

A regular meeting of the Town of Avon was held on Thursday, December 8, 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, Paul Drozdziel, and Malachy Coyne

OTHERS: Attorney James Campbell, MRB Group Engineer David Willard, Highway/Water Superintendent Tom Crye, Code Enforcement Officer Brian Glise, Jennifer Shannon, Deputy Town Clerk, and Sharon M. Knight, MMC/RMC

VISITORS: Edward Forsythe, Patty Moran, Judy Falzoi, Matt Holmes, Meg Holmes, Joe Montesano, Jim Garner, Kathy Cole, Josh Trubia, Kathy Montesanto, Katie Moran, Margret Lee, Lesa Sobolewski, Catherine Loomis, Liam Coyne, Julie Coyne, Matt Moran, Danielle Moran, Steve Panek, and Chuck Morgan

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

#### **DISCUSSION – JAMES GARDNER – PDD update for building on Tec Drive**

- Property owner James Gardner provided information (tax maps and photos) to the Board extending his property to a current renter that would like additional outdoor space to store his items. It will require to fill in a pit.
- Councilman Harrington wanted to make sure that there will not be any drainage issues that will alter the storm water, since that whole park is on a drainage district, and there are adjacent property owners.
- James Gardner did say they are not filling in the whole area and there is an existing low lying natural swale, which they plan to leave as is to act as a natural drainage area. He said there will be no paving, no utilities, no water/sewage. They are looking to just put in gravel for outside storage. Plans to use the Hammerhead road as an entrance to have access to the lot for trucks to use. His tenant does expect to increase their number of employees to 2 or 3 more, they currently have 5. Site lighting has not been requested at this time.
- Attorney Campbell said as an existing PPD where this use has not been established on this particular parcel, the property owner would have to fill out an application to the town board for a special permit under 130.18H, and that permit is for the town board to determine if the use is appropriate. The Town Board will refer the application to the County Planning Board as a necessary step. The County Board will review it and submit comments on the referral back to the Town Board. If it's the Town Board's pleasure to move forward with this, they would indicate that before they grant it. This type of project will require the site Planning Board's approval for site plan modifications. There will be a joint meeting with the Town Board and Planning Board as well. There is a PILOT on a portion of the existing property, but this new lot would not become a part of the current

PILOT. The property owner may not be able to combine properties until the current PILOT expires. There will be more to discuss with this later. An application and written letter with details of what the plans are will be needed from the property owner to start this process.

- The board took a straw poll and it was unanimous in favor of James Gardner's plan.

### **DISCUSSION – SOLAR**

Katie Moran and Kathy Montesanto spoke regarding the solar farms being installed in Avon. The following information was provided:

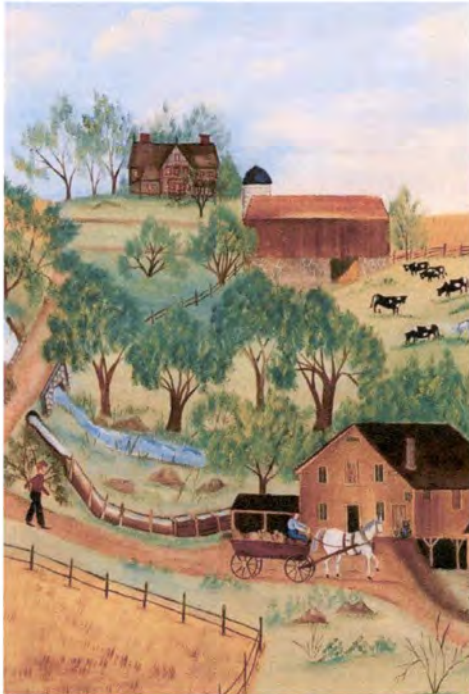
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DEC 08 2022

SHARON M. KNIGHT  
TOWN CLERK/TAX COLLECTOR

## Outline for Meeting Town of Avon 12-8-22

1. Request for a Moratorium, Amendment to Town Code for Town Solar Fields or to Implement an Agricultural Review Board.
  - a. Add a moratorium to give time to review the effects of solar fields and how it aligns with the 2016 Comp Plan based on the 2015 Market Research Summary.
2. Comprehensive Plan 2016
  - a. Pg. 39 Town's Vision: The vision for the Town of Avon is to remain a rural town identified by our pastoral vistas and active farms that surround our historic Village.
  - b. Pg. 28 Prime Farmland: soils throughout much of the Town have high agricultural potential and are designated as either Prime Farmland or Farmland of Statewide Importance. This piece of land has both per the map on page 5.
  - c. Plan created based on market Summary pages 35, 39-40, 44, 51-54, 57-58 and 66 (this plan does not follow the wants of the village or the town). Currently petition shows approx. 200 residents opposing (Rob Hayes, Bruce Amey, Jim Blye, Country Folk Article, American Farmland Trust letters).
3. Town Code (2018)
  - a. 130-78 Authority and Legislative Intent (C) : the town board finds it is necessary to properly site and regulate solar energy systems within the boundaries of the Town of Avon to protect residential uses, business areas and other land uses, to preserve the overall beauty, nature and character of the Town of Avon, to promote the effective and efficient use of solar energy resources, and to protect the health, safety and general welfare of the citizens of the Town of Avon. (Poster Board & Disadvantages of Solar Farms – get pictures)
4. Solar Alley
  - a. Current solar farms (installed or in process)
    - i. 1 parcel: Avon School
    - ii. 2 parcels: Starkey Rd.
    - iii. 1 parcel: Howlett Farms 5&20/Polebridge Rd
    - iv. 1 parcel: Howlett Farms Rochester St.
    - v. 1 parcel: Gary Wheat
    - vi. 1 parcel: Henty/Lake Road
    - vii. 1 parcel: LaPoma -potential
5. Town, School and County Benefits
  - a. Posterboard of funds given to the town, school, and county. Upfront payment & yearly payments to town, negotiated school amount, commercial taxes and negotiated county payment.
  - b. Where does the town money go and how will it be used to benefit the taxpayers?



"Primitive" Excerpt by D. Sterner

### Our Town's Vision

Our vision for the Town of Avon is to remain a rural town identified by our pastoral vistas and active farms that surround our historic Village. We will be a community known for our...

- » *Scenic rural environment,*
- » *Vibrant economy, and*
- » *Desirable quality of life.*

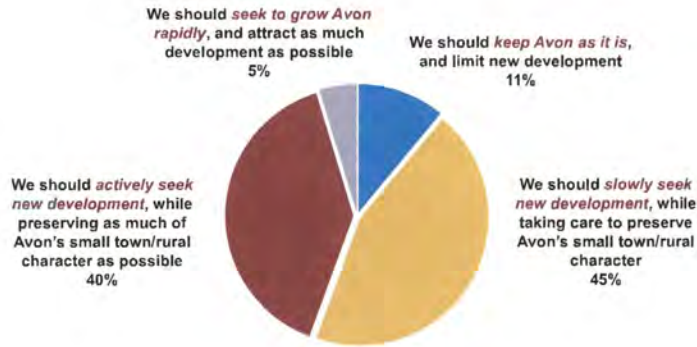
We will strive to achieve this through sustainable growth and development policies in our public and private sector decision-making. Our ultimate indicators of success will be to foster people-friendly, inviting neighborhoods, a strong sense of community, and a sense of pride among Avon residents.



**Most Avon residents feel that new development should take place, with 45% desiring a slow approach**  
*Residents wish to preserve Avon's small town character*



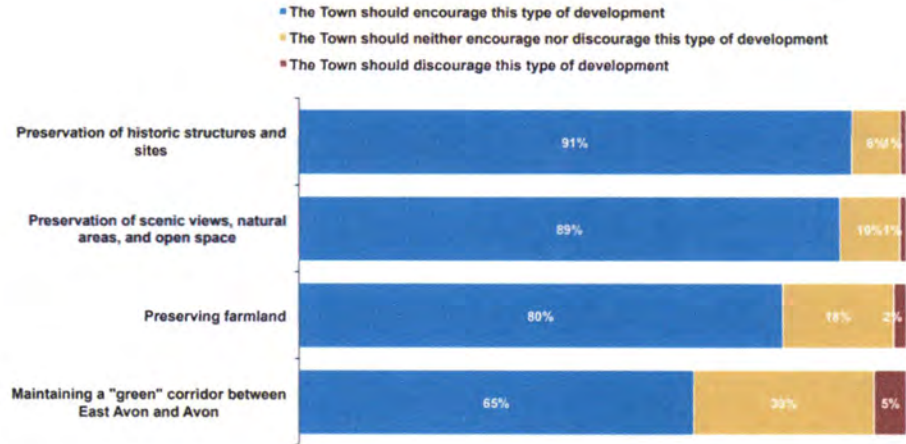
Which statement below comes closest to describing your views on development in Avon for the next 10 years?



Q300 Qualified Respondents (n=379)

### Avon residents want to preserve their town's historical charm

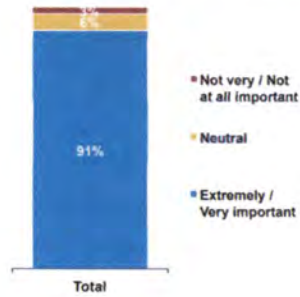
Indicate if you feel the town should commit resources to encourage or discourage this type of development, or if the town should do neither:



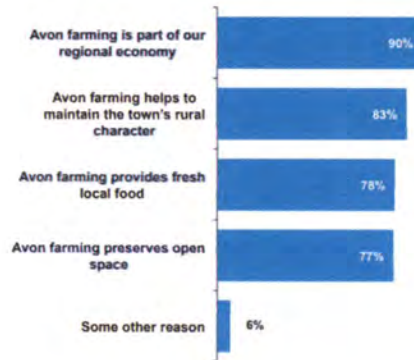
**Local agriculture is very important to Avon residents; they believe it is an important part of Avon's regional economy**  
*Local agriculture also helps maintain Avon's rural charm*



To you, how important is it that the Town of Avon supports and promotes local agriculture?



Which of the following are primary reasons why local agriculture is important to you?





Judy Falzoi addressed the board and provided the following information:

1739 Athena Drive, Avon, NY 14414 Dec. 8, 2022

Dear Town of Avon Board Members:

Again, I ask you to open the Comprehensive Plan and read aloud where you find your authority to enact any Energy Law in the Town of Avon that encourages development of the rural agriculture zone for commercial, utility solar facilities and energy storage. The definition for USE is far different than SELL which applies to commercial, large scale solar systems.

I am attaching my August 2018 review of the Comprehensive Plan using only words from the Plan. The Appendix (see Town of Avon's webpage sidebar) contains the words from participating community members in summer 2015 when large scale solar energy systems were unknown to most of us. I encourage you to read it carefully and listen to the people from 2015. Convince me that the words you use from NYS Town Law giving you authority to enact local law aew aligned with the expectation of the community.

The amended Energy Law (2021) includes reference to NYS Town Law 263 which begins with

**"Such regulations shall be made in accordance with a comprehensive plan..."**

The amendment about solar energy systems is added to Article XV Ch 130-78 which is the law and regulations for all solar energy systems that locate in the Town of Avon. Article XV also begins with reference to

**A. NYS Town Law 261, 263 and 264 - "...which authorizes the Town of Avon to adopt zoning provisions that advance and protect the health, safety, and welfare of the community."**

B. Who in the Town of Avon **"intends to accommodate the use of solar energy systems"**?  
Is it the five member town board alone or the community they represent?

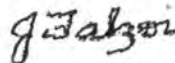
**NYS Town Law 263 - "Such regulations shall be made in accordance with a comprehensive plan..."**

**C. "...properly site and regulate solar energy systems...to protect residential uses...preserve beauty, nature and character...protect health, safety, general welfare of the citizens..."**

Although this law's intent is to **"protect residential uses"**, it has become apparent the regulations are not enough to eliminate harm to others who must lose something they value for another to gain income. You heard the concerns of homeowners adjacent to Polebridge (5&20) Solar System as well as those located near the Wheat (Lake Rd) solar system. There are more nuisances than just losing a rural view. They did not want a solar system nearby.

**D. The Solar Energy Law says it "is necessary to direct the location, size and construction of these systems."** I agree ... but only if the people in my Town first agree Solar Energy Systems can be part of Avon's future land development. If you can find your authority in the Comprehensive Plan, tell me so I don't have to keep asking the same question. Election to office does not come with a blank check to do what you want outside the Comprehensive Plan.

Sincerely,  
Judith Falzoi



10 years.

- Many other Town residents commented on the information that Katie and Judy presented and agreed with their report. Everyone asked the Town Board for a Moratorium to put a pause on new solar farm applications and to give the Board time to review local solar setbacks, berm requirements, etc. The local law process was described by Attorney Campbell.

### **RESOLUTION #224 APPROVE ATTORNEY TO DEVELOP A LOCAL LAW FOR SOLAR MORATORIUM**

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

RESOLVE to approve Attorney Campbell to draw up the language for a proposed local law for a moratorium, for one year, for any new type II solar applications, for the next Town Board meeting.

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

### **DISCUSSION-ASSESSOR REPORTS**

Assessor Tami Synder provided the following report;

- Tami Synder informed the Town Board that New York State Law passed raising the income limit for the Senior Citizen and Disability Exemption. We are waiting for the Board of Supervisors to determine the limit. A resolution will need to be made at the next meeting because New York State Law says the Seniors need to be notified 60 days prior to March 1<sup>st</sup>. Tami will be sending out an email to the Village and School to try and get this passed as quickly as possible.
- Tami also asked the board to accept the resignation of Ellen Zapf, the previous Deputy Town Clerk, but also requested the Town Board to keep her on as voucher for Board of Assessment Review Clerking.
- It was confirmed that Ellen Zapf will continue to serve as Clerk to the Board of Assessment Review.

### **DISCUSSION – ATTORNEY REPORT**

Attorney Campbell provided the following report;

- Attorney Campbell handed off finalized original documents related to the Avon CSG1 Solar Project to the Town Clerk and asked for her to provide copies to the Assessor's office and Building and Zoning Office.
  - Payment in Lieu of Tax Agreement- Fully Executed
  - Lump Sum Community Benefit Agreement- Fully Executed

**DISCUSSION CONTINUED-ATTORNEY REPORT**

- Decommissioning Agreement- Fully Executed
- Attorney Campbell said that the Decommissioning Agreement and Community Benefit Agreement need to be recorded at the Livingston County Clerk's Office. They also need to be indexed against the property and the miscellaneous records for that property.
- There is a Road Use Agreement that is forthcoming for Supervisor LeFeber to sign, and it also needs to be signed by the County. After the signing is complete, Attorney Campbell will provide the document to the Town Clerk's office, which wraps up the procedural elements related to Avon CSG1 project, with one exception. He is still negotiating the language of the bonds for both the Decommissioning and Road Use Agreement. He will have this done by early next week. They are ready to pay the \$210,000 upfront and get their permit. It sounds like they are ready to start as soon as possible.
- There will be a preconstruction meeting on Friday December 16<sup>th</sup> at 2pm. Same developer as on the Stoke Farm's land. We should see real activity by spring. When the money is received the permit is issued. Once the permit is paid for and issued, the company has 90 days to back out if they do not put a shovel in the ground. Money should be held for 90 days, or when they first put a shovel in the ground, whichever comes first. The money will go into the escrow account already set up for Avon CS G1 Solar Project, where they put the consulting fee escrow. After 90 days the money should be moved to a separate account. Attorney Campbell suggests making an account for solar funds in order to keep track of the funds separately from other funds and then incorporate them into the budget as the Town Board sees fit.
- He is expecting Avon CSG2 Stoke Farms will be back in front of the Planning Board on the 19<sup>th</sup> of December.
- Bands and bonds were discussed and will continue to be discussed to see what will benefit the town the most. Need to continue being careful spending money. Will reach out to Chuck Bastin and Community Bank to see what the rates/market are with Bonds for 1.5 million.
- The proposed local law that was submitted is about the administration enforcement of uniform code changing as of December 31<sup>st</sup>. There is some new language that was submitted to the board and was presented at the last meeting. A public hearing should be scheduled. This was also referred to the county. This is an administrative uniform of code and not zoning, therefore the county does not need to review it.

**RESOLUTION #225 SET PUBLIC HEARING**

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

Public hearing for proposed local law T-6A-2022 is scheduled for January 26<sup>th</sup> at 6:15P.M. at 23 Genesee Street in Avon, New York 14414

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

**DISCUSSION- HIGHWAY/WATER REPORT**

Highway/Water Superintendent Crye provided the following report;

- There has been a little bit of snow removal and a lot of work in the shop, cutting brush, working with the County on shoulders and cleaning the guardrails on Rochester Street.
- Maintenance and sampling and changed a few meters. Also changed meters at Twin Cedars that were purchased for \$6000.00.
- Shanks Garbage sold to Casella
- Highway fuel (diesel) is down

**DISCUSSION WATER BILL – CREST HILL MOTEL**

The bill was \$814 and the Town is offering a discount of \$431.00.

**RESOLUTION #226 DISCOUNT ON CREST HILL MOTEL WATER BILL**

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

Resolve Crest Hill Motel will receive a discount of \$431.00 and no late fee on their water bill, provided they pay within 1 week of receiving bill. The discount is void and null if paid after one week and there will be a late fee added.

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

**DISCUSSION – ENGINEER REPORT**

MRB Group Engineer Dave Willard provided the following report;

- There is a letter to the EPA asking them to lift the administrative order as we are now in compliance. There is also a letter going out to customers in a day or two.
- Testing is good and we will continue to test to show good results. In the letter it states that the Town and the Village are looking to do a joint water study. There will be a proposal for that at the joint meeting on the 19<sup>th</sup> of December.

Things to be discussed on the 19<sup>th</sup> of December joint meeting:

- Alternative water tower location at the treatment plan
- Looking at the tank and how to improve it
- TTHMs
- Proposal for joint study, which would be paid for by the Town and the Village

### **DISCUSSION – MRB GROUP PROPOSAL**

There was discussion on a proposal from MRB Group to update their forms for various applications regarding Code/ZBA/Planning. This will also provide PDF forms to be uploaded to the Town website for use. There have been many changes recently to the Town Code in various places, therefore, this will be a good time to update the forms.



[www.mrbgroup.com](http://www.mrbgroup.com)

Engineering, Architecture & Surveying, D.P.C.

December 2, 2022

David LeFeber, Supervisor  
Town of Avon  
23 Genesee Street  
Avon, NY 14414

**RE: PROPOSAL FOR PROFESSIONAL SERVICES  
TOWN OF AVON BUILDING & ZONING DEPARTMENT – APPLICATIONS & FORMS**

Supervisor LeFeber:

As part of our continuing relationship, MRB provides services to assist the Planning Board and Zoning Board of Appeals with review of applications including Special Use Permit, Variances, Site Plan and Subdivision Plan Reviews. We work closely with the Town Attorney and Staff including the Building and Zoning Department to provide the most efficient and quality review process for applicants.

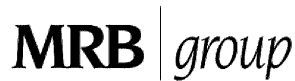
**I. Project Overview**

MRB has met with the Building and Zoning Department to discuss issues that Town staff has with the application review process for Special Use Permits, Site Plan, Subdivision Plan, and Variance reviews. Currently the Town uses old application and building permits forms which have become outdated and reference non-applicable information. Most projects received for review by the Town are considered to be incomplete as the applications are not asking for the correct information, thus slowing the review process and creating unnecessary road blocks.

**II. Scope of Services and Compensation**

In order to address the needs identified by the Town, we propose the following scope and compensation model.

- A. Audit of the Application Review Process  
We will work with the Building & Zoning Department to identify issues with the current application forms and building permits. This includes review of the following:



David LeFeber, Supervisor  
Town of Avon  
**RE: BUILDING & ZONING APPLICATIONS**  
December 2, 2022  
Page 2

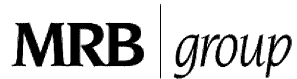
- 1. Special Use Permit Applications
- 2. Subdivision Applications
- 3. Site Plan Applications
- 4. Area Variance & Use Variance Applications
- 5. Lot Line Adjustment Applications
- 6. Building Permit

B. Application Updates  
MRB will work with staff to provide updated applications and forms to better assist staff and the Town. This includes:

- 1. Updated Special Use Permit Application
- 2. New - Solar Special Use Permit Application
- 3. Updated Area Variance Application
- 4. Updated Use Variance Application
- 5. Updated Site Plan Application
- 6. Updated Subdivision Application
- 7. New - Project Referral Form
- 8. Updated Meeting Calendar
- 9. Updated Building Permit
- 10. DRAFT Rules of Procedure for Planning Board
- 11. DRAFT Rules of Procedure for ZBA

**Total Compensation ..... \$8,500.00**

We have established this allocation to address the highest priority items for the Town. As these funds are expended, we will discuss additional needs and priorities, and recommend additional fund allocation if necessary.



David LeFeber, Supervisor  
Town of Avon  
**RE: BUILDING & ZONING APPLICATIONS**  
December 2, 2022  
Page 3

*The cost figures shown above represent our hourly not to exceed amount. Any additional work beyond this fee and outside the scope of this proposal would be reviewed with the Client. MRB Group shall submit monthly statements for services rendered during each invoicing period based on the efforts performed during that period. MRB Group Standard Rates are subject to annual adjustment.*

**III. Project Schedule**

We are prepared to commence work immediately and will work under the direction of Town leadership and on your schedule. Updates will be affected as directed by the Supervisor and advanced through adoption as needed.

**IV. Additional Services**

The following items, not included in the above services can be provided on a personnel time-charge basis, but would only be performed upon receipt of your authorization.

- A. Additional Forms outside of what was identified under the scope
- B. Code Updates

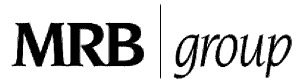
**V. Commencement of Work**

Upon receipt of the signed proposal, MRB Group will begin work on the project.

**VI. Standard Terms and Conditions**

Attached hereto and made part of this Agreement is MRB Group's *Standard Terms and Conditions*.





David LeFeber, Supervisor  
Town of Avon  
**RE: BUILDING & ZONING APPLICATIONS**  
December 2, 2022  
Page 4

If this proposal is acceptable to you, please sign where indicated and return one copy to our office. We have included an additional copy for your records. Thank you for your consideration of our firm. We look forward to working with you on this project.

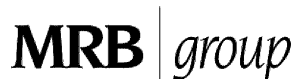
Sincerely,

William Davis  
Director of Water Resources Engineering

James J. Oberst, P.E.  
Executive Vice-President/C.O.O.

\\mrbgroup.prv\Admindata\630006\Ltrs-Proposals\2022\lsb-Letter Proposal--Application Updates--T. Avon.docx

<b>PROPOSAL ACCEPTED FOR THE TOWN OF AVON BY:</b>		
_____	_____	_____
<i>Signature</i>	<i>Title</i>	<i>Date</i>



David LeFeber, Supervisor  
Town of Avon  
**RE: BUILDING & ZONING APPLICATIONS**  
December 2, 2022  
Page 5

**MRB GROUP, ENGINEERING, ARCHITECTURE, SURVEYING, D.P.C.  
AGREEMENT FOR PROFESSIONAL SERVICES  
STANDARD TERMS AND CONDITIONS**

**A. TERMINATION**

This Agreement may be terminated by either party with seven days' written notice in the event of substantial failure to perform in accordance with the terms hereof by one party through no fault of the other party. If this Agreement is so terminated, the Professional Services Organization (hereinafter referred to as P.S.O.) shall be paid for services performed on the basis of his reasonable estimate for the portion of work completed prior to termination. In the event of any termination, the P.S.O. shall be paid all terminal expenses resulting therefrom, plus payment for additional services then due. Any primary payment made shall be credited toward any terminal payment due the P.S.O. If, prior to termination of this Agreement, any work designed or specified by the P.S.O. during any phase of the work is abandoned, after written notice from the client, the P.S.O. shall be paid for services performed on account of it prior to receipt of such notice from the client.

**B. OWNERSHIP OF DOCUMENTS**

All reports, drawings, specifications, computer files, field data and other documents prepared by the P.S.O. are instruments of service and shall remain the property of the P.S.O. The client shall not reuse or make any modification to the instruments of service without the written permission of the P.S.O. The client agrees to defend, indemnify and hold harmless the P.S.O. from all claims, damages, liabilities and costs, including attorneys' fees, arising from reuse or modification of the instruments of service by the client or any person or entity that acquires or obtains the instruments of service from or through the client.

**C. ESTIMATES**

Since the P.S.O. has no control over the cost of labor and materials, or over competitive bidding and market conditions, the estimates of construction cost provided for herein are to be made on the basis of his experience and qualifications, but the P.S.O. does not guarantee the accuracy of such estimates as compared to the Contractor's bid or the project construction cost.

**D. INSURANCE**

The P.S.O. agrees to procure and maintain insurance at the P.S.O.'s expense, such insurance as will protect him and the client from claims under the Workmen's Compensation Act and from claims for bodily injury, death or property damage which may arise from the negligent performance by the P.S.O. or his representative.

**E. INDEPENDENT CONTRACTOR**

The P.S.O. agrees that in accordance with its status as an independent contractor, it will conduct itself with such status, that it will neither hold itself out as nor claim to be an officer or employee of the client, by reason hereof, and that it will not by reason hereof make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the client, including, but not limited to, Workmen's Compensation coverage, unemployment insurance benefits or Social Security coverage.



David LeFeber, Supervisor  
Town of Avon  
**RE: BUILDING & ZONING APPLICATIONS**  
December 2, 2022  
Page 6

**F. SUCCESSORS AND ASSIGNS**

The client and the P.S.O. each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither the client nor the P.S.O. shall assign, submit or transfer his interest in this Agreement without the written consent of the other.

**G. P.S.O. NOT RESPONSIBLE FOR SAFETY PROVISIONS**

The P.S.O. is not responsible for construction means, methods, techniques, sequences or procedures, time of performance, programs, or for any safety precautions in connection with the construction work. The P.S.O. is not responsible for the Contractor's failure to execute the work in accordance with the Contract Drawings and/or Specifications.

**H. INVOICES AND PAYMENT**

Client will pay MRB Group, Engineering, Architecture, Surveying, D.P.C. for services in respect of the period during which Services are performed in accordance with the fee structure and work estimate set forth in the proposal. Invoices will be submitted on a periodic basis, or upon completion of Services, as indicated in the proposal or contract. All invoices are due upon receipt. Any invoice remaining unpaid after 30 days will bear interest from such date at 1.5 percent per month or at the maximum lawful interest rate, if such lawful rate is less than 1.5 percent per month. If client fails to pay any invoice when due, MRB may, at any time, and without waiving any other rights or claims against Client and without thereby incurring any liability to Client, elect to terminate performance of Services upon ten (10) days prior written notice by MRB to client. Notwithstanding any termination of Services by MRB for non-payment of Invoices, Client shall pay MRB in full for all Services rendered by MRB to the date of termination of Services plus all interest and termination costs and expenses incurred by MRB that are related to such termination. Client shall be liable to reimburse MRB for all costs and expenses of collection, including reasonable attorney's fees.

**I. FEES REQUIRED FROM JURISDICTIONAL AGENCIES**

MRB Group, D.P.C. is not responsible for nor does the Compensation Schedule established in the Agreement include fees or payments required of jurisdictional agencies. The client herein agrees to pay all application, entrance, recording and/or service fees required by said agencies.

**J. P.S.O. NOT AN EMPLOYEE**

The P.S.O. agrees not to hold himself out as an officer, employee or agent of the Owner, nor shall he make any claim against the Owner as an officer, employee or agent thereof for such benefits accruing to said officers, employees or agents.

**K. INDEMNITY**

The Owner will require any Contractor and Subcontractors performing the work to hold it harmless and indemnify and defend the Owner and P.S.O., their officers, employees and agents from all claims resulting from the Contractor's negligence in the performance of the work.

**RESOLUTION #227 MRB GROUP PROPOSAL**

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

RESOLVE to approved \$8,500.00 to approve the MRB proposal to update various applications regarding Code/ZBA/Planning.

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

**DISUSSION- CODE ENFORCEMENT REPORT**

Code Enforcement Brian Glise provided the following report;

- Mrs. Mulligan is working on switching over the special use permit. She was wondering if she could amend a special use permit to transfer to new owners and include an owner occupied bed and breakfast.
- Attorney Campbell said she would have to come before the Town Board.
- Twin Cedars did get the variance for 20 feet instead of 30 feet difference for the mobile homes.
- Special use permit coming up for a car repair shop. Josh Neier, with Truth and Grace Auto Car Repair, is looking for more space and would like to have a car repair and sell a couple of cars at Scotties.
- Still have not received a building permit for Mr. Martin’s Storage. Communications have been sent out and it looks like things have come to a halt with the project. The engineer that was working on this project said he hasn’t heard anything as well.

**DISCUSSION- TOWN CLERK REPORT**

Town Clerk Sharon Knight provided a written report and confirmed that the Town Board received prior to meeting.

## Town of Avon

### Department/Committee Bi-Monthly Update to the Town Board

Description	Information/Update
Department/Committee:	Town Clerk/Collector, Registrar, Records Management Officer, Marriage Officer, Notary
Department Head:	Sharon M. Knight, MMC/RMC
Date of Report:	December 8, 2022
Requests for Town Board Decisions:	<ol style="list-style-type: none"> <li>1. Approval of minutes not yet considered: August 11, August 25, September 1, September 8, September 22, &amp; October 6, 2022, October 13, 2022, October 27, 2022 and November 3, 2022 and November 17, 2022</li> <li>2. Abstract 2022-23</li> <li>3. Items to be voted on November 7, 2023 — Board of Elections</li> </ol>
Key Points/Updates:	<ol style="list-style-type: none"> <li>1. Working to keep up .</li> </ol>
Routine Updates:	<ol style="list-style-type: none"> <li>1. Scanning daily records into Laserfiche.</li> <li>2. Dog Licenses, Conservation Sales, Marriage Licenses, Marriage Ceremony, Faxing, Coping, Notary Service, Local Laws, Legal Notices and Budget</li> <li>3. Preparing for taxes</li> </ol>

- The Board was asked if there were propositions to be added to the ballot to be voted on November 7<sup>th</sup>, 2022. The Board did not have anything to add. The Town Clerk will return the form to the Livingston County Board of Elections.
- Welcomed new Deputy Town Clerk Jennifer Shannon

**RESOLUTION #228 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 November 2022 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s November 2022 Report:

Total Local Shares Remitted:	\$ 2,485.35
New York State Department of Health	\$ 45.00
NYS Ag. & Markets for spay/neuter program	\$ 24.00
NYS Environmental Conservation	\$ 1,761.54
TOTAL	\$ 4,315.89

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

**RESOLUTION #229 SPECIAL MEETING**

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

TOWN OF AVON  
LEGAL NOTICE

A Joint meeting with the Avon Town Board and Village Board is scheduled for December 19, 2022 at the Village Hall, 74 Genesee Street Avon, New York, 14414 at 6:00 P.M. for the purpose of attending a Joint Meeting with the Village of Avon Board of Trustees.

By order of the Town Board  
Sharon M Knight MMC/RMC, Town of Avon Clerk  
Dated: December 8, 2022

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

**DISCUSSION- SUPERVISOR REPORT**

- Supervisor LeFeber: Working on Energy supply and will renew our supply to lock in a lower price in the spring.

**RESOLUTION #230 ACCEPT THE CLAIMS**

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

RESOLVE to accept for payment Abstract 2022-23 in the following amounts:

Concerning ABSTRACT of Claims Number 2022-23 including claims as follows:

General Fund	Amounts totaling \$555,429.85
Highway Fund	Amounts totaling \$12,559.44
Water Fund	Amounts totaling \$66,272.68
Royal Springs Lighting	Amounts totaling \$1206.32
Cemetery Fund	Amounts totaling \$400.00

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

**OPEN ITEMS:**

Councilman Harrington:

- Would like the board to go over minutes to see which ones they would like to approve and suggestions they would like to make for amendments.
- Would like to thank Jennifer Shannon for decorating the windows.
- Feels the people that organized the Holiday Spectacular did a phenomenal job. Would like to donate money again next year for this event if it is needed.

**RESOLUTION #231 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of August 11, 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 Drozdzziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Nay**

**DISCUSSION-APPROVAL OF MINUTES AUGUST 25<sup>TH</sup> 2022**

There was discussion on additions to minutes as follows, Town Clerk Sharon Knight stated this was a good idea and will add to the minutes previously emailed.

- A presentation of the Workplace Violence complaint had a determination announced at the November 17, 2022, Town Board Meeting

**RESOLUTION #232 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of August 25, 2022, as presented by e-mail with the addition of; A presentation of the Workplace Violence complaint had a determination announced at the November 17, 2022, Town Board Meeting, 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 – Nay**

**RESOLUTION #233 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of September 1, 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 – Nay**

**RESOLUTION #234 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of September 8, 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 – Nay**

**RESOLUTION #235 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of September 22, 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 – Nay**



**RESOLUTION #236 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of October 6, 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**

**RESOLUTION #237 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of October 13, 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 – Nay**

**RESOLUTION #238 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of October 27, 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 – Nay**

**RESOLUTION #239 APPROVAL OF MINUTES**

On motion of Councilman Harrington, seconded by Councilman Coyne the following resolution was ADOPTED AYES 3 NAYS 1(Supervisor LeFeber) ABSTAINED 1 (Deputy Supervisor Mairs)

RESOLVE to approve the minutes of November 3, 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 - Abstained, Supervisor LeFeber – Nay**

**RESOLUTION #240 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of November 17, 2022, with amendments to add, as follows and to request they be published on the Town of Avon website at townofavon-ny.org.

Town of Avon

November 1, 2022

Analysis of Clerks Business hours

Prepared by - Paul Drozdziel

Objective - Provide expanded accessibility to town services by moving to a normal business schedule with open hours 8:00am to 4:00pm, 5 days per week at a reduced cost.

**Available hours (current model)**

- Funded hours for Deputy Clerk (DC) 36hrs/week X 52 = 1872hrs/year
- Assumed annual Clerk hours 40hrs/week x 52 = 2080hrs/year

**Subtotal hours available 3,952**

*Alternative*

- Reduced hours Deputy Clerk 20hrs/week x 52 =1040hrs/year

**Unavailable hours**

- Assumed clerks away from the job - 6 weeks or 240 hours
- Assumed Clerk attending board meetings - 8hrs/month x 12 = 96hrs/year
- Assumed Clerks attending off site local training - 40 hours
- Assumed 2 weeks clerks absence - 80 hours
- Assumed unplanned absences - 80hrs

**Subtotal unavailable hours 536**

Available hours 3,952 – 536 (unavailable hours) = 3,416

*Alternative*

Available hours with reduced hours for DC 3120 – 536 (unavailable hours) = 2,580

**Hours of operation**

- Assumed 8am to 4pm = 8hrs or 40hrs/week x52 weeks 2080
- Available hours 3416 – 2080 annual open hours = 1,336 hrs. balance of available hours

*Alternative*

- Available hours with reduced hours for DC 2580 – 2080 annual open hours = 500 hrs. of available hours

**KRUK & CAMPBELL, P.C.**  
ATTORNEYS AT LAW

7312 EAST MAIN STREET  
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LIMA, NEW YORK 14485  
(585) 624-5030  
FAX (585) 624-3972

Stephen M. Kruk

James W. Campbell, Jr.

October 20, 2022

Sharon M. Knight, MMC/RMC  
Avon Town Clerk  
23 Genesee Street  
Avon, New York 14414

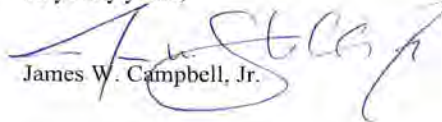
Re: Workplace Violence Incident Report dated August 25, 2022

Dear Town Clerk Knight,

As you are aware, the Town engaged the services of Webster Szanyi LLP, to conduct an independent, third-party investigation in response to the Workplace Violence Report that you submitted on August 25, 2022. It is my understanding that the investigation included intake and witness interviews, as well as review of audio and documentary evidence. The investigation is complete, and I write to advise you of the outcome.

I have been provided with a confidential and attorney-client privileged report containing an Investigation Summary and Factual Findings. Please be advised that the investigation determined your allegations of workplace violence to be insufficient to constitute a violation of the Town of Avon's Workplace Violence Prevention Policy. I have notified the Town Board and other Town personnel that any retaliation for raising the workplace violence complaint is strictly prohibited and cannot be tolerated. Any concerns of retaliation should be reported to me immediately.

Very truly yours,



James W. Campbell, Jr.

JWC/nb  
pc. Town Board

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

**DISCUSSION – UPDATE OPERA BLOCK/TOWN HALL RENOVATIONS**

Councilman Drozdziel updated the Board on the renovations as follows:

Update on renovation

- Exterior of stairwell completed by December 20
- Working on finishes on the 1st floor – tile in bathroom and drywall throughout
- 2nd floor finishing drywall and mechanicals in court suite area
- 3rd floor electrical roughing complete, metal studs complete and wallboard next week and plaster finish to follow
- Desk table and chair order for discussion (see attached)
- AV estimate pending
- Curtain estimate pending
- Additional cameras and extending the wireless will be completed through Hurricane & ultimate cabling
- Generator- site work to begin the week of December 19

On motion of Deputy Supervisor Mairs, seconded by Supervisor LeFeber the meeting was adjourned at 10:01 P.M.

Respectfully submitted by:

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Jennifer Shannon, Deputy Town Clerk

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Sharon M. Knight, MMC/RMC Town Clerk