

A regular meeting of the Town of Avon was held on Thursday, April 12, 2018 at 5:00 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 (arrived at 5:13 P.M.), James Harrington and Paul Drozdziel

GUESTS: Solar Energy Committee Chairman Michael Froome and David Jenkins from Rochester Personal Defense

OTHERS: Assessor Tami Snyder, Attorney James Campbell (left at 7:15 P.M.), Code Enforcement Officer Brian Glise, MRB Group Engineer Lance Brabant and David R. Willard P.E., Highway/Water Superintendent Thomas Crye, and Town Clerk Sharon Knight MMC/RMC

VISITORS: Janet Manko, Sue Swanson, Clara Mulligan, Cindy Kellen, Robert Westfall, Chuck Morgan, Green Spark Solar Employee Matt, and Judy Falzoi

Supervisor LeFeber called the meeting to order at 5:00 P.M. and led those in attendance in the Pledge of Allegiance and read the following legal notice:

Town of Avon
Legal Notice

The regular meeting time for April 12, 2018 Town Board meeting is changed to begin at 5:00 P.M. The meeting will be held at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414.

By order of the Town Board, Town of Avon, Livingston County, New York

Sharon Knight, MMC/RMC Town Clerk
Town of Avon
23 Genesee Street
Avon, New York 14414
Dated: March 23, 2018

DISCUSSION – SOLAR DISCUSSION

Supervisor LeFeber welcomed MRB Group Engineers Lance and David and turned over the floor to Solar Energy Committee Chairman Michael Froome.

Mike provided hand outs and opened the discussion by asking that questions be held until the end of his presentation.

He stated that he has put in sixty hours of research and he is willing to assist anyone with questions including directing them to other resources.

Mr. Froome strongly recommended not investigating municipalities that have ban solar use but to contact municipalities that have solar as they will have history working with solar.

DISCUSSION – SOLAR DISCUSSION-continued

The following is a summary of the presentation.

Solar PV Development in the Town of Avon
Potential, Benefits, and Risks
Findings and Recommendations Summary

*“The Town Board of the Town of Avon recognizes that solar energy is a clean, readily available and renewable energy source and the **Town of Avon intends to accommodate the use of solar energy systems.**”*

“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.”

Source: March 2018 draft of proposed solar regulations law §130-78 - Authority and Legislative Intent.



Solar PV Basics – Scale rules of thumb:

- 1 MW DC = 5 acres = enough to power 164 average residences
- Community Solar is limited to 5 MW maximum
 - = 25 acres
 - = power enough for 820 average residences

Partial list of sources:

<https://www.seia.org/initiatives/whats-megawatt>

<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={D44C8E6B-E351-45A8-AD3B-E04A83F3DA1D}>

<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={D91A73CA-580A-442C-A939-CC050A91CFFE}>

Solar PV Basics – Customer Types

Behind the Meter (BTM)

- Single customer
- Residential, small business, commercial
- Energy is produced and consumed onsite before going to grid

Shared

- Multiple customers
- Generation remote from consumption
- Grid customers can choose power provider
- Allows customers that can't have or afford BTM to get their power from solar anyway

Solar PV – NYS Real Property Tax Law § 487

What is it? A 15-year real property tax exemption for properties with *renewable energy systems*.

What type of renewable energy systems? Solar thermal, solar PV, wind, farm waste systems (digesters), and more.

What scale? All scales including Behind-the-Meter (BTM) systems.

Can we opt-out? Yes but there are negative consequences:

1. It hurts individuals - residential, small business, and commercial BTM customers - because it takes away a tax benefit they had!
2. ***“Property taxes can have a significant impact on the financial viability of solar electric projects, sometimes impacting project economics in a way that unintentionally prohibits solar electric development.”*** In other words, opting-out is essentially banning solar PV development.

Partial list of sources:

<https://www.nysed.ny.gov/-/media/NYSun/Files/Real-Property-Tax-Law-487.pdf> - FACT SHEET UNDERSTANDING NEW YORK STATE'S REAL PROPERTY TAX LAW § 487

<https://ncdeantech.ncsu.edu/wp-content/uploads/Property-Taxes-and-Solar-PV-Systems-2013.pdf> - Property Taxes and Solar PV Systems: Policies, Practices, and Issues - Justin Barnes, Chad Laurent, Jayson Uppal, Chelsea Barnes & Amy Heilmann

Taxes (opt-out NYS Real Property Tax Law § 487) or PILOT:

- Concern: Town will miss out collecting revenue with a PILOT.
 - PILOT ~~and~~ Taxes are just different legal classifications of revenue sources. For shared solar PV development PILOT will provide additional revenue to the town which benefits all its taxpayers. Projects that don't get built due to full taxation denies the town additional revenue.
- Concern: PILOT are an unfair burden on existing property tax payers.
 - No they're not. Existing taxpayers won't be taxed more and taxes will not be shifted to them. Solar PV installations will not cost the town much, if anything in additional services.
- PILOT can and should be required in the law (and it's in there).
- PILOT can't be more than full taxation would be, but it could be equal to it.
- PILOT is common. In Avon there are several PILOT agreements including Covered Wagon Tours, Grey Metal, Kid's Club, Evening Star Coffee Roasters, DP Tools, Avon on the Green, and Barilla.
- Tax incentives for renewable energy development are common. A majority of states have them.

Recommendation: Do not opt-out!

Findings in response to concerns about Decommissioning and Abandonment

1. In order to get a permit for a solar project an acceptable decommissioning plan should be required as **part of the lease agreement** with the landowner.
2. Ultimately, the landowner is financially responsible for decommissioning.
3. Decommissioning plan should include an inflation projected cost-minus-scrap-value estimate.
4. If somehow the town gets stuck with the decommissioning task they can put a lien on the property in order get reimbursed for their expenses and troubles.
5. Abandonment is unlikely because it's easy and inexpensive to keep solar projects in production. Solar project lifetimes are likely much longer than the guarantee on the PV panels. Testing and field data point to productive lifetimes of 40 years or more. With retrofits there is no upper limit on lifetimes.
6. Abandonment is unlikely because of the high scrap value and recyclability of the materials.
7. There is essentially no "brown-field" risk from abandoned or non-operational solar projects.

Conclusion: There is a very small risk of solar project abandonment at all, and even less of a risk the town would get stuck with decommissioning.

Partial list of sources:

1. Excellent summary of options, suggested practices, and expense estimates direct from NYSERDA - <https://www.nyserda.ny.gov/-/media/NYSun/files/Decommissioning-Solar-Systems.pdf>
2. Claims of 40 year lifetimes comes from multiple sources easily found using a Google or BING search.

The Original Concern: Solar Farm Sprawl – We can't predict the future

Ground mounted large solar fields will proliferate to such an extent we'll lose substantial amounts of prime farm land and open spaces.

Reality: We can **substantially control** and **reasonably predict** the future of solar development in Avon.

Making Predictions:

- Mailings, hearsay, and sensationalized media reports are terrible predictors of solar sprawl!
- Starts with basic understanding of differences between transmission and distribution infrastructure.
- Infrastructure location and **hosting capacity** data is available. We can do our own estimates or NY Sun will do them for us.
- Publicly available GIS tools allow us to test land availability scenarios right down to individual parcels.
- We have large scale percent coverage estimates from NYSEIA and from comparison to NC.
- We know that technology trends are towards greater efficiency and hence, smaller footprints.
- Data on location and size of proposed projects is available online from NYS. Projects are not going to sneak up on us.

Actual Prediction for Avon:

Worst case is about 100 acres, less than 40 acres is more likely, and none at all is a definite possibility.

The Original Concern: Solar Farm Sprawl - Development Hurdles



- Challenging economics. Low margin business with large upfront costs.
 - Multiple taxing and permitting authorities.
 - Finding willing landowners that have suitable land.
 - Land fragmentation, conservation easements, environmentally sensitive areas.
 - Inadequate grid infrastructure and the need for extremely expensive upgrades to it.
 - Interconnection is permission based, not a right.
 - Overly restrictive zoning.
 - Declining incentives and demand – each development in an area makes the next development less likely. Remember it's about distributed generation.
 - NYS Regulatory cap on community scale solar projects – 5 Mw max = 25 acres.
 - NYS Article 10 Law trigger for extra scrutiny of large (> 25 MW ~ 125 acre) solar projects.
 - NIMBY's and subjective ugliness objections.
-

The Original Concern: Solar Farm Sprawl - Control



We have the authority to regulate siting and sizing using any combination of...

- Setbacks
- Minimum parcel sizes
- Zones or overlay maps where allowed
- Area coverage limits
- System capacity limits

We need to be careful to not implement so many controls that we unintentionally ban solar PV development.

Recommendations:

1. Seek developer comments on proposed law.
 2. Seek NY Sun comments on proposed law.
 3. Don't pay much attention to other towns' recently enacted, restrictive solar laws – there's nothing to learn from them.
 4. Learn from towns that are solar friendly and have been for more than a few months.
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Solar Sprawl - Limiting factors affecting the scale and pace of possible development in Avon:

1. Community solar projects connect to the distribution grid:
 - Distribution lines in Avon are not high capacity.
 - As of 2018 projects are limited by state regulations to 5 Mw or less.
 - Avon land closest to the East Golah substation has conservation easements.
 - The farther the project from the substation the less economic it will be.
 - There is limited amount of total distributed generation that the substation can handle – estimated at 20 Mw or less¹ – across the entire distribution network.²
2. Utility scale projects connect to the transmission grid:
 - There are only 2 sub-transmission lines wholly in Avon and another one that touches our South East border, which means most of Avon wouldn't be close enough to a transmission line to host a utility scale project. Additionally one of the lines appears to cross land in the Conservancy thereby limiting the amount of land suitable for utility scale projects.
 - Expensive upgrades required to interconnect here would likely make a utility scale project economically unfeasible.
 - We're essentially not a good location for a utility scale project.

¹ My sources (interviews with 3 different solar developers) for this figure agree there is a limit but give different figures for what the limit is. Because of this I picked the worst case. The real limit may be less.
² 20 Mw would require about 100 acres total across and anywhere in the distribution network. Remember the network extends over parts of several towns and 3 counties so it's unlikely all 100 acres would be in Avon and it's possible none of the land required would be in Avon.

Community Benefits from Shared Solar Development

- Stabilize and supplement farm income.
- Additional revenue for town.
- New low-cost, inflation protected electricity source for residents.
- Energy security - Increased reliability and stability of local grid.
- Regional economic benefits.
- Decreases air and water pollution.
- Unlimited, free, clean fuel means customers don't have to worry about increasing electricity rates.
- Pride and satisfaction for residents that are clean energy supporters.

Conclusions, Findings, Recommendations:

1. Avon is not in danger of being overrun by large scale solar development because there are many preexisting limits and hurdles to such development.
2. Worst case if no other town will host solar AND it's economically feasible to install the full amount of generation the East Golah substation can handle in Avon AND there are developers and landowners for the projects it means about 100 acres total in all of Avon.
3. Solar PV is safe and environmentally benign, especially in comparison to the alternatives.
4. Our draft law may need some fine-tuning but it gets the big stuff right.
5. Seeking comments on our proposed law from NY Sun and a few developers would help with the fine-tuning. Other towns have done this.
6. Do not opt-out of the solar tax exemption.
7. If coming to agreement on overall solar regulations is going to take a long time then we should consider a 2-step approach that establishes the regulations for BTM systems now and add the regulations for shared solar later.

Supervisor LeFeber thanked Mike for the time that he put in.

Lance looked at the local law and compared it to other community's local laws. One community has approved projects and requires a special use permit rather than an overlay. Two projects were in industrial land which is a less concerned area. Avon's draft is agricultural and other communities stated the need to provide reasons why the land is not viable farm land.

Lance suggested the Town require a survey of the parcel boundaries. Some communities use a lot of hills for protecting views and not fences'. It is not a requirement for Avon but is usually needed for insurance. Fencing is a fire code requirement by the State in general. There is usually a height requirement to keep out habitat. You need to make sure Decommissioning Plans include put up, take down, and upkeep of fences.

DISCUSSION – SOLAR DISCUSSION-continued

Planning/ZBA/Town Boards meet together for approvals. One year turns around for construction. Extensions would then be based on Special Use Permit requirements.

Councilman Drozdziel questioned if the wording regarding PILOTS should be a requirement and how does the Town protect itself if the developer goes bankrupt?

Supervisor LeFeber spoke of PILOTS versus the ability to put a lien on property.

Attorney Campbell discussed a PILOT as a tool to allow for an income screen to raise dollars for projects.

Assessor Snyder stated that the County will not do a PILOT. Schools have opted out of PILOTS and all entities can choose to participate or not. Caledonia School does not allow PILOTS. I have not seen a PILOT that a municipality has developed and isn't County wide.

There was discussion on the requirements for municipalities to take action.

Lance was asked to summarize our discussion and include comments on the draft and report at a future meeting.

DISCUSSION – DAVID JENKINS, ROCHESTER PERSONAL DEFENSE, WITHIN THE IN KEMP PDD

Supervisor LeFeber welcomed Rochester Personal Defense, LLC, Founder and Primary Instructor David Jenkins to address the Town Board on a project to operate a firearms training business in the Kemp PDD. Mr. Jenkins addressed the Board and provided written documentation including:

- Training Experience, Teaching Experience and Professional Memberships/Affiliations
- Background information on his business including research as to why he chose the Kemp PDD property.
- Property Owner John Kemp's letter granting permission for Mr. Jenkins to act as applicant and agent relative to his property located at 54.-1-3-11 and 54.-1-9.
- Possible layouts design examples.

Mr. Jenkins stated that his first proposal was in 2015 and the landowner ended up with another offer to sell the land, however; the plan fell through. He is back now as the Kemp land maybe available. He continues to want to have onsite training of firearms.

DISCUSSION – DAVID JENKINS, ROCHESTER PERSONAL DEFENSE, WITHIN THE IN KEMP PDD-continued

There was discussion regarding noise restrictions.

Attorney Campbell reviewed the Boards responsibility in considering the proposal as it's located in a PDD. The Town Board needs to consider if this use would be allowed. This consideration is similar to the most recent Board actions related to Joyful Beginnings.

MRB Group Engineer Lance recommended that the applicant contact the NYS Department of Transportation to see if this project is feasible due to traffic. Mr. Jenkins agreed with the recommendation and will report back at the next Town Board meeting.

RESOLUTION #77 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 discussion regarding proposed pending or current litigation. TIME 6:49 P.M. inviting Attorney Campbell

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

RESOLUTION #78 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 7:13 P.M.

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

DISCUSSION – VISITORS COMMENTS

Supervisor LeFeber asked for Visitor Comments and they follow:

Visitor Cindy Kellen provided information in regards to the proposed shooting range. Avon Town Code Section 130-18 (2) and Avon Comprehensive Plan page 62

She shared concerns including but not limited to her family home being too close to this type of project.

DISCUSSION – VISITORS COMMENTS-continued

Visitor Judy Falzoi suggested to the Board that they visit his website and ride to the airport where he currently conducts business and has many open hours seven days per week.

Visitor Judy Falzoi asked if the Board was aware that it's Nationalgrid that is bringing in applications to our Town. Nationalgrid is asking people to supply them with power. Two parts that are a cause of concern with Nationalgrid are they reserve the right to claim the assets of the company if they do not produce and they are requiring the ability to turn

on and off the solar electricity if there is too much. Again, they reserve the right to take the assets if turning on and off do not work.

Currently the Town offers business PIOLTS for business improvements and starting a new business'. All wire and transmission lines are assessed for value. If you are going to give exceptions to some then you should be able to explain to others why they do not get them.

RESOLUTION #79 APPROVAL OF MINUTES

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

RESOLVE to approve the minutes of March 22, 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 Drozdzial - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #80 APPROVAL OF MINUTES

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

RESOLVE to approve the minutes of March 12, 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 Drozdzial - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #81 AUTHORIZING THE SUBMITTAL OF A NYS DEPARTMENT OF TRANSPORTATION GRANT APPLICATION

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

A resolution authorizing the submittal of a NYS Department of Transportation grant application by the Town of Avon and the subsequent appropriation of funds for a BridgeNY 2018 grant project.

WHEREAS, the Town of Avon believes itself to be qualified, and is willing and able to carry out all activities described in the state grant application; and,

WHEREAS, in this action of the Town of Avon Board have declared its intent to conduct the BridgeNY 2018 grant project described in the application; and,

WHEREAS, in this action the Town of Avon Board will, upon award and acceptance of the grant, agree to the terms of this grant;

IT IS THEREFORE RESOLVED THAT: the Town of Avon Board requests the funds and assistance available from the New York State Department of Transportation under BridgeNY 2018 grant program and will comply with the state rules for the program, and,

HEREBY authorizes David LeFeber, Supervisor, to act on behalf of the Town of Avon, to submit and sign an application to the State of New York for financial aid for BridgeNY 2018 grant project purposes, sign related documents, and

HEREBY authorizes David LeFeber, Supervisor, to act on behalf of the Town of Avon, to sign the grant agreement if the grant funds are awarded.

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

DISUCSSION – ENGINEER REPORT

MRB Group Engineer Lance Brabant and Dave Willard were in attendance. Mr. Willard was introduced as our new Engineer Representative from MRB group. Dave has worked with MRB Group for eighteen years, lives in the Town of Greece and is a Civil Engineer and an RIT graduate.

All correspondence will go through Mr. Willard including solar information.

DISCUSSION – CODE DEPARTMENT

Code Enforcement Officer (CEO) Glise provided the following written report:

DEPARTMENTAL REPORT BUILDING & ZONING
November 29, 2017 - April 12, 2018

The following **BUILDING PERMITS** were issued during the time period November 29, 2017 - April 12, 2018:

2017-0086	Mann-Emery	Furnace install	12/04/17-12/12/17 closed	\$ 35.00
2017-0087	Goodale	Pole Barn	12/15/17	\$117.40
2018-0001	Verizon Wireless	repair/replace antenna	1/12/18	\$190.00
2018-0002	AT&T	repair/replace antenna	1/24/18	\$190.00
2018-0003	Caiazzo	pellet stove installation	1/29/18-2/2/18 closed	\$ 40.00
2018-0004	Burns	redo screened porch	2/1/18	\$ 35.00
2018-0005	Sprint/Crown	repair/replace antenna	3/2/18	\$190.00
2018-0006	Covered Wagon	demolition underground storage tank	3/23/18	\$ 40.00
2018-0007	Hernandez	add -family room, master bed & bath	3/26/18	\$104.28
2018-0008	J.B. Properties	Day care center on Interstate drive	3/27/18	\$778.00
2018-0009	Walnes	Re-roof	4/3/18	\$ 35.00
2018-0010	Raub	replace sun room with enclosed room	4/9/18	\$ 89.60
Total Fees Outstanding for period				\$ 0.00
Total Fees Collected 11/29/17- 4/12/18				\$1,844.28

The following **BUILDING PERMITS** were **Renewed** during the time period Nov. 29, 2017 to April 12, 2018:

The following are projects/permits currently working on:

The following actions occur on a daily basis in the code office:

- Processing all paperwork through the correct channels on a timely basis
- Clean up of outstanding permits, violations and filing system (Laserfiche)

CEO Glise was wondering where we are with the Bruckel Drive easement.

Engineer Brabant stated that the delay is an easement aspect. It is being worked on and will come back to us for review. We can't accept dedication over the easements until the County has approved them.

- Bill Bacon from Economic Development sent Supervisor LeFeber information regarding the sign at Quicklee's.
- Oak Openings Party Barn would like to renew their special use permit.
- Alarm system quotes.

DISCUSSION – CODE DEPARTMENT-continued

- Phase one assessment of the quarry has started. We are being asked for a certificate of zoning compliance. The quarry has been closed for three or four

years. The DEC normally provides a zoning compliance permit. Work through the Town Attorney.

DISCUSSION – HIGHWAY/WATER DEPARMENTS

Highway/Water Superintendent Thomas Crye reported on the following:

Highway:

Busy with snow removal, signage, ditching, yard fixes, shoulder touch up, snow fence, brush and trees, garbage pick-up, worked in the shop, serviced equipment and shop.

Tec Drive guard rail, Reservoir Road guard rail, new lights at the shop, wind damage back of salt shed, salt hauled in next week. The price for salt will be good until next year at \$40.00 per ton.

Water:

We still have six meter changes, 2 homeowners are in Florida, 2 will not allow the change, and two people have not been reached.

Sampling, reads in two weeks, altitude valve change have not received any word (its working).

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight reported on the following:

- Communications were received and forwarded to the Town Board via email:
 - Clerk's monthly report for March 2018
 - Draft Solar Law
 - Local Law T-1A-2018 – Draft Moratorium Extension for Solar
 - Sample grant request resolution
 - Jenkins – Rochester Person Defense, special use permit
 - Ethics addendum
 - West Fire Proposal – Highway Barn
 - SecuritiSmart Proposal – Highway Barn
 - Davis Ulmer Proposal – Highway Barn
 - Remembering Roast – Outgoing Geneseo Mayor Hatheway
 - The Office of the NYS Comptroller May Town Finance Schools
 - Liv. Cty. Traffic Safety Board Meeting Minutes
 - Governor Cuomo Adoption of the 2019 NYS Budget Info.

DISCUSSION – TOWN CLERK REPORT-continued

- Liv. Cty. Water & Sewer Association

2018 Town and County Tax Collection period has been completed and included the following highlights:

- A new State law was passed and our Governor made public announcements of a new benefit to property owners, if they paid their 2018 property taxes in 2017. We received many inquiries and payments in the amount of \$381,078.87 were received on the 29th of December, 165 people at the counter, 9 by mail and 1 credit card.
- Forty-two on line payments and two in-house credit cards were used.
- Over all we collect 93% of taxes due for a total amount of \$4,811,099.65.
- Livingston County Real Property outsourced the printing of the tax bills and provided assistance in updating the bank codes. Together these new procedures provided new efficiencies to the tax season. A thank you has been extended to the Real Property Tax Director and his staff.

Wonderful news Jose Alvarado will be returning on April 21st and will bring another person to assist him. He is unsure if the person will be covered under his insurance. He has committed until the end of the year. Thank you for your support of Rhonda's Cleaning as she provided her service during Jose's absence.

I will be on vacation for the next meeting and Ellen will be taking the minutes.

Three FOIL requests were received in April. The first was completed using laserfiche, the second was denied and the third is outstanding and due the first week June.

Three times our phones have malfunctioned within the last month. When a call came in the recorded message did not play and started ringing on several extensions and the caller was not allowed to choose an extension. The voicemail terminal in the server room was replaced.

Geri Brewer has been selected as the Seniorama Honoree 2018 for the Town of Avon. The Town Supervisor normally escorts the honoree as they receive their recognition. As Supervisor LeFeber has additional responsibilities that evening Deputy Supervisor Mairs will serve as Geri's escort. The ceremony will take place Saturday May 5th at 1:30 pm at the York Central School Auditorium.

RESOLUTION #82 AUTHORIZE THE TOWN CLERK TO DESTROY THE IDENTIFIED RECORDS

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

RESOLVE to accept the recommendation of the Town Clerk to destroy the following records:

Town of Avon
 Index of Destroyed Records

In accordance with the current SARA
 MU-1 Records Retention & Disposition
 Schedule,
 the following records have been
 determined to be obsolete and are to
 be destroyed:

Record Series Name or Description	MU-1 Section Number	Inclusive Dates	Cubic Feet Destroyed	Date Record Obsolete
Disbursements by Account	Fiscal, Claims & Warrants 1.[275]	2011	3 inches	2017
Youth Payroll Vouchers	Fiscal, Payroll 5.[349]	2011	3 inches	2017
Avon T & A Info	Fiscal, Banking & Investment 3.[265]	2011	1/4 inch	2017
Checking - General, Highway, Water, Cemetery, Justice, Trust & Agency, Capitol, Opera Block	Fiscal, Banking & investment 1.[263]	2011	3 inches	2017
Savings- Capitol, Cemetery, HSBC, Bank of Castile	Fiscal, Banking & investment 1.[263]	2011	1 inch	2017
Payroll Journals Quarterly	Fiscal, Payroll 1.[345]	2011	3 inches	2017
Deposit Tickets	Fiscal, Banking & Investments 1.[269]	2011	1/4 inch	2017

RESOLUTION #82 AUTHORIZE THE TOWN CLERK TO DESTROY THE IDENTIFIED RECORDS-continued

NYS Retirement/Correspondence	Fiscal, Payroll 15.[359]	2011	1/2 inch	2017
Budget status Reports	Fiscal Budget 4.[56]a,b	2011	1/2 inch	2017
Enrollment FS Account	Fiscal Payroll 9.[353]	2011	1/4 inch	2017
Budget Vs Actual	General Account & Miscellaneous 10.[254]	2011	1/2 inch	2017
W-4's	Fiscal, Payroll 18.[362]	2011	1 1/2 inchs	2017
General Miscellaneous	Public Property & Equipment 4.[478]b	2011	1 inch	2017
Direct Deposit & Youth DD	Fiscal, Payroll 20.[724]	2011	1/2 inch	2017
Budget Worksheets	Fiscal, Budget Prep Fines 1.[51]	2011	3 inches	2017
1099's	Fiscal, Payroll 17.[361]	2011	1 inch	2017
Liv. County workers comp/Self Insurance	Fiscal, Payroll 1.[345]	2010/2011	1/4 inch	2016/2017
Voided Checks	Fiscal, Banking & Investments 1.[269]	2011	1/4 inch	2017
I-9 Employment Eligibility Verification	Fiscal, Payroll 18.362]	2011	1/4 inch	2017
General Miscellaneous	Health Insurance/Public Employee 9.[372]a	2011	1/4 inch	2017
Annual Report	General 23.[23]b	2011	2 inch	2017
Grant Program File	General 13.[13]b	2011	1/2 inch	2017
Youth Applications	Personnel/Civil Service - Personnel 1.[364]b	2011	1 inch	2017
Town Clerk Monthly Report	Fiscal, 1.[283]	2011	1/8 inch	2017
MVP/Aetna/AFLAC /Disability/Blue Cross/Excellus	Fiscal, Claims & Warrants 1.[275]	2011	3 inches	2017
Liv. County Personnel (Duplicate)	General 19.[19] duplicates	2011	1/2 inch	2017

RESOLUTION #82 AUTHORIZE THE TOWN CLERK TO DESTROY THE IDENTIFIED RECORDS-continued

	Department Approval: _____			
	Date: _____			
Confidential? Yes <u>X</u> No _____	RMO Approval: _____			
	Date: _____			
	Board Approval: _____			
	Date: _____			
Date of Destruction _____	Attorney Approval: _____			
	Date: _____			

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

RESOLUTION #83 PAYMENT OF BILLS

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 2018-7 in the following amounts:

Concerning ABSTRACT of Claims Number 2018-07 including claims as follows:

- General Fund** Voucher #134 through #167 in amounts totaling \$19,920.72
- Highway Fund** Voucher #48 through #59 in amounts totaling \$6,402.98
- Water Fund** Voucher #224 through #233 in amounts totaling \$8,292.62
- Cemetery Fund** No Voucher
- Opera Block Capital Improvement** No Voucher
- Royal Springs Lighting** Voucher #4 through #4 in amounts totaling \$1,006.90
- 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 Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

DISCUSSION – SUPERVISOR’S MONTHLY REPORT

Supervisor LeFeber reported that an amendment will need to be made as court revenues are not on the correct page. He will continue to review for other needed changes.

RESOLUTION #84 RECEIVED MONTHLY REPORTS FROM THE TOWN CLERK AND SUPERVISOR

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 March 2018 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s March 2018 Report:

<u>Total Local Shares Remitted:</u>	<u>\$1,619.60</u>
<u>New York State Department of Health</u>	<u>\$0.00</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$71.00</u>
<u>NYS Environmental Conservation</u>	<u>\$108.65</u>
<u>TOTAL</u>	<u>\$1,799.25</u>

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

DISCUSSION – ETHIC COMMITTEE ADDENDUM TO POLICY

Deputy Supervisor Mairs reported that the Ethics Committee met and reviewed the Town Code Section on Ethics and prepared rules and regulations. The Board reviewed the rules and regulation and appeared to approve them as follows:

The Board of Ethics has promulgated its rules and regulations as to its form and procedure as follows:

1. The Board of Ethics must receive a written directive from the Town Board to investigate any violation of the Code of Ethics by any Town employee and set up an Ethics committee meeting within 2 weeks.
2. Any person or persons requesting an investigation shall submit to the Town Board, all pertinent documentation (for example, time, place, violation) which could help substantiate their allegations.

3. The individual being accused of Code of Ethics violation shall receive from the Board of Ethics a copy of all allegations.
4. If necessary, personal interviews may be conducted by the Board of Ethics with one or both parties involved.

DISCUSSION – WATER WORKS COMMITTEE UPDATE

Councilman Coyne stated that the original water works bond expires within this year and we need to look forward to determine our usage putting in extra filtration which could be put on hold.

The Pebble Beach pump station is 40 years old and we will need to put dollars into maintenance. Engineering designs are going to be considered for maintenance upgrades. Recent upgrades will be applicable to the new upgrades.

RESOLUTION #85 ADOPT 2018 WATER RATE

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt a whole sale water rate of \$2.27 per 1000 gallons for the next four quarters.

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

DISCUSSION – WATER WORKS COMMITTEE UPDATE - continued

Supervisor LeFeber reported that water consumption is down. We typically buy about 90 million gallons of water per year and we only purchased 82 million in 2017. The Village has also used less water. 2010 was the last reconciliation and the next reconciliation is scheduled for 2019. John Barrett provides spreadsheets that are understandable. Possible applications will be completed for three grants and funding through EFC.

We have received funding for future growth and feasibility studies of future improvements.

RESOLUTION #86 WATER WORKS COMMITTEE MEMBER APPOINTMENT

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

ADOPTED AYES 5 NAYS 0

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

Ronald Jennings, term to expire April 26, 2023

**RESOLUTION #86 WATER WORKS COMMITTEE MEMBER
APPOINTMENT-continued**

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

DISCUSSION - HIGHWAY ALARM SYSTEM – VENDOR SELECTION

There was discussion regarding the quotes received.

The Board determined that quotes need to include that the fire systems meet all code requirements.

DISCUSSION – RETIREMENT RESOLUTION

This will be reviewed at the next meeting.

**RESOLUTION #87 AUTHORIZE ATTORNEY CAMPBELL TO SIGN
ENGAGEMENT LETTER**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Attorney Campbell to sign an engagement letter with Webster Szanyi LLP and Michael P. McClaren to assist with ligation involving Harper Park.

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

**RESOLUTION #88 AUTHORIZE ATTORNEY CAMPBELL TO SIGN
ENGAGEMENT LETTER**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Attorney Campbell and Webster Szanyi LLP to engage Bonadio to assist in preparation for litigation with Harper Park.

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

OPEN ITEMS

Councilman Harrington will have his lift fixed this week and would like to get Kelly to hang the letters on the front of the building.

It was stated that dump days will be Saturday May 12, June 4 and September 8.

Supervisor LeFeber sent out the RFP's for the whole Town audit to 4 companies. Bonadio can't bid as they participated in the water reconciliation and he has not heard back from the other three.

Supervisor LeFeber spoke with representatives from Colonial regarding benefits. They provided information on health insurance costs and how to be responsible and treat employees with good coverage. Possibly have them talk to the Board down the road.

The school is looking at amendments to the Resource Officers contract.

VISITOR COMMENTS

Supervisor LeFeber asked for any public comments and there were none.

On motion of Supervisor LeFeber, seconded by Councilman Coyne the meeting was adjourned at 8:23 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk