

A regular meeting of the Town of Avon was held on Thursday, March 22, 2018 at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, and Councilmen Malachy Coyne, James Harrington and Paul Drozdziel

OTHERS: Attorney James Campbell, Code Enforcement Officer Brian Glise, MRB Group Engineer Shawn Bray, Highway/Water Superintendent Thomas Crye, Town Historian Maureen Kingston and Deputy Town Historian Holly Watson, and Town Clerk Sharon Knight MMC/RMC

VISITORS: Janet Manko and Judy Falzoi

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

DISCUSSION – VISITORS COMMENTS

Supervisor LeFeber asked for visitor comments and they follow:

Visitor Judy Falzoi stated that she has an obligation to share information that the Board may not be aware of and you choose what you do with the shared information. This includes information pertaining to the health, safety and assets of the Town and not the benefits of individuals. A written letter to the Town Board dated, March 12, 2018 was shared that included the sources of the shared solar information. Judy stated that she is only wetting your appetite

Visitor Janet Manko shared her concerns of land sales that are purchased at a lower cost and then resold to LLC companies for more than they are worth. She also had concerns regarding water rates due to updates needed to the water system.

Supervisor LeFeber stated on April 9, 2018 a Water Works Committee Meeting will take place that includes two Town Board Members. It's a committee meeting that does not require legal notice but the meeting is open to the public.

Visitor Janet Manko questioned if Bonadio has been paid in full for their audit of the water department.

It was stated that they have been paid through February. There may have been work completed in March and there is still more to do with meter replacements. The final phase will be recommendations on our water system, how to manage it and positioning for the future. Complete certification on the reconciliation and an executive summary will be provided with options for the Board to look at along with observations for implementing checks and balances.

DISCUSSION – VISITORS COMMENTS-continued

Janet asked if people have been paying.

Supervisor LeFeber stated they have been and a reminder letter may be sent out to those who have not paid as it's an obligation for services that have been provided. Some customers were given an extension if they were involved with the grievance process.

What is being done with the companies or customers that knowingly took water?
Supervisor LeFeber stated this is an ongoing process and the board is not at liberty to discuss.

Mike Froome stated that the Clean Energy Benchmarking is done and Kim has access and she knows how to do it. A report on the Town Website needs to be completed. This is a one time learning curve to work with Water Clerk Kim McDowell.

RESOLUTION #68 APPROVAL OF MINUTES

On motion of Councilman Coyne, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of March 8, 2018, as presented by e-mail and to request they be published on 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 reported on the following:

- The fully signed lease amendment from AT & T is now on record at the Town Clerk's Office.
- Bruckel easements – still questions regarding the storm water drainage, water to the Town of Avon along Bruckel Drive and a third easement with the Livingston County Water & Sewer Authority.

DISCUSSION – HISTORIAN ANNUAL REPORT

Historians Maureen Kingston and Holly Watson provided a written report that is officially required to the State by the end of March. The report follows:

ANNUAL REPORT FOR THE YEAR 2017
OFFICE OF TOWN HISTORIAN
AVON, NEW YORK

Who we are: A network of local historians was established in 1919, when New York became the first state in the United States to officially call for the appointment of an historian for each city, town and village. The “Historians’ Law,” part of the State Education Law, was later expanded to include county and borough historians as well. In each jurisdiction, the historian is appointed by the respective governing body and is responsible to that body. The Town of Avon Historians are Holly Watson and Maureen Kingston, Gail Settle is a volunteer in the office.

What we do: The general roles and responsibilities include researching and writing about the community, working with and speaking to various groups, promoting historic preservation.

