

A regular meeting of the Town of Avon was held on Thursday, January 10, 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 (left the meeting at 6:45 P.M.), Code Enforcement Officer Brian Glise, and Town Clerk Sharon Knight MMC/RMC

VISITORS: David Wallace, Debra Salmon, Eric Huppert, Karen & Rick Crater, John Campany, Karl E Mitchell, Brian Stover, Deb Nupp, Lisa Arnold, Steve Warfle, 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 asked for Visitor Comments and they follow:

Visitor David Wallace, Dutch Hollow Road addressed the Board regarding the New York State Real Property Tax Law 467. He provided information on what other Towns are offering their Senior Citizens and requested the Board consider decreasing their minimum and adjusting the sliding scale.

Supervisor LeFeber responded stating consideration would need to include information from our Town Assessor to determine the impact to the Town of Avon. This may be a good time as we are coming up to the time people can challenge their assessments. The Board appeared to request the Supervisor search the minutes to determine the last time there was an increase for the Town and for Livingston County. Assessor Snyder will need to be a part of the research. At the next Board meeting information will be reviewed.

Karen Crater, a 31 year resident of Oak Openings Road, spoke about the Oak Openings LLC mine that is operating on her road. Her concern is that the mine is in violation of its permits either from the DEC or the Town since it was open.

He did not have a permit from the Town when he opened in June. He lied about processing sand and gravel only and stated that he would not be washing stone. He is the CEO of the Victor Gravel Pit and after looking into DEC inspection reports he has had several violations so I do not have confidence in him.

She asked if the property was purchased or still owned by the Sanders family. Attorney Campbell stated that yes he owned the property at the time of the application. The history of the owner and applications were provided.

DISCUSSION – VISITORS COMMENTS-continued

The noise is exceptionally bad at her home, the road is a mess, and traffic has increased. They are hauling C&D Material from the City of Rochester.

Her husband and she have filed complaints with the DEC and with Code Enforcement Officer Brian Glise regarding the number of truck per hour coming and going from the mine and they are 1 or 2 trucks over. She does not see a reason why their permits are not revoked.

Supervisor LeFeber state that CEO Glise has done some investigating in the past few weeks and he gave a report of his investigation. He did not find any violations.

John Campany spoke of the quality of life that the Town of Avon has imposed on him by rerouting the traffic to the North. It is much shorter to get to Route 390 by going south on Oak Openings. He put a web cam up and has been tracking the traffic from 6 am to 6 pm. There has been a 50% increase in traffic.

Brian Stover from 1155 Oak Opening Roads spoke. He was shocked the mine opens at seven am because his kids wait for the bus and sometimes mistake a truck for the bus only to have it blow by.

He has a back ground in transportation and knows that there is no need to use a Jake break unless you are over the speed limit. I can hear them being used in every room in my home. I am now afraid I will not be able to sell my house.

Eric Huppert who lives at 1160 Oak Openings Road, can hear the operations all day long. There is the constant grinding of machinery, tail gates slamming, and the incessant beeb, beeb, beeb of equipment backing up. It starts 6:44 am. Oak Openings Road did have a ten ton posting and these trucks are much heavier. There is also use of jake breaks and this has become a real imposition. One neighbor who has considered moving talked to a realtor in September and was told with this type of operation nearby their property value has decreased by 10%.

Mr. Huppert asked the Board to make efforts to mitigate this problem. It is now a safety issue as it is almost impossible to walk and ride his bike. This was a quiet Country back road before this business came in.

Lisa Arnold who lives on the corner of North Avon Road and Oak Openings Road on the hill, agrees with neighbors regarding the quality of life issue. I wake up to the noise of the trucks slowing down to enter into the mine and then when they leave I hear their engines revving to go up the hill. With violations there are consequences and what is the Board doing to make them accountable. If you do not make any changes then our property taxes should go down. She is thinking about selling her home but can't show it during the day and will probably not look for another home in the Town of Avon. I have invested a lot of money into my home and now I am very frustrated, aggravated, disappointed and feeling helpless.

DISCUSSION – VISITORS COMMENTS-continued

Rick Crater who lives at 1177 Oak Openings Road is retired and lives 35 feet from the right of way. 13 trucks went to the north between 10 am and 10:58 am. I am keeping a log. There have been as many as 17 to 20 trucks per hour. I would like the town to consider what can be done to provide relief. It's unbearable and we can't walk the area. Thank you for listening.

Steve Warfle who lives at 6579 North Avon Road stated that he knows Dale the owner of the gravel mine and is friends with him. My wife works in Henrietta and leaves around 10 am. She has a hard time pulling out of the driveway and it is hard to see because of the speed of the trucks. When I talked to Dale today he said if I lived up that way I would be upset as well but that's what the Town wants me to do. Dale would rather drive south.

Judy Falzoi shared the following information –the mine was closed down and went to the DEC and by 2011 the owner died. John S. applied to reopen the mine that was closed down and according to our law was not grandfather in because of the length of time it was closed down. In 2015 a permit was issued as this town issued a permit to him. A mining permit is not issued if the Town does not have a mine. Prior to 2015 the neighbors did not have a say. The lease guy purchased the land for \$1.00.

Attorney Campbell stated that he did not pay \$1.00 for the property. The deed states \$1.00 and other good and valuable consideration. The owner paid almost one million dollars for the mine.

Mining is a permitted use in the Code of Avon with a Special Use Permit and did not need to be grandfathered in. The owner went to the DEC to reactive the permit. The Town of Avon was put on notice and responded that the DEC should be aware that a Special Use Permit would be required of the Town of Avon. These written responses were provided in both 2015 and 2017.

Debbie Salmon from 1160 Oak Openings Road spoke of the quality of life that they now have. Please consider these taxpayers. The water has not been officially affected by the mine but our water system is not working properly.

A visitor stated he had copies of town minutes from June 28, 2012. The issue of hydro fracking was discussed which included large scale industrial activities. The discussion included Heavy truck traffic, quality of life, real estate values and pollution. My neighbors and I are suffering the same effects that the Town was talking about in 2012. Why is there a change of heart now with the same life changing conditions?

The ball has been dropped or a bunch of missteps have happened with this process. There have been multiple issues with permits, traffic patterns, police on the road, and heavy truck traffic. Who is keeping an eye on these things? Can the speed limit be reduced to 35 mph along with no use of jake breaks?

DISCUSSION – VISITORS COMMENTS-continued

The Question was asked if the Town has the authority to determine which direction the traffic can go.

Supervisor LeFeber answered that the Zoning Board of Appeals issued the permit and Attorney Campbell worked with the Board.

Supervisor LeFeber stated he is glad residents came in tonight as this is opening the door to investigate the issues with Code Enforcement Officer Glise and Attorney Campbell. We are taking this seriously.

There were questions as to when the permit was issued.

The Staff Report was provided. Zoning Referral #2018-90, Town of Avon Site Plan & Special Use Permit for excavation Operations at 1392 Oak Openings Road dated September 13, 2018 pages 1-4.

I Travel Oak Openings Road in the am and there are a lot of big trucks in the morning. We need to cross North Avon Road to get straw for our farm. We are also concerned about our water.

At Victor Sand & Gravel no blasting has occurred.

Councilman Paul Drozdziel asked Steve if Dale is reasonable and can we sit down to get together and work out the differences. Do not want to close the doors.

RESOLUTION #16 APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of December 27, 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

RESOLUTION #17 APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of January 2, 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 was not in attendance at this portion of the meeting.

DISCUSSION – HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye was not in attendance.

DISCUSSION – CODE DEPARTMENT

Code Enforcement Officer Glise reported on the following:

- There was a complaint about a hoarder on Linden Street.
- Joyful Beginning should be in.
- Code update – things have changed with the state and we have to file an application if we want to be more restrictive.
- There is a need for Code update and what would be the next move?
- There is another possible application for solar.
- Working on refining the applications for building permits.

DISCUSSION – ENGINEER REPORT

David Willard, MRB Group Engineer was not in attendance.

Supervisor LeFeber reported on the Village/Town Joint water study. It appears that this will be a joint venture.

He will be going to Albany in a couple of weeks as Representative of Livingston County. He expects to have a discussion on Papermill Park.

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight reported on the following:

- Communications were received and forwarded to the Town Board via email:
 - Update from Congressman Collins
 - Avon Chamber of Commerce Minutes
 - Liv. Cty. Preliminary Agenda
 - Town of Lima – Proposed Local Law 1-2019
 - Town of Livonia – Proposed Local Law & Legal Notice
 - Liv. Cty. Planning Department – Conesus Lake Watershed – Harvest Season on Conesus Lake
 - NYS Gov. Cuomo – Voting should be easy

The Willy Weather station has been added to our website. There are some commercials to having the free station.

Design FM has a new owner.

DISCUSSION – SUPERVISOR REPORT

Supervisor LeFeber mentioned that there are savings on the Nationalgrid bill due to the solar panels at the Agar Road Barns. December of 2017 paid for 1789Kwh and in December of 2018 we paid for 483 kWh. We are still working on getting reimbursed 75% of the \$50,000.00.

There was discussion regarding the PILOT for Avon on the Green and the disbursement of the funds. The termination date will be reviewed and reported to the Board.

RESOLUTION #18 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 2019-1 in the following amounts:
Concerning ABSTRACT of Claims Number 2019-01 including claims as follows:

RESOLUTION #18 PAYMENT OF BILLS-continued

General Fund	Voucher #1 through #27 in amounts totaling \$ 22,503.85
Highway Fund	Voucher #1 through #13 in amounts totaling \$ 2,898.00
Water Fund	Voucher #1 through #6 in amounts totaling \$ 2,311.57
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #1 through #1 in amounts totaling \$ 1,077.08
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 #19 ACCEPT THE MONTHLY REPORTS

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

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

Town Clerk’s December 2018 Report:

<u>Total Local Shares Remitted:</u>	<u>\$ 807.79</u>
<u>New York State Department of Health</u>	<u>\$ 45.00</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$ 39.00</u>
<u>NYS Environmental Conservation</u>	<u>\$ 682.93</u>
<u>TOTAL</u>	<u>\$ 1,574.72</u>

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

DISCUSSION – SUPERVISOR REPORT-CONTINUED

Kelly Cole may do the electric for the board room next Thursday.

The draft audit for the Town of Avon was provided to the Town Board and Town Clerk.

RESOLUTION #20 ACCEPT THE RESIGNATION OF HOLLY WATSON

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the resignation of Deputy Town Historian, Holly Watson.

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

RESOLUTION #21 AMEND THE COMPLENSATION SCHEDULE

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

ADOPTED AYES 5 NAYS 0

RESOLVE to amend the 2019 Compensation Schedule by removing the following:

Watson, Holly	Deputy Town Historian	Part Time*	\$15.00/hr.	\$15.30/hr.
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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 – SUPERVISOR REPORT-CONTINUED

Spoke with Bill Bacon of a possible sale of another lot at Crossroads. If this happens we may need to rebury a water line that is not buried deep enough.

Deputy Supervisor Mairs suggested putting up a dead end or no outlet sign on Interstate Drive.

DISCUSSION VISITOR COMMENTS

Supervisor LeFeber asked for any visitor comments and they follow:

Right to Farm Meeting is at 7:00 P.M. on January 17, 2018.

Brian Glise will be out of town for the next meeting and if there are any emergencies Adam and Bob from Livonia will fill in.

Janet Manko inquired about the East Avon Plaza and asked if the Day Care has a sign at their new building.

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 7:45 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk