

A regular meeting of the Town of Avon was held on Thursday, August 9, 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 David Willard, Highway/Water Superintendent Thomas Crye, and Town Clerk Sharon Knight MMC/RMC

**VISITORS:** Joe Montesano

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

#### **DISCUSSION - MOMENT OF SILENCE**

Supervisor LeFeber asked for a moment of silence as we have done traditionally for members of our Boards. This silence is for a very tragic accident that caused the death of Charles Thomas Moran. Tom was a member of our Planning Board and a pillar of our community.

#### **DISCUSSION – VISITORS COMMENTS**

Supervisor LeFeber asked for Visitor Comments and there were none.

#### **RESOLUTION #155 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 26, 2018, as presented by e-mail and to request they be published on the Town of Avon website at townofavon-ny.org.

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

#### **DISCUSSION – ATTORNEY REPORT**

Attorney Campbell reported on the following:

**DISCUSSION – ATTORNEY REPORT-continued**

- Submitted the final revised easements for Quicklee's is ready to be signed by Mr. Bruckel, the IDA and their mortgage broker. After this is completed then Supervisor LeFeber can sign.
- Dedication Roadway items have been completed. This will close this project with the exception of the ongoing application for a sign that is coming before the Zoning Board of Appeals (ZBA) on the 27<sup>th</sup> of August for a public hearing for Quicklee's.
- There is a continuation on the pit on Oak Openings Road Public Hearing that will continue at the ZBA meeting on the 27<sup>th</sup> of August. Working with MRB Group Engineer Lance Brabant a review of the process of the New York State DEC has determined that there process was significant and involved as expected. A report will be provided at the public hearing and the options of the ZBA will be discussed.

**DISCUSSION – ENGINEER REPORT**

MRB Group Engineer David Willard reported on the following:

- Attorney Campbell has received the lease agreement on the cell Tower regarding the AT&T contract. A recent lease amendment was thought to not require any type of approval process to swipe old equipment so long as there were no Engineer factors regarding load bearing. Attorney Campbell will review to confirm. In the past, the older equipment that became unusable has been left in place. Today older equipment is being removed. We still have older equipment that is not being used as we received payments to allow them to be leave there equipment behind. The Board appeared to agree that after Attorney Campbell confirms he will provide the okay to have them swipe equipment.
- The Highway Barns solar project preconstruction meeting was held. The first payment is in the vouchers for approvals. The first grant payment has been applied for from New York State. Shop drawings have been completed and the warranty agreement is included. The original paper copies of the project will be kept at the Town Barns and an electronic copy will be filed in the Town Clerk's Office. The plan is to start on the 4<sup>th</sup> of September.
- We will be using prefab materials on the pedestrian bridge on Paper Mill Road. Both the historical and location of the bridge is to be kept the same as it's in the best interest of the Town of Avon. Consideration of a steel bridge was discussed.
- The DEC did take a comprehensive look at the gravel pit regarding ground water.
- A meeting to discuss a proposal for a feasible study for a water grant with Rural Development will be scheduled. It would include Highway/Water Superintendent Crye, MRB Engineers, Supervisor LeFeber and Councilman Coyne. It was determined that the meeting will be held on the 29<sup>th</sup> of August at 11:00 A.M.

**DISCUSSION – ENGINEER REPORT-continued**

- A Charge Ready New York Grants from NYSERDA may become available for a charging station. MRB will review and make recommendation. Attorney Campbell reported that the Village of Lima just installed one through a grant. The Village of Avon has several charging stations.

**DISCUSSION – HIGHWAY/WATER DEPARMENTS**

Highway/Water Superintendent Crye reported on the following:

Highway: mowed town road sides, parks and cemeteries, Royal Spring Development drainage and drainage districts, worked at the highway barns, fixed driveway pipes and drainage ditching issues, weed wacked and sprayed guard rails, ground the brush pile and got the chips out.

A new furnace was installed at the highway barn that replaced a twenty-two year old furnace.

Water: Everyday maintenance, meter readings a couple of weeks ago, hydrants repairs, and repaired some small water leaks.

A water leak on 5 & 20 was caused by a hole in a pipe that looked brand new. We were losing 250 gallons of water per minute. A new utility pole was installed behind the barn and it was questioned if the two were related.

A quote was provided for a new truck/plow to be purchased by piggy back of the Town of Livonia as follows. The Board took the following action.

**RESOLUTION #156 APPROVAL TO PURCHASE A TRUCK/PLOW**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the budgeted piggy back bid from Genesee Valley Ford, LLC in the amount of \$32,130.00 as follows:

NEW		YEAR	MAKE	MODEL	BODY	COLOR	MILEAGE	V.I.N. #	STOCK NO.
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>								

PRIOR USE CERTIFICATION (required by Vehicle and Traffic Law 417-A if principal prior use of the vehicle were as a police vehicle, taxicab, driver education vehicle or rental vehicle). The principal prior use of this vehicle was as: a police vehicle  a taxicab  a driver education vehicle  or a rental vehicle

BUYER: <b>AVON TOWN</b>			REG TO: <b>AVON TOWN</b>			DATE: <b>07/25/2018</b>		
STREET: <b>27 GENESEE ST</b>			HOME PHONE:			BUSINESS PHONE: <b>585/226-2425</b>		
CITY: <b>AVON</b>			STATE: <b>NY</b>			ZIP: <b>14414-1098</b>		
SALESMAN:			SALESMAN:			SALESMAN:		

THE TRADE-IN				SUMMARY OF PURCHASE			
STOCK #	VIN #	MILEAGE		M.S.R.P.:	\$ <b>26904.00</b>		
YEAR	MAKE	MODEL	BODY	DEALER INSTALLED ACCESSORIES:			
BANK HOLDING LIEN ON TRADE				ELECTRONIC CORROSION PROTECTION:			
BANK ADDRESS				SERVICE CONTRACT:	\$ <b>0.00</b>		
LIEN ACCT. #				OTHER:			
GOOD UNTIL				\$ <b>8 1/2 FT WESTERN PLOW</b>	\$ <b>5226.00</b>		
VERIFIED BY					\$ <b>0.00</b>		
DATE					\$ <b>0.00</b>		
CONSUMER NOTICES					\$ <b>0.00</b>		
IF YOU AGREE TO ASSIST ME IN OBTAINING FINANCING FOR ANY PART OF THE PURCHASE PRICE, THIS ORDER SHALL NOT BE BINDING UPON YOU OR ME UNTIL ALL OF THE CREDIT TERMS ARE PRESENTED TO ME IN ACCORDANCE WITH REGULATION "Z" (TRUTH-IN-LENDING) AND ARE ACCEPTED BY ME. IF I DO NOT ACCEPT THE CREDIT TERMS WHEN PRESENTED, I MAY CANCEL THIS ORDER AND MY DEPOSIT WILL BE REFUNDED.					\$ <b>0.00</b>		
IF THE VEHICLE IS NOT DELIVERED IN ACCORDANCE WITH THIS AGREEMENT WITHIN 30 DAYS AFTER THE ESTIMATED DELIVERY DATE AND THE DELAY IS NOT ATTRIBUTABLE TO YOU, YOU HAVE THE RIGHT TO CANCEL THIS AGREEMENT AND TO RECEIVE A FULL REFUND OF YOUR DEPOSIT.					\$ <b>0.00</b>		
THE INFORMATION YOU SEE ON THE WINDOW FORM FOR THIS VEHICLE IS PART OF THIS CONTRACT. INFORMATION ON THE WINDOW FORM OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.					\$ <b>0.00</b>		
FREE DISCLOSURES					\$ <b>0.00</b>		
*THE OPTIONAL DEALER APPLICATION PROCESSING FEE IS NOT A NEW YORK STATE OR DEPARTMENT OF MOTOR VEHICLES FEE. UNLESS A LIEN IS BEING RECORDED OR THE DEALER ISSUED NUMBER PLATES, YOU MAY SUBMIT YOUR OWN APPLICATION FOR REGISTRATION AND/OR CERTIFICATE OF TITLE TO ANY MOTOR VEHICLE OFFICE.					\$ <b>0.00</b>		
**THE AMOUNT INDICATED ON THIS SALES CONTRACT OR LEASE AGREEMENT FOR REGISTRATION AND TITLE FEES IS AN ESTIMATE. IN SOME INSTANCES, IT MAY EXCEED THE ACTUAL FEES DUE THE COMMISSIONER OF MOTOR VEHICLES. THE DEALER WILL AUTOMATICALLY, AND WITHIN 60 DAYS OF SECURING SUCH REGISTRATION AND TITLE, REFUND ANY AMOUNT OVERPAID FOR SUCH FEES.					\$ <b>0.00</b>		
PURCHASER'S INITIALS					\$ <b>0.00</b>		
DATE: <b>07/25/2018</b>					\$ <b>0.00</b>		
IF, UNDER THE LAW OF THE STATE OF NEW YORK CONTROLLING THE SALE OF USED MOTOR VEHICLES, YOU SHOULD BE ENTITLED TO A REFUND IN CONNECTION WITH THIS TRANSACTION, THE VALUE OF ANY VEHICLE YOU MAY HAVE TRADED-IN (IF THE SELLER CHOOSES NOT TO RETURN IT TO YOU) SHALL NOT BE THE VALUE LISTED IN THIS DOCUMENT. INSTEAD, THE VALUE WILL BE DETERMINED BASED ON THE NATIONAL AUTO DEALERS ASSOCIATION USED CAR GUIDE WHOLESALE VALUE OR OTHER GUIDE APPROVED BY THE COMMISSIONER OF MOTOR VEHICLES, AND ADJUSTED FOR MILEAGE, IMPROVEMENTS AND ANY MAJOR PHYSICAL OR MECHANICAL DEFECTS.					\$ <b>0.00</b>		
ORDER AGREEMENT					\$ <b>0.00</b>		
BASED UPON THE TERMS SPECIFIED ON BOTH SIDES OF THIS ORDER, I HEREBY AGREE & ATTEST TO THE FOLLOWING:					\$ <b>0.00</b>		
- I HAVE READ AND ACCEPT THESE TERMS:					\$ <b>0.00</b>		
- I WILL PURCHASE THE ABOVE VEHICLE FROM YOU					\$ <b>0.00</b>		
- IF TRADING A VEHICLE, I ATTEST THAT THERE ARE NO LIENS OR ENCUMBRANCES ON THE TRADED VEHICLE, OTHER THAN THOSE INDICATED ABOVE, AND HAVE READ ITEMS 1 AND 6 AND THE REVERSE.					\$ <b>0.00</b>		
BUYER'S SIGNATURE				INSURANCE INFORMATION			
DATE: <b>07/25/2018</b>				AGENT			
CO-BUYER'S SIGNATURE				PHONE NO.			
DATE: <b>07/25/2018</b>				POLICY NO.			
APPROVED BY SELLER				ESTIMATED DELIVERY DATE			
DATE: <b>07/25/2018</b>				DELIVERY LOCATION			
				THIS TRANSACTION IS BASED ON A TAXABLE CASH DIFFERENCE OF:			
				\$ <b>32130.00</b> PLUS APPLICABLE TAXES AND FEES.			

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

**DISCUSSION – CODE DEPARTMENT**

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

- Zoning Board of Appeals will be considering Quicklees and the Gravel Pit at the next meeting.
- Planning Board will be reviewing subdivision requests.
- Complaint of a business on 5/20 is being followed up on.
- Livingston County asked the square footage of signs at the Quicklees property and it's up to 735 square feet and it includes all of the signs for the multitude of businesses.
- At the Planning Board meeting the developer Matthews Bus Company out of Dansville asked questions about signage for the East Avon Mall as he is planning to rent out space. Attorney Campbell stated that he has been working with their Attorney regarding approved usage of space. It was determined that the property is zoned for General Business Light Industrial. CEO Glise stated that they are considering a Special Use Permit.
- A meeting with MRB Group Engineer Lance Brabant has been scheduled just prior to the Zoning Board of Appeals meeting regarding the gravel pit.

**DISCUSSION – PUBLIC HEARING**

Supervisor LeFeber read the following legal notice:

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

The tentative 2018 special assessment roll (to be used for the 2019 tax bills) of the Route #39 Water Extension, Royal Springs Subdivision Lighting, and the Bruckel Drainage District has been completed and is on file at the Avon Town Clerk's Office, 23 Genesee Street, Avon, New York 14414 for review during regular business hours. The special assessment rolls indicate how many units you will be charged for water extension, drainage and/or lighting on your property tax bill for 2019.

The Avon Town Board will hold a public hearing for owners of properties located within the above-described districts on Thursday, August 9, 2018 at 6:30 P.M. in the Avon Town Hall/Opera Block, 23 Genesee Street, Avon, New York 14414 to hear objections to the special assessment roll and further give notice by mail to each property owner with unit charges on their tax bill.

By order of Town Board  
Sharon M. Knight MMC/RMC, Avon Town Clerk  
Dated: July 12, 2018  
To be published: July 19, 2018

Visitor Joe Montesano questioned if the cost would stay the same as last year as he does not want the rate to change. Supervisor LeFeber reported parcels were combined and that the amount of units changed from 35 in 2016 to 32 in 2018 but no changes are expected for 2019.

Supervisor LeFeber spoke of the Route 39 Water Extension. The loan will be paid off in 2048 and that he would be 89 years old. The loan was issued in 2010.

**RESOLUTION #157 CLOSE PUBLIC HEARING FOR THE TENTATIVE 2018 SPECIAL ASSESSMENT ROLL FOR ROUTE #39 WATER EXTENSION, ROYAL SPRINGS SUBDIVISION LIGHTING AND BRUCKEL DRAINAGE DISTRICT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close the public hearing regarding the Tentative 2018 Special Assessment Roll.

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

**RESOLUTION #158 NO ACTION WAS TAKEN TO CHANGE THE TENTATIVE 2018 SPECIAL ASSESSMENT ROLL FOR ROUTE #39 WATER EXTENSION, ROYAL SPRINGS SUBDIVISION LIGHTING AND BRUCKEL DRAINAGE DISTRICT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that no action be taken on the tentative 2018 special assessment roll for Route #39 Water Extension, Royal Springs Subdivision Lighting and Bruckel Drainage District.

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

**DISCUSSION – TOWN CLERK REPORT**

Town Clerk Knight reported on the following:

- Communications were received and forwarded to the Town Board via email:
  - New York State Town Clerks Association – EDRS Legislation
  - Liv. Cty. Planning Board Preliminary Agenda

**DISCUSSION – TOWN CLERK REPORT-continued**

Would the Town Board members like to receive their monthly budget reports electronically or continue to place printed copies in their mailboxes? Send electronically to all and no paper for Malachy and Paul.

Town Clerk Knight continued her report sharing a thank you to the Highway Department for the installation of the mailboxes, fixing doors and the bathroom toilet. It was suggested that Jose our Cleaner/Maintenance return back to changing lights at the Town Hall/Opera Block as we have been waiting for one and one half months to have lights replaced by the Highway Department. Deputy Supervisor Mairs stated that he was not in favor of the request and that the Highway Department will be taking care of the lights. There was a lengthy discussion and Highway Superintendent Crye described the work that needed to replace the lights as it not just replacing the bulbs. Councilman Drozdziel agreed to review the light fixtures. Some of the lights have been changed to LED lights.

**RESOLUTION #159 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 2018-15 in the following amounts:

**Concerning ABSTRACT of Claims Number 2018-15 including claims as follows:**

<b>General Fund</b>	Voucher #340 through #377 in amounts totaling \$30,723.80
<b>Highway Fund</b>	Voucher #113 through #117 in amounts totaling \$2,460.93
<b>Water Fund</b>	Voucher #281 through #285 in amounts totaling \$1,999.83
<b>Cemetery Fund</b>	Voucher #2 through #2 in amounts totaling \$280.00
<b>Opera Block Capital Improvement</b>	No Voucher
<b>Royal Springs Lighting</b>	Voucher #8 through #8 in amounts totaling \$959.64
<b>Cross Roads Drainage District</b>	No Voucher
<b>Bruckel Drainage District</b>	No Voucher
<b>Royal Springs Drainage</b>	No Voucher
<b>Town Of Avon Fire Protection</b>	No Voucher
<b>Rte. 39 Water SW2</b>	No Voucher

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

**RESOLUTION #160 RECEIVED MONTHLY REPORTS FROM THE TOWN CLERK AND SUPERVISOR**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the monthly reports for July 2018 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s July 2018 Report:

<u>Total Local Shares Remitted:</u>	<u>\$ 1,189.24</u>
<u>New York State Department of Health</u>	<u>\$ 157.50</u>
<u>NYS Ag. &amp; Markets for spay/neuter program</u>	<u>\$ 42.00</u>
<u>NYS Environmental Conservation</u>	<u>\$ 1,225.54</u>
<u>TOTAL</u>	<u>\$ 2,414.78</u>

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

**DISCUSSION - SUPERVISOR REPORT**

Supervisor LeFeber reported that at some point the Board will need to review the IT Audit Report.

**RESOLUTION #161 SCHEDULE SPECIAL MEETING**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that a special budget meeting has been scheduled for Thursday, September 6, 2018 at 5:00 P.M., at the Avon Opera Block/Town Hall Building, 23 Genesee Street Avon, New York 14414 for the purpose of budget discussions and any other business that might come before the Board.

By order of the Town Board  
Sharon M. Knight, MMC/RMC, Avon Town Clerk  
Dated: August 9, 2018  
Publish: August 16, 2018



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

**OPEN ITEMS**

Councilman Drozdziel provided a draft plan completed by Workplace Interiors for the Avon Town Hall Board Room and Court Room for proposed furniture layout. One proposal was amended by the Board and a request for the changes will be made to workplace interiors by Councilman Drozdziel. Supervisor LeFeber stated that the Court might be able to include costs in their Court Grant as they have been running with 180 to 200 cases. There were discussions regarding speakers and if they are needed.

Town Clerk Knight requested an update from Attorney Campbell be provided to the Board at a future meeting regarding a recently passed New York State law to provide an income tax benefit by using donated dollars provided to the Supervisor in return for a voucher to be used in the future to pay property taxes. The New York State Association of Towns is holding training in the Adirondack areas of the State.

On motion of Deputy Supervisor Mairs, seconded by Supervisor LeFeber the meeting was adjourned at 7:15 P.M.

Respectfully submitted by:

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Sharon M. Knight, MMC/RMC Town Clerk