

A regular meeting of the Town of Avon was held on Thursday, July 25, 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, Deputy Supervisor Thomas Mairs, and Councilmen Malachy Coyne, James Harrington and Paul Drozdziel

OTHERS: Attorney James Campbell, Code Enforcement Officer Brian Glise, Highway/Water Superintendent Tom Crye, and Town Clerk Sharon M Knight MMC/RMC

VISITORS: Cindy Kellen, Pam Taggart-Rice, 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 AND/OR PUBLIC HEARINGS

Supervisor LeFeber stated the Public Hearing on local law T-3A-2019 – Amend the Zoning District boundaries of the Agricultural District (A), reclassifying a portion of that District to Planned Development District for tax map # 55.-1-70.11 remains open. The Livingston County Planning Board requested, and we granted them additional time for their review. Attorney Campbell also has had contact with the Developer. The County Planning Board and Town Board would like the Developer to review our Avon Comprehensive Plan. Attorney Campbell stated that this hearing could stay open indefinitely.

Supervisor LeFeber stated the Public Hearing for Local Law T-2B-2019 - Right to Farm was closed and is on the agenda later in the meeting.

Visitor Judy Falzoi asked the board if they received her email regarding disposal of solar panels? She thought it was interesting information for the board. The Board acknowledged receipt.

RESOLUTION #130 APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of July 11, 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 – Aye, Supervisor LeFeber – Aye

DISCUSSION - ATTORNEY REPORT

Attorney Campbell reported on the following items:

Planning and Zoning Boards met on Monday and there were residents there. The public hearing was left open for additional written comment. Met with the Zoning Board of Appeals and that was informative for both the Attorney and Board.

Today we were served with an Article 7 lawsuit from Barilla. There was discussion on the current assessment and their request for reduction. As in the past we may need assistance from someone that specialized in this area. This could last for many years. The current PILOT was signed in 2007 and is different from other PILOTS as it does not increase annually like most other PILOTS. Councilman Drozdziel questioned if the Town would owe them many dollars, in the future, if this lasts for many years.

Councilman Harrington questioned if our insurance would cover the lawsuit and Attorney Campbell explained why it does not affect insurance.

Attorney Campbell stated future discussion may need to take place in executive session.

The decision of assessment is ultimately the responsibility of the Assessor. This is not the first Article 7 for the Town of Avon and she has a great record of settling on behalf of the Town of Avon.

DISCUSSION – CODE DEPARTMENT

Code Enforcement Officer Glise provided the following report:

The Harper FOIL requests is being worked on by Code Clerk McDowell and Town Clerk Knight.

Code Clerk McDowell requested to attend a seminar about ethics in zoning and planning which will be held in Batavia, NY in September. The cost would be \$80.00 plus travel.

DISCUSSION – HIGHWAY/WATER REPORT

Highway Superintendent Thomas Crye reported on the following:

Highway- touched up shoulders, helped Town of Lima pave, kept up with park and cemeteries, weeding, working in the shop, paving on Rolling Ridge and Sackett Roads, and restocked stone at the yard

Water – Maintenance, water sampling and meter reading.

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight reported on the following:

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

Email – Judy Falzoi – NY Senate Bill S942
 Liv. Cty. Water & Sewer Authority Draft Agenda
 Integrated Systems – Local Data Center
 Ontario County Traffic Safety Board – “Hang Up and Drive”

A request was made to amend the compensation schedule as follows:

REMOVE:

Dog Fees:

Annual license: spayed/neutered	\$10.00
unsprayed/unneutered	\$15.00
Certified Therapy Dog	\$.00
Purebred license: 1 – 10 dogs	\$25.00
11 – 25 dogs	\$50.00
26 – more dogs	\$100.00
Replacement tag	\$3.00
Enumeration	\$5.00

ADD:

Dog Fees:

Annual license: spayed/neutered	\$10.00
unsprayed/unneutered	\$15.00
Guide or service dog (defined Article 7 of the State Ag. & Markets Law)	\$.00
Purebred license: 1 – 10 dogs	\$25.00
11 – 25 dogs	\$50.00
26 – more dogs	\$100.00
Replacement tag	\$3.00
Enumeration	\$5.00

There was no Board action at this time.

A second request was to amend Town Code Chapter 51. Dogs

Section 51.6 Licenses issued by animal shelters.

The Town may allow the licensing of dogs to the Livingston County Dog Control. The shelter must send the fees collected to the Town Clerk. This will allow for a streamlined procedure when adopting and/or returning stray dogs to their owners that are not licensed.

DISCUSSION – TOWN CLERK REPORT-continued

A meeting took place with Tom Bartolini and he has agreed to provide a photo booth for “The 2019 Avon Holiday Spectacular” at the Town Hall/Opera Block, for \$200.00, from 3:00 to 7:00 P.M. Set-up would begin at 1:00 P.M. with Kay Ellen. Each person will receive a 4 x 6 print including 4 pictures. Wording to go onto the bottom of the print will be decided later. The Board appeared to support the recommendation.

In addition, a request for the Board to consider the purchase of additional Christmas decorations was made. Councilman Harrington requested the approval of having Santa Claus attend the event. The Board requested Town Clerk Knight to contact the organizers to see if a Santa is needed. A request to use the Town Hall/Opera Block for a Christmas Concert was also discussed.

A request for a tour of AKZO Salt mine facilities has been made.

Payment has been received for the FOIL request related to Harper Park. The files should be ready within a few business days.

The Part Town of Avon Fire District is advertising for a Fire District Treasurer (Part Time) their notices are put on the Town of Avon website. After sending it over to be posted, I questioned if we have a Town Board Member liaison to the Part Town of Avon Fire District or the East Avon Fire Department and could not find any appointment. Is this something the Board would consider? The Board appeared to not want to make an appointment of a Town Board Member but if as individuals they could contact them individually.

Livingston County Investigator Monster did a walk through the Town Hall/Opera Block on Tuesday and will be presenting a report. We tested the panic buttons and they are not working properly. Westfire is expected to run further tests.

RESOLUTION #131 DESTROY RECORDS

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

RESOLVE to authorize the Town Clerk to destroy records as presented:

RESOLUTION #131 DESTROY RECORDS-continued

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
Legal Ad	General 8.[8]b	2009-2012	1/8 inch	2013-2018
Meeting Files	General 3.[3]	2008-2014	2 boxes	2009-2015

Department Approval: _____ Date: _____

RMO Approval: _____ Date: _____

Confidential?

Yes X _____

No _____

Board Approval: _____ Date: _____

Attorney Approval: _____ Date: _____

Date of
Destruction

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

DISCUSSION – ENGINEER REPORT

Supervisor LeFeber stated that MRB Engineer Mr. Willard is not in attendance due to a family event. He read an email regarding items he has been working on since the last meeting.

DISCUSSION –TOWN OF AVON LOCAL LAW NO. T-2B-2019 ENTITLED THE RIGHT TO FARM LAW OF THE TOWN OF AVON, NEW YORK

Supervisor LeFeber continued the discussion on Local Law T-2B-2019. Attorney Campbell read the Full Environmental Assessment Form Part 2 and the Board took the following action.

RESOLUTION #132 ADOPT THE FINDINGS LOCAL LAW T-2B-2019

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt the findings of Full Environmental Assessment Form Part 2.

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

RESOLUTION #133 NEGATIVE DETERMINATION OF SIGNIFICANCE LOCAL LAW T-2B-2019

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

ADOPTED AYES 5 NAYS 0

RESOLVE to determine based on the information and analysis of Part 2 and Part 3 of the Full Environmental Assessment Form, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

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

RESOLUTION #134 AUTHORIZE THE SUPERVISOR TO SIGN SEQR DOCUMENTS AND PART 3 DETERMINATION OF SIGNIFICANCE FOR LOCAL LAW T-2B-2019

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Supervisor LeFeber to sign the full environmental assessment for Part 2 and Part 3 Determination of Significance.

RESOLUTION #134 AUTHORIZE THE SUPERVISOR TO SIGN SEQR DOCUMENTS AND PART 3 DETERMINATION OF SIGNIFICANCE FOR LOCAL LAW T-2B-2019-continued

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

DISCUSSION – LOCAL LAW T-2B-2019

Councilman Coyne was sure to note the change from T-2A-2019 was to extract the small farm language.

RESOLUTION #135 ADOPT LOCAL LAW 3-2019

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

**LOCAL LAW NO. 3-2019 OF THE YEAR 2019
OF THE TOWN OF AVON**

TOWN OF AVON LOCAL LAW NO. 3 of 2019

This Local Law shall be entitled the “Right To Farm Law of the Town of Avon, New York.”

BE IT ENACTED by the Town Board of the Town of Avon, Livingston County, New York, as follows:

Section 1. Legislative Findings, Intent and Purpose

1. The Town Board of the Town of Avon finds, declares and determines that agriculture is vital to the Town of Avon, New York, for a variety of reasons, including but not limited to:
 - A. Agriculture is a livelihood and provides employment opportunities both on local farms and in businesses that support agriculture in the Town of Avon;
 - B. Agriculture provides locally produced, fresh commodities for both local consumption and for export;
 - C. Agriculture diversity promotes economic stability;

- D. Agricultural operations in the Town of Avon maintain valued open space and promote environmental quality; and
 - E. Agricultural land does not increase the demand for services provided by local governments.
2. The Town Board further finds that in order to maintain a viable farming economy in the Town of Avon, farmers must be afforded protection allowing them the right to farm. Non-agricultural land uses, when they are extended into agricultural areas, may be adversely impacted by widely accepted agricultural practices, and agricultural operations may become the subject of nuisance suits. As a result, farm operators may be discouraged from making the investments in equipment and capital improvements necessary to maintain their competitiveness in the market or may be forced to cease operation altogether.
 3. The Town Board further finds that it is important to strive for harmony between agricultural businesses and other non-agricultural uses within the community by providing a mechanism for communication and dispute resolution between such differing interest during times of potential conflict.
 4. It is the primary purpose of this local law to reduce the loss to the Town of Avon of its agricultural resources by limiting the circumstances under which Agricultural Practices (as defined below) may be deemed to be a nuisance and to allow such Agricultural Practices (as defined below) inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.
 5. It is a secondary purpose of this local law to notify potential buyers of property located within the Town that Avon is an agricultural community, that Agricultural Practices (as defined below) will occur throughout the Town and that such practices may cause impacts to non-agricultural land uses, but that such impacts are a necessary consequence to protect the various benefits of agriculture within the Town of Avon.

Section 2. Definitions.

1. Unless specifically defined, words or phrases used in this local law shall be interpreted so as to give them meanings they have in common usage, and to give this local law its most reasonable application.
2. As used in this local law, the following terms shall have the meanings indicated:

Agricultural Dispute Resolution Committee. A committee of the Town of Avon authorized under this local law to provide a venue for resolving any issue or controversy that may arise regarding any inconveniences or discomforts occasioned as a result of a Farm Operation or Small Farm/Homesteader, including, but not limited to, noise, odors, fumes, dust, the operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and/or pesticides. The committee shall be composed of three (3) residents of the Town selected by the Town Board, with each committee member being appointed to a three (3) year term. The committee shall include one representative from the agricultural community, one person from Town government and one other person not from the agricultural community.

Agricultural Practices. Any activities conducted by a Farmer as part of a Farm Operation which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including but not limited to construction and use of farm structures, fences and other facilities for the housing and control of animals, storage of crops, animal wastes, farm equipment, pesticides, fertilizers, agricultural products; the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; agricultural tourism; and the production, management and harvesting of "Farm Woodland," as defined in Article 25-AA, Section 301. 3. of the New York State Agriculture and Markets Law.

Agricultural Products. Those products as set forth in Article 25-AA, Section 301. 2. of the New York State Agriculture and Markets Law.

Farm Operation. The land, buildings (including residential buildings), equipment, manure processing and handling facilities, and agricultural practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, all as set forth in Article 25-AA, Section 301. 11. of the New York State Agriculture and Markets Law.

Farmer. A person or persons, organization, entity, association, partnership, or corporation engaged in the Agricultural Practices (as defined above), including the cultivation of land, the raising of crops, or the raising of livestock, poultry, fur-bearing animals, or fish, the harvesting of timber or the practicing of horticulture or apiculture.

Section 3. Authority to Engage in Agricultural Practices.

1. Farm Operations and those employed, retained, or otherwise authorized to act on behalf of Farm Operations, may lawfully engage in Agricultural Practices within the Town of Avon at all such times and in all such locations as are reasonably necessary to conduct the business of agriculture. In determining the reasonableness of the time, place and specific approach to any specific Agricultural Practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies and science.
2. Agricultural Practices conducted in the Town of Avon shall not be found to be a nuisance if such Agricultural Practices are:
 - A. Reasonable and necessary to the particular farm or farm operations;
 - B. Conducted in a manner which is not negligent or reckless;
 - C. Conducted in conformity with generally accepted agricultural practices.
 - D. Conducted in conformity with all local, state, and federal laws and regulations;
 - E. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety or any person; and
 - F. Conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.
3. Nothing in this article shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

Section 4. Consideration of Impacts on Farm Operations by Town Officers and Boards.

1. The intent and purposes of this local law shall be taken into consideration by each Town officer and/or board in processing any application requesting rezoning, site plan approval and/or special use permit approval when the property which is the subject of such application is located within one thousand (1,000) feet of the boundary of an existing Farm Operation as defined herein. Such Town officer and/or board shall, as part of its review of such application, determine whether appropriate and reasonable conditions which would further the purposes and intent of this local law may be prescribed or required as part of an approval of the application.

2. Such appropriate and reasonable conditions may include, but not be limited to, requiring declarations, deed restrictions and/or covenants which run with the land which would notify future purchasers and owners of the subject property that owning and occupying such property might expose them to certain discomforts or inconveniences resulting from the conditions associated with Agricultural practices and operations in the Town.

Section 5. Notification to Real Estate Buyers.

In order to promote harmony between Farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310. of Article 25-AA of the State of Agricultural and Markets Law and provide notice to prospective purchasers and occupants as follows:

“It is the policy of this state and the Town of Avon to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances. Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under article 25-AA of the Agriculture and Markets Law.”

This notice shall be provided to prospective purchasers and occupants of property within an agricultural district or on property with boundaries within 500 feet of a Farm Operation located in an agricultural district. A copy of this notice shall be included by the seller or seller’s agent as an addendum to the purchase and sale contract at the time an offer to purchase is made or in the event of a leasehold, at the time a proposed lease agreement is presented to a prospective tenant.

Section 6. Notification on Subdivision Plats; Multifamily Residences.

1. Upon the submission of a preliminary subdivision plat to the Planning Board of the Town of Avon, pursuant to Article 16 of the Town Law of the State of New York and the applicable subdivision regulations of the Town, the applicant, in addition to any other requirements, shall submit a separate statement to the Planning Board stating whether the boundaries of the proposed subdivision are to be located partially, wholly or within 500 feet of either an agricultural district or land for which an individual commitment has been received pursuant to § 305 or 306 of the Agriculture and Markets Law of the State of New York.

2. Upon the submission of any application for a building permit for a multifamily residence, the applicant, in addition to any other requirements, shall submit a statement to the Code Enforcement Officer stating whether any portion of the proposed multifamily residential dwelling premises is to be located partially, wholly or within 500 feet of either an agricultural district or land for which an individual commitment has been received pursuant to § 305 or 306 of the Agriculture and Markets Law of the State of New York.
3. Should any proposed subdivision or multifamily residence be located partially, wholly or within 500 feet of either an agricultural district or land for which an individual commitment has been received pursuant to § 305 or 306 of the Agriculture and Markets Law of the State of New York, then the following notice shall appear on the final subdivision plat or, in the case of a multifamily residential dwelling, on the building permit:

"It is the policy of this state and the Town of Avon to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly in, or within 500 feet of, either an agricultural district or land for which an individual commitment has been received pursuant to § 305 or 306 of the Agriculture and Markets Law of the State of New York, and that farming activities occur in such district or land. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."
4. In addition to the requirements of Subsection 3. of this section, it shall be required as a condition of final subdivision approval, or, in the case of a building permit for a multifamily residence, as a condition of such issuance, that prior to the initial sale, purchase or exchange of any real property within any such subdivision or multifamily residence premises, the grantor shall also deliver to the prospective grantee a typewritten document containing the notice set forth in Subsection 3. Further, the grantor shall incorporate said notice in any deeds wherein title to any such property is to be initially conveyed to a grantee.

Section 7. Resolution of Disputes.

1. Should any issue or controversy arise regarding any inconveniences or discomforts, occasioned by an Agricultural Practice or Farm Operation including, but not limited to, noise, odors, fumes, dust, the operation of machinery, the storage, management and application of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and/or pesticides, the parties may (but are not required to) submit the issue or controversy to the Agricultural Dispute Resolution Committee as set forth below in an attempt to resolve the matter prior to the filing of any court action.
2. Any controversy between the parties may be submitted to the Agricultural Dispute Resolution Committee within 30 days of the last date of occurrence of the particular activity giving rise to the controversy, or of the date one or the other of the involved parties became aware of the occurrence.
3. The controversy shall be presented to the Agricultural Dispute Resolution Committee in written form that clearly and concisely sets forth the alleged facts of the grievance. Such written grievance shall be provided to the other party on or about the same time it is presented to the Committee. Thereafter, the Committee may investigate the facts of the controversy but must, within 25 days, hold a meeting to consider the merits of the matter, at which all parties shall be permitted to present their respective position and any facts or evidence to support their position. No party bringing a complaint to the Committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. Within 10 days after conclusion of the meeting, the Committee must render a written decision to the parties which shall be advisory only. The time limit provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.
4. The effectiveness of the Agricultural Dispute Resolution Committee as a forum for resolution of grievances is dependent upon full and respectful discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

5. Any reasonable costs associated with the function of the committee process shall be borne by the participants equally.

Section 8. Severability

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

Section 9. Effective Date

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State.

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

DISCUSSION – SUPERVISOR REPORT

Supervisor LeFeber reported on the following:

The need to amend our procurement policy. Attorney Campbell will provide the proposed policy to the Town Clerk for distribution.

Attorney Campbell will develop a highway reserve by resolution. Highway Superintendent Crye will provide the dollar amounts to Attorney Campbell and he will provide to the Town Clerk for distribution to the Town Board for their consideration.

The IT Assessment that was conducted needs to be reviewed and accepted by the Town Board at a future meeting.

Budget requests are due back from Department Heads on the 12th August.

Contact will be made to the Town Justices regarding the open Clerk position for the Court.

Paying the two outstanding bonds early for this building is a goal.

The grant application for the third floor was completed and submitted to New York State.

RESOLUTION #136 SCHEDULE PUBLIC HEARING – UNIT DISTRICT

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

ADOPTED AYES 5 NAYS 0

LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The tentative 2019 special assessment roll (to be used for the 2020 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 2020.

The Avon Town Board will hold a public hearing for owners of properties located within the above-described districts on Thursday, August 8, 2019 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 25, 2019
To be published: August 1, 2019

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

RESOLUTION #137 SCHEDULE PUBLIC HEARING LOCAL LAW T-5A-2019

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

ADOPTED AYES 5 NAYS 0

RESOLVE to schedule a public hearing for local law T-5A-2019 Moratorium prohibiting large scale battery energy storage system installations on the 22nd of August 2019 at 6:15 P.M. at the Avon Town Hall/Opera Block. Attorney Campbell will provide a legal notice for the Town Clerk.

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

DISCUSSION – APPOINTMENT OF MOTOR EQUIPMENT OPERATOR

Highway Superintendent Crye recommend the appointment of James McGregor to the position of Motor Equipment Operator. He is not a resident of Avon but lives eleven minutes from the Town Highway Barns, is 29 years old, has experience with snow removal, mowing roadsides, construction and is a New York State Employee.

RESOLUTION #138 APPOINTMENT OF JAMES MCGREGOR

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

ADOPTED AYES 5 NAYS 0

RESOLVE to add the following to the 2019 Compensation Schedule

2019 Town of Avon Employee Compensation Schedule

Name	Position/Duties	Status	2018Rate	2019 Rate
James McGregor	Motor Equipment Operator	Full Time	.00	18.00/hr.

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

RESOLUTION #139 ACCEPT 2018 AUDIT

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the 2018 Audit conducted by Raymond F. Wager, CPA, P.C. and presented to the Town Board and Town Clerk.

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

DISCUSSION 2018 AUDIT

Councilman Drozdziel questioned if there would be discussion of the Audit. Supervisor LeFeber responded it would be scheduled at the next meeting.

RESOLUTION #140 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 2019-14 in the following amounts:

Concerning ABSTRACT of Claims Number 2019-14 including claims as follows:

General Fund	Voucher #332 through #352 in amounts totaling \$ 4,584.35
Highway Fund	Voucher #117 through #121 in amounts totaling \$ 5,903.13
Water Fund	Voucher #74 through #76 in amounts totaling \$ 1,000.69
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 - Aye, Supervisor LeFeber – Aye

RESOLUTION #141 ACCEPT BUDGET TRANSFERS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt the following budget transfers:

TOWN OF AVON

PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 7/11/19 MEETING:

GENERAL FUND-TOWNWIDE

<i>Transfer From:</i>	A1990.4	Contingency	\$	2,726.00
			TOTAL:	<u>\$ 2,726.00</u>

<i>Transfer To:</i>	A1220.4	Supervisor Contr.	\$	2,666.00
	A1950.4	Taxes & Assessment of Property	\$	52.00
	A9050.8	Unemployment Ins	\$	8.00
			TOTAL:	<u>\$ 2,726.00</u>

GENERAL FUND-OUTSIDE VILLAGE

<i>Transfer From:</i>	B1990.4	Contingency	\$	44.00
			TOTAL:	<u>\$ 44.00</u>

<i>Transfer To:</i>	B3620.2	Safety Inspections Equipment	\$	10.00
	B9050.8	Unemployment	\$	9.00
	B9060.8	Medical Ins	\$	25.00
			TOTAL:	<u>\$ 44.00</u>



WATER FUND

	UNANTICIPATED REVENUE		
<i>Transfer From:</i> SW2148	Penalties	\$	1,681.00
		TOTAL:	<u>\$ 1,681.00</u>
 <i>Transfer To:</i> SW9050.8	Unemployment Insurance	 \$	 1,681.00
		TOTAL:	<u>\$ 1,681.00</u>

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

DISCUSSION – OPEN ITEMS

Councilman Harrington likes the table and chair set-up. He approved of the request of the Town Clerk to purchase Christmas decorations. The Board requested the Town Clerk contact the organizational group of “Holiday Spectacular” to see if another Santa Claus is needed. Code Enforcement Officer Glise will make recommendation on whether the third floor is safe to be used for a public Christmas concert.

Councilman Coyne recognized the Highway Superintendent and his crew for their work after the big rain for firming up shoulders.

DISCUSSION VISITOR COMMENTS

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

Visitor Cindy Kellen questioned if the Town Board would be taking any action on Local Law T-3A-2019 zoning change prior to the Livingston County Planning Board meeting. Supervisor LeFeber stated they would be waiting for the recommendation of the County Board.

Visitor Judy Falzoi commented on the amounts of mega-watts coming into this County it is unlike any other County. She would like to see the Battery Storage Moratorium Law to include solar panels.

Visitor Judy Falzoi stated that in 2010 she was asking for an agricultural discloser policy and shared comments the board and Attorney made at the time.

Visitor Janet Manko stated she was at the joint ZBA/Planning meeting and hopes our Board keeps in mind the residents of the Town and the Comprehensive Plan concerning the Hanson mining expansion.

RESOLUTION #142 EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

RESOLVE to enter executive session for the purpose of discussions regarding proposed, pending or threatening litigation. and

FURTHER RESOLVE to enter executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. TIME 7:18 P.M. inviting Attorney James Campbell

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

RESOLUTION #143 CLOSE EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close executive session with no action taken at 8:24 P.M.

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

On motion of Councilman Harrington seconded by Councilman Coyne the meeting was adjourned at 8:25 P.M.

Respectfully submitted by:

Sharon M. Knight Town Clerk, MMC/RMC