

A regular meeting of the Town of Avon was held on Thursday, July 26, 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, and Deputy Town Clerk Ellen Zapf

VISITORS: Judy Falzoi, Janet Manko, Genesee Sun reporter Damien Brown, Bruce & Sandra Howlett, Genesee Valley Conservancy Representative Ben Gajewski and Randy Kozlowski

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:

Janet Manko stated that the drainage area behind Royal Springs is overgrown and is wondering when it will be mowed. Supervisor LeFeber stated that the Highway Department will be mowing soon.

She also inquired about the progress of the daycare building and it was stated that they are having an issue with Nationalgrid and this is holding up the process.

RESOLUTION #146 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 July 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 Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

DISCUSSION - ATTORNEY REPORT

Attorney Campbell reported on the following:

Items at the ZBA meeting this week were Quicklee's 100ft sign, Lutheran Church variance and the Oak Openings Road Gravel Pit hearing. The hearing was held over to the next meeting.

I also worked with Code Enforcement Glise on different zoning issues.

DISCUSSION – SOLAR LAW

Attorney Campbell stated that he had forwarded a copy of the revised draft Solar Law to the board members for review and asked if there were any comments or changes that need to be made. If the board wants him to forward the draft law to the County Planning Board it would need to be done by tomorrow.

The section regarding pollinating vegetation was left off and Attorney Campbell will add it back on.

There was discussion on adding enhanced language regarding Buffering or should we use the Planning Board site plan approval standards.

Should it say adjacent to a parcel of residential use or land that is zoned residential?

Visitor Judy Falzoi suggested the use of distance not vegetation as this would protect the homeowner who has a vested interest in any solar project that comes to our town. She also suggested that the town grant the use to the company that wants to come in commercially on the Howlett land as their application came in before the moratorium and use the time you have with the moratorium to write a great solar law.

Attorney Campbell stated he thinks that would be a legally bad decision.

Councilman Drozdziel would like to add public roads along with residential zoning for the enhanced screening. He would also like the language regarding decommissioning to include property owner along with applicant or improvement owner.

The wording regarding a public hearing will be at the discretion of the Planning Board; should there not be a public hearing each time? The board agreed that a public hearing should be mandatory for each application.

There was discussion regarding defined parameters for PILOTs and the wording regarding surety bonds.

There was discussion about what can be put in a local law and what are reasonable guide lines. You can't put in legislation for every individual.

DISCUSSION – SOLAR LAW-continued

The board requested Attorney Campbell send a copy of the draft Solar Law with revisions discussed at this meeting to the County Planning Board for review and that a public hearing is set for September 13, 2018. It will be provided to the Town Clerk Friday morning.

RESOLUTION #147 SET PUBLIC HEARING FOR LOCAL LAW T-5A-2018 ENTITLED ADDING SOLAR ENERGY SYSTEMS ARTICLE TO THE CODE OF THE TOWN OF AVON

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

ADOPTED AYES 5 NAYS 0

RESOLVE to set a public hearing on the adoption of Local Law T-5A-2018 entitled Adding Solar Energy Systems Article to the Code of the Town of Avon for September 13, 2018 at 6:15 P.M. at the Avon Town Hall.

FURTHER RESOLVE to request Town Clerk Knight prepare a Legal Notice of Public Hearing and to notify adjacent municipalities.

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

Supervisor LeFeber excused himself from the room at 6:55 P.M.

Genesee Valley Conservancy Representative Ben Gajewski and property owner Randy Kozlowski asked that the board allow Deputy Supervisor Mairs to sign a letter of support for the Mothersfield Farm application to Round 15B of the NYS Farmland Protection Implementation Grants being submitted by Genesee Valley Conservancy.

The board took the following action:

RESOLUTION #148 AUTHORZIE THE DEPUTY SUPERVSIOR TO SIGN

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Supervisor LeFeber)

RESOLVE to authorize Deputy Supervisor Mairs to sign the following letter:

Town of Avon

23 Genesee Street
Avon, New York 14414
Phone: (585) 226-2425

David LeFeber, Supervisor
Supervisor James Harrington, Councilman
Coyne, Councilman
Paul Drozdziel, Councilman
Kingston
Tami Snyder, Assessor
Brian Glise, Code Enforcement Officer

Fax: (585) 226-9299

Thomas Mairs, Deputy
Web Site: www.avon-ny.org Malachy

Historian, Maureen

Highway/Water Superintendent, Thomas Crye
Sharon M. Knight, RMC/MMC Town Clerk

David Behm
Manager, Farmland Protection Program
NYS Dept. of Agriculture and Markets
10B Airline Drive
Albany, NY 12235

July 26, 2018

Dear Mr. Behm:

The Town of Avon is pleased to support the Mothersfield Farm application to Round 15B of the New York State **Farmland Protection Implementation Grants** (FPIG) being submitted by Genesee Valley Conservancy. The FPIG is available through the New York State Environmental Protection Fund and administered by the New York State Department of Agriculture and Markets (NYSDAM).

The 66 acre Mothersfield Farm is part of a successful equine industry of Livingston County that is centered in the Avon/Geneseo region, anchored by the Genesee Valley Hunt. Mothersfield Farm is located in an area of Avon identified in our 2016 Comprehensive Plan as targeted for permanent conservation in order to expand the 'greenbelt/viewshed' along Route 39 to protect the beautiful agricultural views out over the Valley.

The Town of Avon has made protecting agriculture a priority initiating three previous FPIG applications, two successfully completed and one pending, as well as endorsing an application for Round 16.

This FPIG application and the continued availability of the NYSDAM Farmland Protection program will support the Town of Avon as it seeks to maintain agriculture as an important land use and industry in our community.

Sincerely,

Thomas Mairs
Deputy Supervisor

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RESOLUTION #148 AUTHORZIE THE DEPUTY SUPERVSIOR TO SIGN-continued

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

Supervisor LeFeber returned to the meeting at 7:00 P.M.

DISCUSSION – CODE DEPARTMENT

Code Enforcement Officer Glise reported on the following:

- Performed the acceptance test at the town barn and all went well.
- We are still working on the A/V stuff for the board room.
- Code Enforcement Officer Dean O’Keefe handed in his resignation effective July 1, 2018.

There was discussion on the lack of available Code Enforcement Officers and Assessors and municipalities are having a hard time finding people to fill the open positions.

DISCUSSION – HIGHWAY/WATER DEPARTMENTS

Highway/Water Superintendent Thomas Crye was not in attendance and Supervisor LeFeber gave the following report.

Highway: Mowing

Water: Meter readings

DISUCSSION – ENGINEER REPORT

MRB Group Engineer David Willard was not in attendance.

DISCUSSION – TOWN CLERK REPORT

Deputy Town Clerk Zapf reported on the following:

Communications were received and forwarded to the Town Board via email:

- New York State Comptroller – Thomas DiNapoli – Tax Cap at Two Percent for 2019
- Letter from Bruce and Julie Maxon
- Resignation letter from Dean O’Keefe
- Request from Genesee Valley Conservancy to support development rights application for Mothersfield

DISCUSSION – TOWN CLERK REPORT-continued

- Liv. Cty. Semi-Annual Dog Report
- GLOW Collection

Request from Jose to re-paint stairs, clean stainless steel (including elevator), wash front windows (including display), and floor in the court house. The board seemed to agree with this request.

Phones are in great working order. Avaya continues to provide great service.

RESOLUTION #149 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
Fiscal - Claims & Payments	1.[275]	2011	2 boxes	2017

Confidential
 Yes _____ No _____
 Date of Destruction _____

Department Approval: _____ Date: _____
 RMO Approval: _____ Date: _____
 Board Approval: _____ Date: _____
 Attorney Approval: _____ Date: _____

RESOLUTION #149 AUTHORIZE THE TOWN CLERK TO DESTROY THE IDENTIFIED RECORDS-continued

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

RESOLUTION #150 ACCEPT THE RESIGNATION OF DEAN O’KEEFE CODE ENFORCEMENT OFFICER

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

RESOLVE to accept the resignation of Dean O’Keefe from the position of Code Enforcement Officer.

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

RESOLUTION #151 AMEND COMPENSATION SCHEDULE

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

RESOLVE to amend the 2018 Compensation Schedule as follows:

Remove:

2018 Town of Avon Employee Compensation Schedule

<u>Name</u>	<u>Position/Duties</u>	<u>Status</u>	<u>2017 Rate</u>	<u>2018 Rate</u>
O’Keefe, Dean	Code Enforcement Officer	Part Time*	\$18.00/hr	\$18.40/hr

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

RESOLUTION #152 PAYMENT OF BILLS

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 2018-14 in the following amounts:
RESOLUTION #152 PAYMENT OF BILLS-continued

Concerning ABSTRACT of Claims Number 2018-14 including claims as follows:

General Fund	Voucher #321 through #339 in amounts totaling \$17,687.16
Highway Fund	Voucher #110 through #112 in amounts totaling \$6,829.57
Water Fund	Voucher #276 through #280 in amounts totaling \$4,311.26
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 Drozdzziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

SUPERVISOR ITEMS

DISCUSSION – PAPERMILL PARK WALKING BRIDGE

Supervisor LeFeber and Councilman Coyne met with representatives from MRB Group to discuss options for the walking bridge. There was discussion on a few different options and the Supervisor will need to sign a proposal from MRB to do a study. There is money in the budget.

RESOLUTION #153 AUTHORIZE SUPERVISOR LEFEBER TO SIGN THE MRB PROPOSAL

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

ADOPTED AYES 5 NAYS 0

RESOLVE to allow Supervisor LeFeber to sign the MRB Group study proposal for the renovation of the Papermill Park pedestrian bridge.

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

DISCUSSION – NYSERDA PROJECT

The NYSERDA project is up to date and everything is signed so now Kim can submit the paperwork for \$12,500.00

DISCUSSION – OPERA BLOCK 3RD FLOOR GRANT

Supervisor LeFeber stated that Chris Quinlan and Heather Grant have been working on a grant application for money to renovate the third floor of the Opera Block building. He would like permission to file the application but needs the board’s permission to sign. The board took the following action.

RESOLUTION #154 AUTHORIZE THE SUPERVISOR TO SIGN – GRANT APPLICATION NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

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

RESOLVED that David LeFeber, as Supervisor of the Town of Avon, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$391,500.00 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Avon for Opera Block rehabilitation and restoration and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

OPEN ITEMS

We received the insurance money for the damage done to the salt shed cover.

We made the principal payment for water improvements. There was the need to transfer \$5,000.00 into the water fund.

We are continuing to work through the reconciliation with Bonadio and we need to send out a follow up letter to customers who have not paid yet to let them know that the reduced rate will be ending soon.

Councilman Coyne discussed the meeting he attended earlier regarding the back parking lot. We are applying for grant monies and Senator Gallivan is interested in looking into it.

There was a problem with Councilman Coyne's FOB not working on the door between the lobbies and this led into a discussion about locking the elevator.

OPEN ITEMS-continued

Would the town be interested in using the bank lobby for some type of store front that current businesses could advertise in (a different business each month) or new businesses could temporarily use until they got on their feet and rent a place of their own?

There was discussion about court concerns and if it would be feasible to put all of court in the bank building.

Councilman Harrington stated that Highway/Water Superintendent Crye will be ordering the stuff needed for the roof and the work will be done sometime in August.

Supervisor LeFeber talked about the mandatory IT assessment done by The Bonadio Group and would like to discuss the results with the rest of the town board members but this would need to be done in executive session due to the sensitive nature of the assessment. This will be done at a future meeting.

VISITOR COMMENTS

Supervisor LeFeber asked for any public comments and they follow:

Visitor Manko asked about the renovations of the 3rd floor. What is the plan?

Supervisor LeFeber state that it would be restored to its original use. This would be for community use and would not compete with local businesses.

Visitor Falzoi spoke more about the proposed solar law and asked for the boards help in finding where it states in the Comprehensive Plan that this board has the authority to pass this law.

A question was asked regarding the update of the zoning map. It was stated that there is still a lot is work to do.

On motion of Supervisor LeFeber, seconded by Deputy Supervisor Mairs the meeting was adjourned at 7:55 P.M.

Respectfully submitted by:

Ellen M Zapf Deputy Town Clerk

&

Sharon M Knight MMC/RMC Town Clerk