

A regular meeting of the Town of Avon was held on Thursday, October 24, 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: Code Enforcement Officer Brian Glise, Highway/Water Superintendent Thomas Crye, MRB Group Engineer Group David Willard, and Town Clerk Sharon M Knight MMC/RMC

VISITORS: Cindy Kellen, Pam Taggart Rice, Shelby Bennett, Ashley Freeman-Comeau and Jessica Ryan-Soucy

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

DISCUSSION – OPEN PUBLIC HEARING OVERRIDE TAX LEVY LIMIT

Town Clerk Knight read the following legal notice that was published in the Livingston County News (our legal paper), on our website and on the Official Bulletin Board as follows:

**TOWN OF AVON
LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, and pursuant to the Town Law §130 that a public hearing shall be held by the Town Board of the Town of Avon, at the Opera Block/Town Hall, located at 23 Genesee Street, Avon, New York at 6:00 P.M. on Thursday, October 24, 2019 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A local law for the Town of Avon to override the tax levy limit established in General Municipal Law 3-C

A copy of the proposed local law is available for review by the public at the office of the Town Clerk during regular Town Clerk hours, or by visiting the Town Government page of the Town and Village web site at www.avon-ny.org

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: October 7, 2019

Published: October 17, 2019

By Order of the Town Board of the Town of Avon
Sharon Knight, MMC/RMC Town Clerk

DISCUSSION – VISITOR COMMENTS

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

DISCUSSION –PUBLIC HEARING

Supervisor LeFeber stated the public hearing for Local Law 3A-2019 LA&L Re-Zone continues to remain open with no additional information being submitted to the Town Board. Attorney Campbell was going to reach out to find out if the applicant was still interested in the project. Attorney Campbell will not be at tonight's meeting so we will leave the public hearing open.

DISCUSSION – THE SECOND ANNUAL HOLIDAY SPECTULAR

Ashley Freeman-Comeau and Jessica Ryan-Soucy addressed the Board requesting \$500.00 to help support the 2nd Annual Avon Holiday Spectacular. Becky Ryan is also a part of the organization. Discussion included promoting the downtown businesses, Christmas live at the Presbyterian Church, Santa's visit at the library, and combining them with other activities into one large event know as Avon Holiday Spectacular. There was large support with approximately 1200 people in attendance and \$2,500.00 was raised for local charities including The Avon Preservation and Historical Society, American Legion, Avon Community Cares, Food Pantry and others. All of the venders from last year will be participating this year and additional things will be added. Holiday One Stop Shop at the Avon Inn is 9:00 A.M. to 4:00 P.M. The main events will be 2:00 P.M. to 6:00 P.M. and is planned for all around Genesee Street. Touch the truck, light parade, tree lighting, announcement of all the dedicated trees, and then Santa reads a story. At 7:00 to 8:30 P.M. there will be a family concert in the Fire Hall with Bob's Brothers Band. Student Counsel will be setting up games. The goal is to draw more people and raise additional money for local charities. There will be a passport for kids and families available in three locations with a chance to win a raffle prize while promoting local businesses. The funds being requested would support the passport information and the purchase of banners to support the event. T-shirts will be for sale and the sponsors will be put on the back of the t-shirts. The Board took the following action.

RESOLUTION #188 DONATE TO THE HOLIDAY SPECTUCULAR COMMITTEE

On motion of Councilman Harrington, second by Councilman Drozdziel the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE to act as a major sponsor and provide \$750.00 to the Holiday Spectacular Committee for the second annual celebration.

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

DISCUSSION – OPEN PUBLIC HEARING PREMILINARY BUDGET 2020

Supervisor LeFeber read the following legal notice that was published in the Livingston County News (our legal paper), on our website and on the Official Bulletin Board as follows:

TOWN OF AVON
NOTICE OF PUBLIC HEARING ON THE
PRELIMINARY BUDGET OF THE TOWN OF AVON
For the year 2020

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Avon for the fiscal year beginning January 1, 2020, including General Town Funds, Highway Fund, Water Funds, Special Districts, Royal Spring Lighting & Drainage District, Crossroads Drainage District, Bruckel Drainage District, Cemetery, Water District Route 39, Ext, and Fire District, is completed and filed in the office of the Town Clerk of the Town of Avon, 23 Genesee Street, Avon, New York 14414, the tentative and the preliminary budgets will be available for inspection by any interested person during office hours, Pursuant to Real Property Tax Law Chapter 258 & 495, an exemption report is attached to the preliminary budget and includes every type of exemption granted by the taxing authority and the cumulative impact of each type of exemption, the cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services, and the cumulative impact of all exemptions granted. The Town Board of the Town of Avon shall hold a hearing on said preliminary budget on October 24, 2020 at 6:15 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Avon. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained. The following are the proposed 2020 salaries of Town of Avon

ELECTED OFFICIALS:

Supervisor	\$22,400.00
Councilman (4)	\$ 6,375.00
Town Justice (2)	\$13,942.00
Town Clerk	\$42,400.00
Highway Superintendent	\$69,311.00

By Order of the Town Board
Sharon M. Knight, MMC/RMC
Avon Town Clerk
DATED: October 10, 2019
PUBLISHED: October 17, 2019

DISCUSSION – EFRP SOLUTIONS PRESENTATION BY SHELBY BENNETT

Shelby Bennett presented and reviewed the quote to provide monthly bookkeeping, including voucher review, and payroll processing with monthly reporting, monthly reports reconciled to bank statements, monthly narratives to explain what the monthly reports mean for our Town, preparation of Annual Update Document and notes that explain the content of the report, preparation of accounting records for independent audits, and assistance with preparation of annual budgets which includes attending one budget workshop. Also, file CHIP Reports and other Annual Reports.

There were many questions and answers about the service being offered. Wiring money is not allowed except by the Town Supervisor or Town Clerk.

Any errors or emission will be corrected by EFRP or ADP Run with any penalties covered by ADP Run or EFRP.

If an error is made and EFRP incorrectly provided Town of Avon funds to the Federal Government and the Town of Avon needed to wait until the next annual year to have the money returned, what is the policy of EFRP. Shelby Bennett would find out the policy and provide the policy to the Town of Avon. Another outstanding question is what type of security does EFRP have for the cloud.

References will be provided and will include the Towns of Sparta and North Dansville.

A savings would occur as the abstract portion of the BAS System would not be needed for the preparation of the abstracts. Also, the number of bank accounts would be reduced.

RESOLUTION #189 APPROVAL OF MINUTES

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

RESOLVE to approve the minutes of September 26, 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 Drozdzziel – Aye, Councilman Harrington – Aye, Councilman Coyne – Aye, Deputy Supervisor Mairs – Aye, Supervisor LeFeber – Aye

RESOLUTION #190 APPROVAL OF MINUTES

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

RESOLUTION #190 APPROVAL OF MINUTES-continued

RESOLVE to approve the minutes of October 10, 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 – HIGHWAY/WATER REPORT

Highway Superintendent Thomas Crye reported on the following:

Highway- worked around the shop getting the trucks and plow equipment ready, mowing the cemeteries one last time, restocked the Town Barns.

Water – everyday maintenance, sampling, readings next week, tracking Interstate Drive, meeting with Kathy Higgins and she requested we use a chlorine analyzer.

Councilman Coyne asked for an update on a simple way to monitor H2O Joe's water usage. There was a lengthy discussion and Supervisor LeFeber will contact Hurricane for a recommendation. Currently spikes in the system are the only way to monitor.

RESOLUTION #191 APPROVING JOINT SERVICE AGREEMENTS FOR MACHINERY, TOOLS, EQUIPMENT AND SERVICE SHARING ACCESS WITH LIVINGSTON COUNTY

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

WHEREAS, New York State Highway Law Sec. 133-a authorizes the Town to enter into agreements to permit the use of County-owned machinery, tools or equipment by other municipal corporations: and

WHEREAS, it would be in the Town's interest to enter into such agreements with the County, Towns and Villages located within Livingston County, now, therefore be it

RESOLVED, that the Supervisor of the Town of Avon is hereby authorized to sign an agreement with Livingston County, the format of which was adopted by Livingston County Resolution 2016-317.

FURTHER RESOLVE, that the Town of Avon agrees to extend the terms of the Inter-Municipal Agreement for Machinery, Tools, Equipment and Service Sharing Access Contract, original Livingston County Resolution 2016-317, for an additional term of one (1) year to terminate on December 31, 2020.

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

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise provided the following report:

We have applications from Helios and Brown for the next meeting.

The Board agreed to use Copy Town to scan the remaining documents and then we can enter them into Laserfiche.

The proposal that was given by General Code for codification was discussed in detail. The Board is going to add this to the budget for 2020 and 2021 as the project will take two years.

UET should be getting their C of O next week.

I did the Matthew Buses sprinkler test last Monday. They hope to be in soon.

DISCUSSION – ENGINEER REPORT

MRB Group Engineer David Willard provided the following report:

Supervisor LeFeber asked about the concerns regarding Piranha? There was an e-mail from Michelle Banes with concerns that the current plan is showing an 8-inch sewer main coming on to the site and we have not received an overall concept plan from Piranha.

The SEQR was scheduled for November 4th but it will be delayed until a concept plan is available.

There was further discussion regarding sewer capacity of the proposed building site.

The IDA contractor is working on the watermain extension and lowering the section that is too high on Interstate Drive. It's being inspected by MRB Group, Clark Patterson, and Kelly Sloan from the Town Water Department. There has been some conflict about the starting point.

The Village of Lima awarded their water project to Blue Heron Construction. A preconstruction meeting will be planned and Highway Superintendent Crye will be a part of the meeting.

A Water Works Committee meeting will be held on November 25 at 5:00 P.M. to review the Joint Village/Town Water Study.

Nothing new on the parking lot.

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight reported on the following:

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

2020 Inter-municipal Agreement Extension
Town of York Local Law #6-2019
EFPR Proposal letter

As an extension of the panic button evaluation the Village Fire Marshall came to the Town Hall/Opera Block to provide recommendations on escape routes within the Town Hall/Opera Block. There was a lengthy discussion on the need for maps.

The panic buttons were tested, and we found that the pendent that was pushed in error is not currently working. A new pendent will be provided.

In response to the advertisement, we received one letter of interest, from Suzanne Boutte-Lee, to serve on the committee to review the Moratorium Prohibiting Large Scale Battery Energy Storage Systems. Councilman Coyne will check with Attorney Campbell to determine if we have reached our required amount of people to begin meetings.

DISCUSSION – ONLINE DOG LICENSE RENEWAL

Councilman Coyne questioned the amount being charge by BAS for online dog licenses. It was agreed to pull the voucher and requested additional information.

RESOLUTION #192 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 2019-20 in the following amounts:

Concerning ABSTRACT of Claims Number 2019-20 including claims as follows:

RESOLUTION #192 PAYMENT OF BILLS-continued

General Fund	Voucher #478 through #493 in amounts totaling \$ 7,234.91
Highway Fund	Voucher #171 through #179 in amounts totaling \$11,257.51
Water Fund	Voucher #100 through #103 in amounts totaling \$ 560.89
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

DISCUSSION – SUPERVISOR’S ITEMS

Supervisor LeFeber reviewed the highlights of the budget stating that due to the formula used to calculate the tax rate we will go over the tax cap. We are adding a one-time payment for a new PILOT and it’s impossible to stay under the tax cap. If we did not go over the tax cap it would cripple future Boards.

RESOLUTION #193 CLOSE THE TAX CAP PUBLIC HEARING

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close the tax cap public hearing.

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

RESOLUTION #194 ADOPT LOCAL LAW 5-2019 OVERRIDE THE TAX CAP

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt Local Law 5 as follows:

Local Law No 6 of the year 2019
Town of Avon,
County of Livingston

**A local law to override the tax levy limit established in
General Municipal Law 3-C**

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Avon pursuant to General Municipal Law §3-c 5, and to allow the Town of Avon to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c 2 (g).

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Avon, County of Livingston, is hereby authorized to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with 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 -BUDGET HEARING

Supervisor LeFeber stated that money was put aside in the budget for Papermill Park, computer upgrades, potential bookkeeping support changes including payroll, purchase of a new plow/sander ten wheel truck, repaving of the driveway at the highway facility on Agar Road, dollars in reserve if we get the grant for the third floor restoration, village parking lot, court security and clerk time for the criminal reforms coming in January.

We are paying off this building this year which will save us paying interest.

There will be a six-cent increase in the village and a three-cent increase outside the village. The comp insurance rate with Livingston County will remain flat.

There has been a lot of discussion on salaries some have been changed and others have not. It is a work in progress

There was discussion about recodification and the cost. Part will be in the 2020 budget and part in the 2021 budget.

DISCUSSION VISITOR COMMENTS

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

RESOLUTION #195 EXECUTIVE SESSION

On motion of Councilman Harrington, seconded by Supervisor LeFeber 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 8:35 P.M. inviting Highway Superintendent Thomas Crye

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

RESOLUTION #196 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 8:58 P.M.

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

RESOLUTION # 197 CLOSE PUBLIC HEARING PREMILINARY BUDGET 2020

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

ADOPTED AYES 5 NAYS 0

RESOLVE to close the public hearing for the budget hearing.

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

RESOLUTION #198 ADOPT THE 2020 BUDGET

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

ADOPTED BY A ROLE CALL VOTE AYES 5 NAYS 0

RESOLVE, to adopt the Preliminary Budget provided to the Town Clerk on October 24, 2019 by Supervisor LeFeber Confidential Secretary Kimberly McDowell, as the Final Budget, with a change in unexpended balance to be reduced by \$6,000.00 and added to B8010.4, including the Solar PILOT agreement, PILOTS and exemption report.

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

DISCUSSION – OPEN ITEMS

Deputy Supervisor Mairs reported he will be attending a meeting with Village Trustee McKeown and Supervisor LeFeber Confidential Secretary Kimberly McDowell to discuss the Town/Village Website.

Councilman Coyne will be meeting next week with the Parking Lot Committee and holding a meeting prior to the Christmas Season regarding Large Scale Battery Energy Storage Systems.

Town Clerk Knight reported on the usage of the online dog renewals stating that in 2017 there were 16 users, 2018 there were 30 users and to date in 2019 there have been 25 users. Councilman Coyne thanked the Town Clerk for the information and would like the voucher to be placed on the abstract for the next meeting for approval of payment.

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

Respectfully submitted by:

Sharon M. Knight Town Clerk, MMC/RMC