

A regular meeting of the Town of Avon was held on Thursday, January 12<sup>th</sup> 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 Campbell, Jennifer Shannon, Deputy Town Clerk, Tom Crye, Highway/Water Supervisor, Dave Willard MRB Group Engineer.

VISITORS: Diana Farrell, Ken Farrell, Edward Forsythe, and Robert Westfall

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

**RESOLUTION #15 ENTER INTO 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 the medical, financial, credit or employment history of a person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a person or corporation and discussion regarding proposed, pending, or current litigation inviting Attorney Campbell. TIME 6:01 P.M.

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

**RESOLUTION #16 CLOSE EXECUTIVE SESSION**

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

RESOLVE to close executive session with no action taken at 6:13 P.M.

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

**VISITOR COMMENTS:** Supervisor LeFeber asked if there were any visitor comments. There were none at this time.

**RESOLUTION #17 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 December 29, 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 Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**RESOLUTION #18 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of January 3, 2023, 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 Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**DISCUSSION-ATTORNEY REPORT**

Attorney Campbell gave the following report:

- Exemptions for Senior Citizens' and the Persons with Disabilities and Limited incomes was discussed. A Public hearing will be held February 9, 2023.
- Public hearing for Solar Moratorium and Uniform Code will be held January 26, 2023.
- Working on reviewing some proposed changes with a pilot and community benefit agreement for the Gary Wheat solar project.

**RESOLUTION #19 SCHEDULE PUBLIC HEARING FOR SENIOR CITIZENS' EXEMPTIONS**

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

RESOLVE to schedule a public hearing as follows:

**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 New York State Town Law, that a public hearing shall be held by the Town Board of the Town of Avon at the Avon Village Hall, located at 74 Genesee Street, Avon, New York at 6:15 p.m. on Thursday, February 9, 2023 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

“A Local Law to adopt a real property tax exemption for certain qualifying senior citizens in accordance with New York State Real Property Tax Law §467. Real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or siblings, one of whom is sixty-five years of age or over, and used as the legal residence of such person(s), shall be exempt from taxation up to a maximum of 50% of the assessed valuation provided the owner(s) meet the qualifications set forth below. To be eligible for the exemption authorized by Real Property Tax Law §467 and implemented by this Local Law, the maximum income of such owner(s) shall not exceed \$28,000.00. Any such person(s) having a higher income shall be eligible for an exemption in accordance with the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
\$0 - 28,000.00	50 per centum
\$28,000.01 - 28,999.99	45 per centum
\$29,000.00 - 29,999.99	40 per centum
\$30,000.00 - 30,999.99	35 per centum
\$31,000.00 - 31,899.99	30 per centum
\$31,900.00 - 32,799.99	25 per centum
\$32,800.00 - 33,699.99	20 per centum
\$33,700.00 - 34,599.99	15 per centum
\$34,600.00 - 35,499.99	10 per centum
\$35,500.00 - 36,399.99	5 per centum

A copy of the proposed local law is available for review by the public at the office of the Town Clerk during regular Town Clerk hours.

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

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

**RESOLUTION #20 SCHEDULE PUBLIC HEARING FOR PERSONS WITH DISABILITIES AND LIMITED INCOMES**

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

RESOLVE to schedule a public hearing as follows:

**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 New York State Town Law, that a public hearing shall be held by the Town Board of the Town of Avon at the Avon Village Hall, located at 74 Genesee Street, Avon, New York at 6:15 p.m. on Thursday, February 9, 2023 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

“A Local Law to adopt a real property tax exemption for certain qualifying persons with disabilities in accordance with New York State Real Property Tax Law §459-c. Real property owned by a person with disabilities whose income is limited by reason of such disabilities, and used as the legal residence of such person, shall be exempt from taxation up to a maximum of 50% of the assessed valuation provided the owner meets the qualifications set forth below. To be eligible for the exemption authorized by Real Property Tax Law §459-c and implemented by this Local Law, the maximum income of such owner(s) shall not exceed \$28,000.00. Any such person(s) having a higher income shall be eligible for an exemption in accordance with the following schedule:

ANNUAL INCOME	% ASSESSED VALUATION EXEMPT FROM TAXATION
\$0 - 28,000.00	50 per centum
\$28,000.01 - 28,999.99	45 per centum
\$29,000.00 - 29,999.99	40 per centum
\$30,000.00 - 30,999.99	35 per centum
\$31,000.00 - 31,899.99	30 per centum
\$31,900.00 - 32,799.99	25 per centum
\$32,800.00 - 33,699.99	20 per centum
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A copy of the proposed local law is available for review by the public at the office of the Town Clerk during regular Town Clerk hours.

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

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

**RESOLUTION #21 TEMPORARILY MOVE MEETINGS TO VILLAGE HALL**

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

RESOLVE to temporarily move the location of the meetings of the Avon Town Board to the Village Hall, located at 74 Genesee Street, Avon New York, 14414 from February 9, 2023 through April 27, 2023.

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

**DISUSSION- CODE ENFORCEMENT REPORT**

Code Enforcement Brian Glise gave the following report:

- Dispensary inquiry- certain restrictions of where they can be located.
- Piranha- expanding, new liaison with them.
- Twin Cedars- coming along. On hold until March.
- Lance has been working on the new applications and permits.

**DISCUSSION – ENGINEER REPORT**

MRB Group Engineer Dave Willard gave the following report:

- The State will not approve solar developer plan.
- Discussion on construction and making the solar operational must take place within a certain timeframe.
- Discussion on drainage at Howlett.
- The Village signed the water study proposal.
- Water sample discussion- need to give an update letter to EPA
- Discussion on buying a water tester to get samples quickly to get more real time data.

**DISCUSSION- HIGHWAY/WATER REPORT**

Highway/Water Superintendent Crye gave the following report:

- Working in shop
- Maintenance and sampling
- Twin Cedars had some leaks and they have been addressed.
- Discussion on running Water System with class C and D licenses.

**RESOLUTION #22 STARTING PAY FOR TOWN HIGHWAY/WATER**

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

RESOLVE to adopt new pay rate for any new hire for the Town Highway/Water will start at 20/hr.

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

**DISCUSSION- GEOTHERMAL WELL SITE IN BACK OF BUILDING**

- Highway/Water Superintendent Tom Crye is now the contact person for the dig site.
- Around \$12,000 in damages. It has been repaired.
- Want to make sure it does not get paved over in case of future problems.

**DISCUSSION- TOWN CLERK REPORT**

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

Description	Information/Update
<b>Department/Committee:</b>	Town Clerk/Collector, Registrar, Records Management Officer, Marriage Officer, Notary
<b>Department Head:</b>	Sharon M. Knight, MMC/RMC
<b>Date of Report:</b>	January 12, 2023
<b>Requests for Town Board Decisions:</b>	<ol style="list-style-type: none"> <li>1. Approval of minutes not yet considered: December 29, 2022 and January 3, 2023</li> <li>2. Abstract 2023-1</li> <li>3. US Dept. of Commerce U.S. Census Bureau Official Corr. – Construction Progress Reporting Survey</li> <li>4. Request for Information - General Code Codification Update</li> <li>5. Request to destroy records – expired contracts</li> <li>6. Association of Town Annual Meeting &amp; Membership Information</li> </ol>
<b>Key Points/Updates:</b>	<ol style="list-style-type: none"> <li>1. The tax collecting season is in full bloom</li> </ol>
<b>Routine Updates:</b>	<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> </ol>

**RESOLUTION # 23 APPROVAL OF DESTRUCTION OF RECORDS**

On motion of Deputy Supervisor Mairs, 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:

Record Series Name or Description	LGS-1 Section Number	Inclusive Dates	Cubic Feet Destroyed	Date Record Obsolete
Expired Contracts	General Legal Agreement 32	2011-2015	2 inches	2022

Confidential? Yes  X  No  
 Department Approval: *[Signature]* Date: 1/11/2023  
 RMO Approval: *[Signature]* Date: 1/11/2023  
 Date of Destruction: \_\_\_\_\_ Board Approval: *[Signature]* Date: 1/12/2023  
 Attorney Approval: *[Signature]* Date: 1/12/2023

Z, documents, records management destroyed records, 2022

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

**DISCUSSION- COURT REVENUE**

- Decrease in court revenue. Other Towns are experiencing this as well.
- Revenue does not cover Judge’s and Clerk’s salaries.
- The Town Board discussed if there is need for 2 judges and procedures that need to be taken to eliminate one judge position.
- Attorney Campbell talked about it being the cost of doing business.

**RESOLUTION #24 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 December from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s December 2023 Report:

Total Local Shares Remitted:	\$ 630.49
New York State Department of Health	\$ 0
NYS Ag. & Markets for spay/neuter program	\$ 20.00
NYS Environmental Conservation	\$ 331.09
TOTAL	\$ 961.58

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

**DISCUSSION- ADVERTISE FOR ZBA OPENING**

- The Board discussed advertising for the Town of Avon ZBA opening.

**DISCUSSION- BAN**

- 4.39% rate for 1.5 million is good until February 3<sup>rd</sup> with Community Bank.

**RESOLUTION #25 APPROVAL OF 4.39% BAN RATE**

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

RESOLVE to move forward with Community Bank with the 4.39% for the Ban rate.

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



**RESOLUTION #26 ACCEPT THE CLAIMS**

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

RESOLVE to accept for payment Abstract 2023-1 in the following amounts:

Concerning ABSTRACT of Claims Number 2023-1 including claims as follows:

General Fund	Amounts totaling \$113,607.22
Highway Fund	Amounts totaling \$142,5620.80
Water Fund	Amounts totaling \$12,373.34

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

**RESOLUTION #27 BUDGET TRANSFERS FOR 2022**

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

RESOLVE to make the following budget transfers for 2022:

TOWN OF AVON

PLEASE MAKE THE FOLLOWING FY2022 TRANSFERS AT YOUR 1/14/23 MEETING:

**GENERAL FUND - TOWNWIDE**

*Transfer From:*

<b>UNANTICIPATED REVENUE</b>		
A3005	Mortgage Tax	\$ 40,000.00
A3089	St Aid - Other	\$ 58,000.00
		<u>\$ 98,000.00</u>

*Transfer To:*

A1110.103	Justice Clerk, Pers Serv	\$ 13,050.00
A1620.200	Buildings, Equipment	\$ 62,550.00
A1680.400	Central Data Proc, Contr Expend	\$ 650.00
A1910.400	Unallocated Insurance	\$ 6,350.00
A7310.400	Youth Services, Contr Exp	\$ 7,200.00
A8810.400	Cemetery Contr Exp	\$ 7,250.00
A9055.800	Disability Insurance	\$ 950.00
		<u>\$ 98,000.00</u>

**GENERAL FUND - OUTSIDE VILLAGE**

*Transfer From:*

B1440.400	Engineer, Contr Exp	\$ 13,000.00
B5650.400	Parking, Contr Exp	\$ 1,650.00
		<u>\$ 14,650.00</u>

*Transfer To:*

B3620.103	Safety Insp Clerk, Pers Serv	\$ 1,700.00
B6410.400	Publicity, Contr Exp	\$ 2,150.00
B8010.100	Zoning, Pers Serv	\$ 300.00
B8020.400	Planning, Contr Exp	\$ 10,500.00
		<u>\$ 14,650.00</u>

**HIGHWAY - TOWNWIDE**

*Transfer From:*

DA5120.400	Bridge Maint, Contr Exp	\$ 3,800.00
DA5142.400	Snow Removal, Contr Exp	\$ 6,000.00
DA.5148.400	Services, Other Govt, Contr Exp	\$ 2,150.00
		<u>\$ 11,950.00</u>

*Transfer To:*

DA5130.400	Machinery, Contr Exp	\$ 4,050.00
DA5130.401	Machinery, Contr Exp Fuel	\$ 7,150.00
DA5140.400	Brush & Weeds, Contr Exp	\$ 350.00
DA9055.800	Disability Insurance	\$ 400.00
		<u>\$ 11,950.00</u>

TOWN OF AVON

PLEASE MAKE THE FOLLOWING FY2022 TRANSFERS AT YOUR 1/14/23 MEETING:

**HIGHWAY - OUTSIDE VILLAGE**

<i>Transfer From:</i>			
DB9060.800	Hospital & Med Insurance	\$	950.00
	<b>UNANTICIPATED REVENUE</b>		
DB3501	Consolidated Highway	\$	113,898.00
			<u>\$ 114,848.00</u>
<i>Transfer To:</i>			
DB5112.200	Perm Improvements, Capital Exp	\$	113,898.00
DB9055.800	Disability Insurance	\$	350.00
DB9060.801	Hospital & Med Insurance HAS	\$	600.00
			<u>\$ 114,848.00</u>

**WATER DISTRICT #1**

<i>Transfer From:</i>			
SW8340.200	Transmission & Dist Equip	\$	75,500.00
			<u>\$ 75,500.00</u>
<i>Transfer To:</i>			
SW1440.400	Engineer, Contr Exp	\$	33,450.00
SW8320.400	Source Supply Pwr & Pump, Contr Exp	\$	8,550.00
SW8340.102	Transmission & Dist Deputy Pers Serv	\$	1,350.00
SW8340.402	Transmission & Dist Contr Exp Maint	\$	32,150.00
			<u>\$ 75,500.00</u>

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

**OPEN ITEMS:**

- Deputy Supervisor Mairs said he will do the Town Clerk’s and Town Court’s audit in February.

**DISCUSSION- OPERA BLOCK/TOWN HALL RENOVATION**

- The building renovations are moving forward.
- Furniture for 1<sup>st</sup> and 2<sup>nd</sup> floor should arrive around the 2<sup>nd</sup> week of February.
- Security gate- no delivery date. Holding things up on the first floor.
- Generator shut down- no power for short period on the 21<sup>st</sup> of January. Need to power everything off.
- Gas line- RGE
- Training session for generator was discussed.

**VISITOR COMMENTS**

- Bob Westfall would like the board to keep in mind when time allows, for them to adopt a usage policy for the 3<sup>rd</sup> floor.

On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the meeting was adjourned at 7:53 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