE to close executive session with no action taken at 9.15 P.M.

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

On motion of Councilman Drozdziel, seconded by Councilman Coyne the meeting was adjourned at 9:16 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