

A regular meeting of the Town of Avon was held on Thursday, March 28, 2019 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

ABSENT: Deputy Supervisor Thomas Mairs

OTHERS: Attorney James Campbell, David Willard MRB Group Engineer, Code Enforcement Officer Brian Glise, Highway/Water Superintendent Tom Crye (left at 7:25), Historian Maureen Kingston, Assessor Tami Snyder, and Deputy Town Clerk Ellen Zapf

VISITORS: Boy Scout Troup 226 Members: Gavin Rice, Sean Miron, Sam Wallin, Aiden Wallin, Tom Wallin, Giles Yaddow, McKinley Ossont, David Pettise, and Brian Lewis, Michael Howlett, Leann Hill, Judy Falzoi, and Janet Manko

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 welcomed the members of the Boy Scout Troop 226 who attend tonight's meeting.

Supervisor LeFeber asked for Visitor Comments and they follow:

Visitor Judy Falzoi asked Attorney Campbell to clarify the definition of solar energy systems regarding infrastructure. Are they the same thing?

Attorney Campbell stated that he worded the law the way he did because he was thinking about underground infrastructure that wouldn't be equated with what people would think of as a solar energy system, which includes wiring or supports.

Visitor Michael Howlett started the discussion of what is to be done with one of the parcels his family owns. Will it stay agricultural or be rezoned commercial?

There was a lengthy discussion on the use and zoning of the lot and what is going to be done on it. Several topics discussed were spot zoning, subdivision, is this a commercial business, pre-existing non-conforming, easements and right of way, and the cost of agricultural vs commercial taxes.

**RESOLUTION #51 APPROVAL OF MINUTES**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Deputy Supervisor Mairs)

RESOLVE to approve the minutes of March 14, 2019, 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 – Absent, Supervisor LeFeber – Aye**

**ANNUAL HISTORIAN’S REPORT**

Annual Report for 2018  
Office of Town Historian  
Avon, New York  
March 28, 2019

Sincere thanks to you as members of the Avon Town Council for your unfailing support of the office of Town Historian, to our former Deputy Historian, Holly Watson, who has guided the office in collection management and electronic access to our wealth of records, and to our volunteer, Gail Settle, who faithfully responds to the need for copying and scanning.

***Objectives for 2018 and Results***

- Install and dedicate historic marker honoring Alamo soldier John Hubbard Forsyth
  - With the cooperation of the Town Board and the Highway Department, the historic marker honoring John Hubbard Forsyth was installed and dedication took place on July 26, 2018. The brief ceremony drew a sizable crowd that included many with the Forsyth/e family name.
- Continue support for Livingston County regarding replacement of Papermill Road bridge
  - Proposed bridge designs were presented to the Board and the public by the bridge engineers who heard many requests to maintain the historic character of the structure being replaced. Recommendations were made by this department. The site was photographed by Gail and visited by us often during replacement.
  - Work with the Town and engineers to create an appropriate historic marker for Papermill Park once the replacement bridge is complete.
    - Information was made available to the engineer assigned to this part of the project.
    - Design of the entire park was discussed and we have yet to learn the final proposal.
- Create Disaster Plan
  - Continue to digitize photo collection.
    - The digitization of the Historian’s photograph collection has been completed to date, comprising 2,028 individual images.
  - Identify collection priorities.
    - See Disaster Plan page.
  - Draft list of contacts to assist in disaster recovery.
    - See Disaster Plan page.

- Obtain supplies for use in case of emergency.
  - This is to be completed.
- Create updated newsletter, *Old Hartford Times*; include current information on:
  - Historic Markers
    - This remains a work in progress.
  - Topics of interest, such as the Red Jacket Coach, J. H. Forsyth, etc.
    - There was considerable interest and positive reaction to the Forsyth brochure.
- Identify properties/sites of possible eligibility on National Register.
  - This was addressed to a degree when we met with the Landmark Society for the inventory of historic Village properties project. There needs to be a comprehensive listing of Town sites.

***Routine duties of the Historians' Department include these areas:***

***Research***

- Requests arrive by email, telephone, letter, referrals from other agencies, and casual contact. Some of the areas addressed this year are:
  - John Hubbard Forsyth
  - History of the Paper Mill and Papermill Park
  - House histories
  - Preserve NY applications in support of C. Quinlan
  - Community Asset Mapping—student project
  - World War I
  - Native American Reservations—student project
  - Family histories
  - Building identification

***Education***

- Of self
  - Osher at RIT courses on the history of New England and Western New York settlement
  - Attended presentations of the APHS
  - Joined the Rochester Genealogical Society for 2018
  - Attended meetings of the Historians of Livingston County
  - Attended workshops and conferences including Government Appointed Historians of Western New York Conference and a workshop sponsored by Documentary Heritage and Preservation Services concerning Collection Evaluation and Handling
- Of others
  - Met with St. Agnes School 4<sup>th</sup> graders in cooperation with APHS Museum
  - Participated in Avon Central Elementary School “Create” with a display of Avon history
  - Instructed ACS 6<sup>th</sup> graders in their annual field trip to downtown
  - Interviewed with *Livingston County News* about the work of a local historian
  - Presented various programs (listed below)

***Historic Preservation***

- Met with members of the Landmark Society, as above
- Offered support for the Opera Block third floor funding
- Road and Street Inventory developed by Gail and entered into our data base by Holly

- Advocated for development of the new bridge at Papermill Park and preservation and enhancement of our Town Park

***Presentations***

- “What Was Avon Like 90 Years Ago?” I helped Central Presbyterian Church Circle celebrate a ninety year old’s birthday and those near that age.
- Dedication of the Forsyth Historic Marker
- Conducted a bus tour of Avon for new Avon Central School staff
- Presented one part of the APHS presentation on the history of Avon churches
- Matthew T. Cleary and World War I, for the Legion Post named in his honor.

***Office Management***

Few of these would have been accomplished without the dedication of Holly Watson. We are sad that she is no longer available here, but very pleased that she is on staff at the County Historian’s Office.

- Managed a Master Index of names from various indices for a one-stop research aid.
- Continued to revisit boxed and filed collections to identify contents, in order to aid organization, proper storage, and accessibility;
- Reorganized photograph files and numbered folders; added descriptions of images to inventory;
- Managed subject and family files: photocopied clippings to file, scanned images, sorted correspondence and information, purged duplicates and obsolete papers
- Purged, organized, and consolidated files (hard copy and digital)
- Processed new acquisitions
- Requested updates for website
- Added images to public Flickr album to showcase highlights from the photograph collection
- Completed digitization of Historian’s photograph collection, which comprises 2,028 individual images
- Sent our list of holdings to the County Historian’s office, as requested.

***Objectives for 2019***

- Advocate for deputy replacement
- Write
- Place another historic marker
- Continue to support the development of Papermill Park

Respectfully submitted by,  
Maureen Kingston 3.28.19

Supervisor LeFeber asked if Historian Kingston would like to advertise for the open position of Deputy Historian. Historian Kingston stated that she has a few people in mind but needs to see how it works out.

Supervisor LeFeber suggested that interviews take place and if Historian Kingston would like help with the interview process, board members are available.

Councilman Harrington asked how the heating situation is in the historian’s office. It is better.

**DISCUSSION – HIGHWAY/WATER REPORT**

**Highway**

- Snow removal
- Taking down snow fences
- Shoulder & driveway work
- Brush
- Ditching
- Maintenance work in the shop
- Fixing and putting up signs

**Water**

- Regular maintenance and rounds
- Fix on Littleville Road
- Had the generator at pump station serviced

Supervisor LeFeber talked about having Cummings North East service the generator.

There was discussion regarding the \$3,000.00 limit on the procurement policy. When equipment needs to be purchased anything over \$3,000.00 needs to be done by quote and the highway department would like it raised to make purchasing equipment easier.

Attorney Campbell will investigate what the state controls are.

**RESOLUTION #52 ACCEPT THE AGREEMENT TO SPEND TOWN  
HIGHWAY FUNDS**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Deputy Supervisor Mairs)

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

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

2019

TOWN OF AVON

COUNTY OF Livingston

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

175,000.00 + 99,191.00 = 274,191.00

1. GENERAL REPAIRS. The sum of \$ may be expended for general repairs upon 44 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

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

LAKE RD.

(a) On the road commencing at RT. 15 and leading to Polebridge EXT., a distance of 1.24 miles. there shall be expended not over the sum of \$ 115,395.00. Type 1/2 inch 6.3 mm Poly. Mod TEP Width of traveled surface 22 FT. Thickness 1 1/2 Subbase

AGAR RD.

(b) On the road commencing at RT. 15 and leading to Polebridge RD., a distance of 1.38 miles. there shall be expended not over the sum of \$ 25,676.37. Type Oil + Stone Width of traveled surface 22 FT. Thickness 3/8 Subbase

HENTY RD.

(c) On the road commencing at RT. 15 and leading to Polebridge RD., a distance of 1.44 miles. there shall be expended not over the sum of \$ 26,819.50. Type Oil + Stone Width of traveled surface 22 FT. Thickness 3/8 Subbase

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

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

Executed in duplicate this 28 day of March 2019

David L. Iker Supervisor

Chris White Councilperson

Malachuk K. Coyne Councilperson

Thomas Cost Town Highway Superintendent

Paul Miller Councilperson

STARKEY + WOODCOTT

- ROAD COMMENCING AT RT. 15 TO AGAR
- DISTANCE - 1/2 mi.
- WIDTH - 34 FT
- TYPE - OIL + STONE
- THICKNESS - 3/8
- SUM - \$14,812.68

LITTLEVILLE RD.

- ROAD COMMENCING AT Polebridge Rd to RAILROAD TRACKS
- DISTANCE - 1 mile
- WIDTH - 22 FT.
- THICKNESS - 3/8
- TYPE - OIL + STONE
- SUM - \$18,817.61

Rolling Ridge

- ROAD COMMENCING AT SUTTON TO ROLLING RIDGE
- DISTANCE - 1/2 mi.
- WIDTH - 34
- THICKNESS - 3/8
- TYPE - FIBERMAT
- SUM - \$18,713.88

SACKETT RD.

- ROAD COMMENCING AT LITTLEVILLE RD. TO LINDEN ST.
- DISTANCE - 1/2 mi.
- WIDTH - 22
- THICKNESS - 3/8
- TYPE - FIBERMAT
- SUM - \$12,105.91

OSTLER

- PIPE CHANGES - \$10,000.00
- Wedging - \$10,000.00
- RESTOCK MATERIAL YARD - \$10,000.00
- Cold PATCH - \$2,000.00

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

**DISCUSSION - UNUSED SPACE IN OLD BANK BUILDING**

Supervisor LeFeber welcomed Leann Hill to discuss the unused portion of the old bank building.

Leann discussed the possibility of renting the old bank building to someone who would like to open a business but cannot afford to rent a shop on Genesee Street.

There was discussion regarding what type of business could be put in the building, what updates to the building would need to be made, are municipal resources allowed to be used for this type of business, and if the town should be in the rental business.

Attorney Campbell did not recommend this type of use for the building but if the town is interested, he will be willing to look at it for them. The board did not seem to be in favor of this type of venture.

### **DISCUSSION - ATTORNEY REPORT**

Attorney Campbell reported on the following:

- Close to finishing the draft for the Right to Farm Law
- Attended a scoping meeting with Howlett Farms
- Working with Assessor Snyder on solar PILOT stuff
- Keeping in touch with Helios lawyer

### **DISCUSSION – SOLAR PILOT**

There was a lengthy discussion regarding the solar pilot. Topics discussed were:

- a one lump sum payment vs. 15 years of payments
- how a lump sum payment will affect the 2% tax cap
- how paying off the Opera Block Building early and using money from our CD's will help with the tax cap
- will there be a tie in back to the land owner?
- the landowner will pay taxes on the land without the AG exemption and the solar company will pay taxes on the infrastructure
- how will the land be zoned AG or commercial?
- the solar company has the right to make a profit but not at the expense of the Avon tax payer

### **DISCUSSION – CODE REPORT**



Code Officer Glise reported on the following:

- Met with Howlett's
- Helios
- Spring time complaints
- Checking on business' at East Avon Plaza
- Still working with Pioneer, they may be purchasing more land for a retention pond

**DISCUSSION – ENGINEER REPORT**

David Willard, MRB Group Engineer reported on the following:

- Sent out an e-mail regarding the water study to meet with the County and their engineers
- Called Bill Bacon regarding the Interstate Drive water main and have not heard back yet.
- Working on the Papermill Park grant paperwork. There are 2 forms for Supervisor LeFeber to sign. This is to initiate the review process.

**RESOLUTION #53 AUTHORIZE THE SUPERVISOR TO SIGN**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Deputy Supervisor Mairs)

RESOLVE to authorize Supervisor LeFeber to sign the Grant Certification and Project Certificate forms for the Papermill Park Grant.

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

**RESOLUTION #54 CHANGE THE START TIME OF THE APRIL 11<sup>th</sup> MEETING**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Deputy Supervisor Mairs)

RESOLVE to change the start time of the April 11, 2019 Joint Town Board Meeting to 5:00 P.M. and update the legal notice to reflect the change.

**RESOLUTION #54 CHANGE THE START TIME OF THE APRIL 11<sup>th</sup> MEETING- continued**

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

**DISCUSSION – SUPERVISOR REPORT**

Councilman Drozdziel inquired as to when paving will start on the new Papermill Bridge?

Supervisor LeFeber stated that should happen when the asphalt plants reopen. He also talked about CP Ward cleaning up their mess at the bridge.

Supervisor LeFeber spoke of a joint water meeting and the scheduling of a Water Works Committee meeting to set the water rate.

**DISCUSSION – TOWN CLERK REPORT**

Deputy Town Clerk Zapf reported on the following:

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

Davis Ulmer – Inspection Agreement  
Water Septic Workshop Ad. From Livingston County

Deputy Town Clerk Zapf reported that Town Clerk Knight will be returning to work Friday, but we will be keeping Jordan on for another week to help.

**RESOLUTION #55 PAYMENT OF BILLS**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Deputy Supervisor Mairs)

RESOLVE to accept for payment Abstract 2019-06 in the following amounts:

**Concerning ABSTRACT of Claims Number 2019-06 including claims as follows:**

**RESOLUTION #55 PAYMENT OF BILLS- continued**

<b>General Fund</b>	Voucher #1372 through #148 in amounts totaling \$ 2,839.36
<b>Highway Fund</b>	Voucher #51 through #58 in amounts totaling \$ 26,210.38
<b>Water Fund</b>	Voucher #28 through #29 in amounts totaling \$ 7,369.51
<b>Cemetery Fund</b>	No Voucher
<b>Opera Block Capital Improvement</b>	No Voucher
<b>Royal Springs Lighting</b>	No Voucher
<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 - Absent, Supervisor LeFeber – Aye**

**RESOLUTION #56 ACCEPT THE PROPOSAL FROM DAVIS ULMER**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Deputy Supervisor Mairs)

RESOLVE to accept the proposal from Davis Ulmer for quarterly inspections of the wet and dry sprinkler systems at the Opera Block/Town Hall Building in the amount of \$690.00.

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

**RESOLUTION #57 SURPLUS EQUIPMENT – AVON TOWN HALL**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Deputy Supervisor Mairs)

RESOLVE to declare as surplus 2 Air conditioners located in the storage room of the Town Hall.

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

**DISCUSSION – SUPERVISOR REPORT- continued**

Supervisor LeFeber discussed the possible rezoning of property owned by the railroad near exit 9 of Route 390.

There is an opportunity for the Town to comment on the Horseshoe Solar Project going up in Caledonia. The board seemed to agree not to comment.

**OPEN ITEMS**

Councilman Coyne asked Attorney Campbell about scheduling a Right to Farm meeting in April. Attorney Campbell suggested the end of April.

Councilman Drozdziel is waiting to hear when the panic buttons can be installed. The equipment has been ordered.

Supervisor LeFeber stated that the Historical Society asked to put file cabinets in the old Supervisor's office. The board seemed to agree.

Supervisor LeFeber stated that Rural Development was in the area and inspected our water system today. NYMIR will be around to inspect our properties for insurance purposes.

**DISCUSSION VISITOR COMMENTS**

Supervisor LeFeber asked for any visitor comments and they follow:

Visitor Judy Falzoi talked about what a mechanics lean is and about the National Grid application and what they are responsible for. Can the town take direction from this application for our solar law?

Attorney Campbell stated that a mechanics lean is against the property and can't go against the town.

**RESOLUTION #58 EXECUTIVE SESSION**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Deputy Supervisor Mairs)

RESOLVE to enter executive session for the purpose of discussions regarding proposed, pending or threatening litigation; TIME 8:35 P.M. inviting Attorney James Campbell and Assessor Tami Snyder

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

**RESOLUTION #59 CLOSE EXECUTIVE SESSION**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1(Deputy Supervisor Mairs)

RESOLVE to close executive session with no action taken at 9:29 P.M.

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

On motion of Councilman Coyne seconded by Councilman Drozdziel the meeting was adjourned at 9:30 P.M.

Respectfully submitted by:

\_\_\_\_\_  
Ellen M Zapf, Deputy Town Clerk