What we did:

- Fielded family history inquiries including those related to: Mathews, Marschke, Coats/Coates, Sage, Gibson, Barber, Beach, Whiting, Roland, Pease, Hamilton, Martin, Slattery, Hurley, Cutler, Wadsworth, Carson, House, Ippolito, Seymour and Nichols, Hanna, Penrose, Forsyth, Farrugia, Donnelly, English/Labigan, Long, Hinterland, etc.;
- General history inquiries included: Park Theater, sulphur water near Ganson’s Brook, Star Diner, farms, Light’s Mill, Avon Sanitarium, White Horse Tavern, South Lima, Avon Play House, Charlton, Avon Academy, paintings temporarily stored in the Town Hall, etc.;
- Wrote letters in support of funding for the Five Arch Bridge and the Park Theater;
- Conducted a bus tour of Avon for new Avon Central School staff to point out landmarks in the community, places of employment where students’ parents might work, where students may live, the public library, restaurants, other places of business, churches, industrial locations, farms and what they raise, the parks including Driving Park i.e. “The Downs”, the Erie-Attica Trail, etc.;
- Met with the ACS sixth graders as they toured downtown (Police Dept. and Village Hall, Town Hall, Avon Preservation and Historical Society Museum and) the Village Park Circle with “History in the Park”;
- Took our history to the Avon Nursing Home in association with Joan Reid of the APHS;
- Participated in recorded interviews with Eric Marshall and Hoyt Mason, with APHS;
- Attended Avon Chamber of Commerce meetings;
- Met with other historians of Livingston County and the Livingston County Historian several times through the year to network and share concerns. The group was officially recognized by the Livingston County Board of Supervisors at their meeting September 27, 2017;
- Researched and created text for new historical marker, honoring John Hubbard Forsyth, who died in the Battle of the Alamo;
- Met with the Town Council and highway engineers regarding replacement of the bridge on Papermill Road and provided input on design to preserve its historical appearance;
- Managed a Master Index of names from various indices, providing a single research aid;
- Purged, scanned, organized and consolidated files, both hard copy and digital;

- Managed archival collections and processed new acquisitions;
- Digitized approximately 1,181 unique photographs from the photograph series, subjects Business through Parks. Also numbered and labeled each item and added descriptions individually to the Excel inventory.

Our very active volunteer copied newspaper clippings—obituaries and local news and events and Laserfiched obituaries (i.e. up-to-date scanning to database).

What we will do:

- Install and dedicate historical marker honoring Alamo soldier John Hubbard Forsyth;
- Continue support for Livingston County regarding replacement of Papermill Road bridge;
- Work with the Town and engineers to create appropriate historical marker for Papermill Park once replacement bridge is complete;
- Create Disaster Plan
 - Complete digitization of photo collection
 - Identify collection priorities
 - Obtain supplies for use in case of emergency
- Create updated newsletter, *Old Hartford Times*; include current information on:
 - Historical Markers
 - Topics of interest, such as the Red Jacket Coach, J. H. Forsyth, etc.
- Identify properties/sites of possible eligibility for State and National Historic Register application;
- Seek recognition for the Seneca village and Indian and white cemeteries near Dutch Hollow.

Respectfully submitted,

Maureen Kingston and Holly Watson
Town of Avon Historians
3.22.18

There was discussion regarding digital photos and their availability to the public as well as the possibility of putting a terminal in for public access.

Deputy Supervisor Mairs thanked Maureen and Holly for their work.

DISCUSSION - ATTORNEY REPORT-continued

Attorney Campbell reported on the following:

He provided a draft local law to the Board by email and discussion on the draft was held.

Discussion included:

- 300 foot set back
- Section E. – Special Use Permit. Planning and Zoning Board of Appeals.
- Surety Bond/ Pilot Agreement - for general use

- Lot size versus acreage restrictions
- Practically definable local law
- Solar overlay districts
- Industrial zoning or other like things

DISCUSSION - ATTORNEY REPORT-continued

- Current moratorium ends the 29th June/July
- Comprehensive Plan
- Practical limits
- Payment in lieu of taxes
- 25 acre limits
- Assessment
- Extend the current moratorium by local law.

Supervisor LeFeber reported that he received a letter from Sun Common as a landowner.

RESOLUTION #69 EXTEND SOLAR MORATORIUM

On motion of Councilman Harrington, seconded by Supervisor LeFeber the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Attorney Campbell to initiate the process to extend the solar moratorium to December 31, 2018

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

RESOLUTION #70 CHANGE THE START TIME OF THE APRIL 12, 2018 REGULAR SCHEDULED TOWN BOARD MEETING

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to change the start time of the regularly schedule Town Board Meeting for April 12, 2018 to begin at 5:00 P.M.

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

DISCUSSION – SOLAR COMMITTEE PRESENTATION TO THE TOWN BOARD

After discussion it appeared that Michael Froome would be presenting a “Potential for Development” at the next meeting, April 12, 2018.

DISCUSSION – HIGHWAY/WATER DEPARMENTS

Highway/Water Superintendent Thomas Crye reported on the following:

Highway:

Snow removal, brush and trees, changing signs, drainage cross over pipes, clean up plow digs around town

RESOLUTION #71 ACCEPT THE AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

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

RESOLVE to accept the agreement to spend town highway funds as follows:

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

2018

TOWN OF AVON
COUNTY OF Livingston

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$ ~~75,000.00~~ ~~799,191.00~~ 274,191.00 may be expended for general repairs upon 4.8 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. IMPROVEMENTS. The following sums shall be set aside to be expended for the improvement of town highways:

SUTTON RD

(a) On the road commencing at BROWSON Hill RD and leading to RT 15, a distance of 1.24 miles. there shall be expended not over the sum of \$ 71,402.22
Type FINE NOVA CHIP Width of traveled surface 22
Thickness 1 INCH Subbase

Jenks RD.

(b) On the road commencing at 5+20 and leading to NORTH AVON RD, a distance of 1.82 miles. there shall be expended not over the sum of \$ 29,487.68
Type oil + STONE Width of traveled surface 22
Thickness 3/8 Subbase

NORTH AVON RD.

(c) On the road commencing at RT 15 and leading to LINA TOWN LANE, a distance of 2.8 miles. there shall be expended not over the sum of \$ 52,911.86
Type oil + STONE Width of traveled surface 22
Thickness 3/8 Subbase

No moneys set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements until the Town Superintendent approves the plans, specifications and estimates for such construction.

This agreement shall take effect when it is approved by the Town Board.

Executed in duplicate this 22nd day of March, 2018

David Leiben
Supervisor
Thomas Mavis
Councilperson
Malachy Z. Cape
Councilperson

Gene [Signature]
Councilperson
[Signature]
Councilperson
Thomas [Signature]
Town Highway Superintendent

Note: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's office and one in the County Highway Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY

Gilbert mill

ROAD commencing at NORTH AVON RD. TO RUSH TOWN LINE
DISTANCE - 0.83 mi.
SUM - \$2,572.27
Type - oil + stone
WIDTH - 20
THICKNESS - 3/8

OTHER IMPROVEMENTS

CRACK FILLING - \$5,000.00
PIPE + CHANGING - \$10,000.00
WEDGING - \$25,000.00
RESTOCK MATERIALS SHOP - \$10,000.00
COLD PATCH - \$1,000.00
N/L DRAINAGE - \$3,000.00

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

DISCUSSION – HIGHWAY/WATER DEPARMENTS-continued

Water:

5 meter changes left, everyday maintenance, Kelly Sloan will take his water test at the end of April, working on changing the town’s policies and regulations.

DISCUSSION – CODE DEPARTMENT

Code Enforcement Officer (CEO) Brian Glise gave the following report:

Classes for re-certification have been completed for one year
Joyful Beginning is moving forward
The Personal Defense Business is again interested in property on Route 15 and is expected to be back
Mortalis Brewing is moving along
The light switch in the hallway to the second floor is being looked at by Highway Employee Andy Pierce.
Three quotes for an alarm system at the barns are being sought.

DISUCSSION – ENGINEER REPORT

MRB Group Engineer Shawn Bray reported on the following:

He questioned if there has been any progress on the planning of the public parking lot behind the businesses on Genesee Street.

The agreements from Renewable Rochester have been signed and Attorney Campbell has looked them over. There was discussion regarding the award of the grant and the following action was taken.

RESOLUTION #72 AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT

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

RESOLVE to authorize Supervisor LeFeber to sign the contacts for the NYSERTA solar project with Renewable Rochester subject to the conformation that the grant has been awarded.

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

DISCUSSION – ENGINEER REPORT-continued

Engineer Bray spoke with Invictus and they understand why they were not awarded the bid and they understand that there would be no negotiations after the bids were accepted.

He also asked the Board to think about sitting down and looking at your water system and think about future expansion of the system. Look into opportunities for planning grants like Rural Development Grants.

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight reported on the following:

- Communications were received and forwarded to the Town Board via email:
- Avon Downtown Meeting – Commercial District Market Analysis
- Congressman Chris Collins – Update
- Livingston County Emergency Management Hosting – New York State Homeland Security and Emergency Services Emergency Management Certification and Training: Tier 3 Public Officials Workshop
- Aquatic Invaders and iMap Training. Vitale Park, Livonia, NY. Tuesday, April 3, 2018. Program will begin at 6 pm in the Chip Holt Nature Center.
- Link to an interactive map of Avon for zoning information
- Avon Chamber of Commerce minutes for March
- Friends of the Genesee Valley Greenway – Spring 2018 Edition
- Draft Local Law Entitled “Adding Solar Energy Systems article to the Code of the Town of Avon

Additional information was shared as follows:

- Notification from the Town of Lima on a proposed local law entitled “Establishing a temporary land use moratorium prohibiting large scale solar installations within the Town of Avon.
- Genesee Valley Conservancy Landowner Workshops – April 11, 2018
- Avaya – Notification of support coverage renewal and opportunity for upgrade

Notification was received from the Livingston County Board of Elections regarding the next General Election. As we all may know there will be an open position for Councilmember and that has been completed on the form. An outstanding question of

the Board is, do you intend to have a proposition on the November ballot and if so what is the subject. The Board appeared to agree there would be no propositions.

I have signed up for the International Institute for Municipal Clerk to be held in Norfolk in May.

DISCUSSION – TOWN CLERK REPORT-continued

At a Joint Village Meeting held on March 13, 2017 a resolution was adopted to reappoint Water Works Committee Members. The resolution included Jim Schillinger whose terms expired in April of 2016 and to reappoint Bill LaBine term to have expired April 2017. Ronald Jennings term will expire April 2018, next month. A recommendation to adopt a resolution clarifying the appointments and term is recommended and the Board took the following action.

RESOLUTION #73 WATER WORKS COMMITTEE MEMBER APPOINTMENT

On motion of Supervisor LeFeber, seconded by Deputy Supervisor Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to make the following appointments to the Water Works Committee:

James Schillinger, term to expire April 26, 2021

William LaBine, term to expire April 26, 2022

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

DISCUSSION – CLAIMS

The Kenron voucher was questioned.

SecuritiSmart was in today to fix broken FOB readers.

There was a question on Claim 221 for Bonadio. Attorney Campbell stated Joe Dillion, Tim Ball and he met with the District Attorney for a couple of hours regarding Harper Park. They also met with Kelly/Kim regarding administration issues.

Councilman Harrington would like a breakdown.

Supervisor LeFeber will ask for an hourly breakdown.

RESOLUTION #74 PAYMENT OF BILLS

On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2018-6 in the following amounts:

RESOLUTION #74 PAYMENT OF BILLS-continued

Concerning ABSTRACT of Claims Number 2018-06 including claims as follows:

General Fund	Voucher #113 through #133 in amounts totaling \$4,756.48
Highway Fund	Voucher #43 through #47 in amounts totaling \$2,605.80
Water Fund	Voucher #215 through #223 in amounts totaling \$11,628.82
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	No Voucher
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire Protection	No Voucher
Rte. 39 Water SW2	No Voucher

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

DISCUSSION – EMERGENCY TRAINING

The chain of command for emergency protocol is Supervisor LeFeber, Deputy Supervisor Mairs then Councilman Coyne.

The battery that operates the fobs when there is a power outage needs to be replaced.

OPEN ITEMS

Deputy Supervisor Mairs stated that the Ethics Committee will be meeting Monday at five o’clock and he will be holding a lunch meeting on May 8th at 12:30 to 1:30 with town employees to discuss ethics in the work place.

Councilman Drozdziel spoke with John Steinmetz in regards to our code. He will put together a proposal within the next few weeks.

RESOLUTION #75 EXECUTIVE SESSION

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to enter into executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. TIME 8:26 P.M. inviting Attorney Campbell

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

RESOLUTION #76 CLOSE EXECUTIVE SESSION

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to close executive session with no action taken at 9:19 P.M.

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

On motion of Supervisor LeFeber, seconded by Councilman Coyne the meeting was adjourned at 9:20 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk