

A regular meeting of the Town of Avon was held on Thursday, May 24, 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, and Councilmen Malachy Coyne, James Harrington and Paul Drozdziel

OTHERS: Highway/Water Superintendent Thomas Crye, and Deputy Town Clerk Ellen Zapf

VISITORS: Janet Manko, Chuck Morgan, Josh Williams, Damien Brown, Gary Wheat, Clara Mulligan, 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 gave Supervisor LeFeber a handout regarding solar information.

Visitor Janet Manko inquired about the time frame of the opening of Joyful Beginnings Daycare, The 100 ft. sign application from Quicklee's and what is being done at the old Fastenal building.

Josh Williams from the Genesee Sun introduced Damien Brown as the new correspondent for the Genesee Sun who will be covering the Avon news beat.

RESOLUTION #107 APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to approve the minutes of May 10, 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 - Absent, Supervisor LeFeber – Aye

DISCUSSION – CODE DEPARTMENT

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

Code

- Getting lots of permits at least 3 per week

Planning

- Next meeting is June 5th and there will be a public hearing regarding a subdivision on Bronson Hill Road

Zoning

- Pro Mech training expansion has been put on hold
- Quicklee's 100 ft. sign application and process has begun
- Dave Jenkins from Personal Defense is still waiting to hear from the DOT.
- There is a Board Member attendance issue so Supervisor LeFeber will reach out to the individual.

DISCUSSION – HIGHWAY/WATER DEPARMENTS

Highway/Water Superintendent Thomas Crye reported on the following:

Highway:

- Wedging and getting roads ready for paving and oil and stoning
- Mowed and weeded park, cemeteries, and roadsides
- Performed routine maintenance in shop
- Helped Livonia stone & oil
- Ditching

Water:

- Flushing hydrants
- Everyday maintenance
- New altitude valve is working good
- Pole Bridge Road bridge marker was unveiled
- On May 31st bids will be opened for the Papermill Road bridge construction. When a bid is accepted Supervisor LeFeber would like to talk to the contractor about the walking bridge.
- Supervisor LeFeber was approached about extending the water line on South Avon Road to Moss Lane. This would be an extension to the Route 39 extension.

DISCUSSION – TOWN CLERK REPORT

Deputy Town Clerk Zapf reported on the following:

- Communications were received and forwarded to the Town Board via email:
 - Request from Mike Carroll – Studio Sales
 - LCWSA agenda
 - Liv. Cty. Environmental Management Council

RESOLUTION #108 APPOINT SHARON M KNIGHT TOWN CLERK AS A MARRIAGE OFFICER

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to appoint Sharon M. Knight, Town Clerk as a Marriage Officer allowing the performance of a marriage held on May 4, 2018.

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

DISCUSSION – PUBLIC HEARING FOR LOCAL LAW T-1A-2018 ENTITLED MORATORIUM ON AND PROHIBITION OF LARGE SCALE SOLAR INSTALLATIONS WITHIN THE TOWN OF AVON

Supervisor LeFeber opened the public hearing by reading the following legal notice.

**TOWN OF AVON
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 the Town Law §130 that a public hearing shall be held by the Town Board of the Town of Avon, at the Opera Block/Town Hall, located at 23 Genesee Street, Avon, New York at 6:15 P.M. on Thursday, May 24, 2018 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

SECTION 1. PURPOSE AND INTENT.

This local law is intended to extend a moratorium to temporarily prohibit the creation or siting of large scale solar power installations (as hereinafter defined) within the Town of Avon for a period of up to and through December 31, 2018, pending the development and adoption of local laws and/or ordinances prepared to regulate and govern such installations.

On or about June 22, 2017, the Avon Town Board duly adopted a previous one year “Moratorium Prohibiting Large Scale Solar Installations within the Town of Avon” (hereafter “Previous Moratorium”).

During the term of the Previous Moratorium, the Town Board appointed a committee that actively conducted research on the subject of large scale solar installations, which included reviewing various versions of model legislation being used by other communities, seeking guidance and input from members of the Avon Planning Board and from various consultants and resources made available from the New York State Energy Research and Development Authority and the New York State Department of Agriculture and Markets.

Such research, despite diligent efforts, has only been partially completed during the time of the Previous Moratorium and the Town Board hereby seeks to extend said Previous Moratorium to permit further review, education and action concerning legislation relating to large scale solar installations. The Town Board is particularly sensitive to the need to effectively legislate the siting of large scale solar installations in such a way that attempts to preserve the character of the community, particularly agricultural production of prime soils. During the term of the moratorium the Town of Avon shall work to prepare and eventually adopt new land use regulations regulating large scale solar installations.

At this time, there are no pending applications for the location, development or site plan approval of a large scale solar installation.

The objective of this moratorium is to allow the Town of Avon to assess and address its Code to promote community planning values by properly regulating future large scale solar installations. During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape. At present, the Town Code does not adequately regulate such land use. If the community allows such development during that time, the goals of the Town Comprehensive Plan could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that and extension to the previous temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Avon Town Code, thus protecting and furthering the public interest, health and safety.

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, or by visiting the Town Government page of the Town and Village web site at www.avon-ny.org

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

Dated: April 27, 2018
Published: May 3, 2018

By Order of the Town Board of the Town of Avon

Sharon Knight, RMC/MMC Town Clerk

Supervisor LeFeber opened the discussion stating that a work session was held the night before regarding the draft solar law. He is hoping the final law will be adopted by the end of the year.

There are five or six points that need to be addressed; prime soils, how commercial solar will be taxed, decommissioning and tear down, fencing, drainage, and set-backs.

Visitor Gary Wheat provided comments regarding set-backs. He does not agree with the 300 foot set-back.

Visitor Clara Mulligan is in favor of extending the moratorium so the Board can continue to deliberate.

Visitor Chuck Morgan inquired about the solar permit that is in place now. Will there be any restrictions on residential solar installations under 25kw which is not covered under the Solar Law the Town is working on now. He is not in favor of extending the moratorium.

Visitor Janet Manko is in favor of extending the moratorium. She was impressed with all that took place at the work session Wednesday night.

Visitor Judy Falzoi is in favor of extending the moratorium and provided the following letter.

1739 Athena Drive
Avon, NY 14414
May 24, 2018

Dear Avon Board Members,

I agree with extending the current moratorium for another year that temporarily prohibits permitting large scale, commercial solar farm development in our town.

Commercial solar projects that sell energy to the electric grid are not a land use currently permitted in town. A local law is needed.

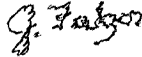
I do not think the Comprehensive Plan supports writing a commercial solar law without revising the town plan. Further review of many resources before enacting legislation is important.

You have much to consider and that takes time. I know you will put the interests of the community first. I have confidence you will seek information you need before writing a commercial solar law.

Other towns are doing the same. Thank you for your time and service to our town.

Sincerely,

Judith Falzoi



RESOLUTION #109 PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to accept for payment Abstract 2018-10 in the following amounts:

Concerning ABSTRACT of Claims Number 2018-10 including claims as follows:

RESOLUTION #109 PAYMENT OF BILLS-continued

General Fund	Voucher #210 through #233 in amounts totaling \$7,707.85
Highway Fund	Voucher #73 through #79 in amounts totaling \$8,355.58
Water Fund	Voucher #242 through #246 in amounts totaling \$49,557.62
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 Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Absent, Supervisor LeFeber – Aye

DISCUSSION – HIGHWAY ALARM SYSTEM/FOB/CAMERA

Councilman Drozdziel passed out a summary of where we are and went through it step by step. There will be an added yearly budget expense with the new system which includes annual tests of the system, central monitoring of the system, and an additional dedicated phone line.

The first option is replacement in kind with some minor enhancements which is around \$5,000.00. The second is a fully addressable system which is a more intelligent system and the investment is twice as much.

Councilman Drozdziel recommended a non-proprietary system. The addressable system works with smoke detectors and the Town Barn has heat detectors. He recommended we go with the non-addressable system. We may need to add CO detection. Most systems last about 15 years.

Councilman Harrington liked the addressable system and Councilman Coyne liked the non-addressable system.

Supervisor LeFeber liked the non-addressable system with an annunciator.

Councilman Drozdziel then addressed the key FOB system for the Town Barn. We would be paying more for a door access system than the fire alarm system. He questioned why it is needed. He feels we can just use cameras inside and outside the doors to see who is entering and exiting. We are already planning on updating the camera systems and we could add a few more.

RESOLUTION #110 ALLOW SUPERVISOR LEFEBER TO SIGN A CONTRACT WITH SECURITISMART/LANTEK

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to allow Supervisor LeFeber to sign the proposal with SecuritiSmart/Lantek after Councilman Drozdziel finalizes the details regarding the fire alarm and camera systems

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

RESOLUTION #111 SET PUBLIC HEARING FOR LOCAL LAW T-3A-2018 ENTITLED A LOCAL LAW TO AMEND THE BOUNDARIES OF THE GENERAL BUSINESS DISTRICT (B1) AND CHANGE A PORTION OF SUCH AREA TO A ZONING CLASSIFICATION OF AGRICULTURAL DISTRICT (A), ALL WITHIN THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to set a public hearing on the adoption of Local Law T-3A-2018 entitled Amend the boundaries of the General Business District (B1) to Agricultural District (A) for June 28, 2018 at 6:15 P.M. at the Avon Town Hall.

FURTHER RESOLVE to request Town Clerk Knight to prepare a Legal Notice of Public Hearing.

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

RESOLUTION #112 CHANGE THE START TIME OF THE JUNE 14, 2018 REGULAR SCHEDULED TOWN BOARD MEETING

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to change the start time of the regularly scheduled Town Board Meeting for June 14, 2018 to begin at 4:30 P.M.

**RESOLUTION #112 CHANGE THE START TIME OF THE JUNE 14, 2018
REGULAR SCHEDULED TOWN BOARD MEETING-continued**

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

**RESOLUTION #113 CLOSE PUBLIC HEARING FOR LOCAL LAW T-1A-2018
ENTITLED MORATORIUM ON AND PROHIBITION OF LARGE SCALE
SOLAR INSTALLATIONS WITHIN THE TOWN OF AVON**

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following
resolution was
ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to close the public hearing for Local law T-1A-2018.

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

**RESOLUTION #114 ADOPT LOCAL LAW 1-2018 ENTITLED MORATORIUM
ON AND PROHIBITION OF LARGE SCALE SOLAR INSTALLATIONS
WITHIN THE TOWN OF AVON**

On motion of Supervisor LeFeber, seconded by Councilman Drozdziel the following
resolution was
ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to adopt Local Law 2-2018 entitled Amend the boundaries of the
General Business District (B1) to Agricultural District (A)

TOWN OF AVON LOCAL LAW NO. 1 of 2018

A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE

MORATORIUM PROHIBITING LARGE SCALE SOLAR

INSTALLATIONS WITHIN THE TOWN OF AVON

Be it enacted by the Town Board of the town of Avon as follows:

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For these reasons, the Town Board finds that an extension to the previous temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Avon Town Code, thus protecting and furthering the public interest, health and safety.

SECTION 2. TEMPORARY MORATORIUM.

- A. There is hereby adopted in the Town of Avon a temporary moratorium extending until 11:59 p.m. on December 31, 2018 on the consideration, receipt or granting of land use applications, site plan approval, and zoning changes or amendments to permit the siting or creation of “Large Scale Solar Installations.”

“Large Scale Solar Installations” are defined, for the purpose of this local law, as any installation of solar panels or equipment undertaken principally for commercial purposes with an intention of generating power for resale into the power grid by a third party. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for the purpose of off-setting their own electric energy use shall not be considered a Large Scale Solar Installation and shall be specifically exempted from this moratorium. However, any such exempted solar generating improvements shall not generate in excess of 110% of the three (3) year average annual consumption of such individual landowner, householder, business or farmer.

- B. During the term of the moratorium the Town Board intends to develop, consider and adopt changes to its land use local laws so as to regulate Large Scale Solar Installations. Said moratorium shall be effective as of the date set forth hereinbelow.
- C. While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Town of Avon for the siting or creation of a Large Scale Solar Installation.

SECTION 3. APPLICABILITY.

The provisions of this local law shall apply to all real property within the Town of Avon, and all land use applications for the siting or creation of Large Scale Solar Installations within the Town of Avon.

SECTION 4. RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board, at which hearing the Town Board shall consider:

- 1. The proximity of applicant’s premises or the subject of applicant’s request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns.
- 2. The impact of the proposed application on the applicant’s premises and upon the surrounding area.
- 3. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
- 4. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Avon.
- 5. The written opinion of the Town of Avon Planning Board and the Town of Avon Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

6. Such other reasonable considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$500, together with the applicant's written undertaking, in a form to be approved by the Town Attorney, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application.

SECTION 5. STATUTORY AUTHORITY; SUPERCESSION.

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supercedes any provisions of the Town Code of the Town of Avon, and sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. Furthermore, this chapter shall supercede the New York State Environmental Conservation Law section 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This local law shall supercede and suspend those provisions of the Town Code and New York state law which require the Planning Board and the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

SECTION 6. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

SECTION 7. SEVERABILITY.

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

SECTION 8. EFFECTIVE DATE.

The effective date of this local law shall be immediate upon its filing with the Secretary of State, or upon actual submission of a copy of the adopted local law to any individual, person or applicant.

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

OPEN ITEMS

Councilman Drozdziel stated he met with town employees to discuss the many uses of the board room. He reached out to a furniture supplier and will set up a time for them to come in and evaluate the room and get some recommendations. He will also reach out to technical suppliers to get their recommendations. Since the court uses this room there is a possibility of using a court grant to help with costs.

Supervisor LeFeber recommended Councilman Drozdziel reach out to Planning Board Member Thomas McGovern as he is interested in helping with this project.

VISITOR COMMENTS

Supervisor LeFeber asked for any public comments and they follow:

Janet Manko commented on how much she liked the way the work session was run and how the room was set up.

On motion of Councilman Coyne, seconded by Councilman Harrington the meeting was adjourned at 8:00 P.M.

Respectfully submitted by:

Ellen M Zapf Deputy Town Clerk