

A regular meeting of the Town of Avon was held on Thursday, November 21, 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 at 6:35 P.M.), 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 and Pam Taggart Rice

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

**DISCUSSION – VISITOR COMMENTS**

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

**RESOLUTION #210 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of October 7, 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 - MINUTES OF NOVEMBER 7, 2019**

Supervisor LeFeber had not had a chance to review the minutes of November 7, 2019 and they will be considered at the next meeting.

**DISCUSSION –PUBLIC HEARING**

Attorney Campbell recommended the Board close the Public Hearing with the understanding that there may be an application in the future.

**RESOLUTION #211 CLOSE THE PUBLIC HEARING FOR LOCAL LAW T-3A-2019**

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

RESOLVE to close the public hearing for local law T-3A-2019 as its understood that the application has been abandoned. A new application will need to be submitted for any future project.

**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:

Court this week on the Article 7 involving Mr. Kolokouris for a residential home – we did solve the matter and there was a significant reduction of assessed value. He has an appraisal from Midland appraisers for \$400,000 and the property was appraised at \$650,000. The property was reduced to \$500,000. Assessor Snyder agreed to the settlement without an appraisal, as not to spend additional dollars on attorneys or our own appraisal. The new assessment is good for three years.

Still working on the Barilla Article 7. Spent an afternoon touring Barilla with our expert witness so he could provide his evaluation. Our strategies will be developed once the evaluation is received. We are paying \$200.00 per hour for the expert. If the court was to determine the case was brought in bad faith, then the Judge could have the Towns fees paid by Barilla. The next court appearance is the 4<sup>th</sup> of December.

The next board meeting on the 12<sup>th</sup> of December will be a Joint meeting with the Planning Board and possibly ZBA. We will be looking at Piranha, who is interested in going in the James Steele Park, for a new use for the Town Board's consideration.

Another project interested in coming to the James Steele Park is a Noyes Mental Health Medical Facility for outpatient treatment. We are not sure if this will be an IDA project.

We received a solar application with battery storage for property on Pole Bridge Road. They are in the application phase and they were put on notice. Since we have a moratorium on battery storage projects in Avon the battery storage portion was withdrawn from their application. We need to keep in mind the drainage concerns of this area.

**DISCUSSION – ATTORNEY REPORT-continued**

On December 4<sup>th</sup> in the evening an education presentation by the County will be provided. NYSEDA is sponsoring the training. Supervisor Secretary McDowell will provide information once it was received.

Supervisor LeFeber was notified by the IRS regarding the mistake Baldwin made. The Town is being charged a \$950.00 bad check fee, but Baldwin Business Services will cover the fee. Notification was provided to Baldwin that we are discontinuing their service and reasons were provided.

Councilman Harrington asked about the water line issue on Interstate Drive. At the scoping meeting ideas were discussed and a plan along with costs will be given to the Town Board for consideration.

Barilla – End game is one of two options work out a resolution based on the consultant's research and then try to work with them. This will avoid litigation and thousands of dollars. The consultant will provide an assessment value and that will determine the next step in the process.

If we can't work out an agreement through negotiations or adjust (reduce) the assessment. Then we will have to go to trial which means spending additional dollars. The goal is to settle out of court.

If we go to trail it would probably be late summer or early fall. Taxes would continue to be paid by Barilla and if we lose, we might need to return dollars collected.

Supervisor LeFeber stated that Barilla has not paid much in taxes to date due to their PILOT. There is a lesson to be learned.

Tami is at \$41.00 per square foot.

Councilman Drozdziel asked about the bill received from the Village for ½ the purchase price of the home on Genesee Street. Supervisor LeFeber stated that as of this moment the invoice is in waiting.

**DISCUSSION – CODE DEPARTMENT REPORT**

Code Enforcement Officer Glise provided the following report:

One complaint on Victor Sand and Gravel. Close the gate behind them.

Day Care will be finishing landscape next year.

Matthew Buses is moving along nicely. They may possibly be renting out the other side of the building.

Noyes Mental Health Facility – couple of offices and walk in center.

There was discussion regarding employees being locked in the bank building stairwell earlier this week. The locks need to be reversed on the doors. This will be look at by Councilman Drozdziel.

### **DISCUSSION – HIGHWAY/WATER REPORT**

Highway Superintendent Thomas Crye reported on the following:

**Highway-** Snow removal, snow fencing, working in the shop on trucks and equipment. Kelly worked mostly in the highway department.

**Water** – everyday maintenance and sampling.

There was a water leak under the concrete slab at the Ambulance building that was fixed.

Code Enforcement Officer Glise asked for an update of what was being done with the building. The County Ambulance is taking over the building. The County may want to hire us to plow. We currently plow for the East Avon Fire Department and the IDA.

The town will reach out to Senator Galvin for an update on the Papermill Park Grant Application. Senator Ort has also offered to assist our Town.

### **DISCUSSION – TOWN CLERK REPORT**

Town Clerk Knight reported on the following:

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

E-mail response from Robert Frary – shoveling  
County Planning Board Preliminary Agenda  
Assoc. of Towns – Office of the State Comptroller’s Academy – Webinar

Getting ready for taxes.

Town Clerk Knight requested the Board consider the hours spent touring the salt mine to be counted towards the four hours required training. There was a lengthy discussion with the results being the hours will not be granted as training hours. Also, there is not credit for the mandatory sexual harassment or workplace violence training.

As a Department head, I need to understand how Clerk salaries are determined so that I can explain the process to my Clerk. I’m looking at a new hire versus a six-year employee, court clerk and a new hire. Is the salary based on who is coming to work or does a specific position have a specific value?

**DISCUSSION – TOWN CLERK REPORT-continued**

Supervisor LeFeber stated that Clerk salaries were discussed in executive session and Clerk salaries have not been shared as the compensation schedule has not been adopted.

Councilman Drozdziel answered the question stating there are two different issues. The rate of a new employee versus the compression of an existing employee. We are not unique many times the new employee will make the same or close to the same salary. Unless an effort is to widen the compression gap. There are external factors such as minimum wage, quality of candidates that are applying, is the wage enough to attract good candidates to apply for the position. McDonalds is paying \$12.75 per hour and we have no control of minimum wage. This is two different questions.

Supervisor LeFeber followed up with Department Heads make request during budget time. This was completed many months ago and things were fine then so what has changed?

Councilman Coyne stated that it’s a moving target, the highway department has new employees coming in that are close to the experienced employees. Different departments have an overall amount of dollars to run the department, sometimes a large increase is given to one employee and less to another. It’s an aggregate amount of money. Also, the consideration of what people are being paid around the area and moving current employees up by two percent.

**RESOLUTION #212 AMEND COMPENSATION SCHEDULE**

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

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

RESOLVE to amend the 2019 Compensation Schedule as follows:

Add:

**2019 Town of Avon Employee Compensation Schedule**

<b>Name</b>	<b>Position/Duties</b>	<b>Status</b>	<b>2018 Rate</b>	<b>2019 Rate</b>
Rogers, William	Motor Equipment Operator Water Laborer	Full Time	\$18.00/hr.	\$18.00/hr.
Jill Formella	Assessor Clerk	Part Time *	\$21.90/hr.	\$15.00/hr.

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

**DISCUSSION - SHOVELING**

There was a lengthy discussion on the counteroffer provided to the Board by Robert Frary regarding sidewalk shoveling with the following results.

**RESOLUTION #213 HIRE ERNIE WAIRD TO SHOVEL OUR SIDEWALKS**

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 Deputy Supervisor Mairs

RESOLVE to contract with Ernie Waird to shovel the back and front sidewalks for \$70.00 if it snows.

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

**RESOLUTION #214 PAYMENT OF BILLS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2019-22 in the following amounts:

Concerning ABSTRACT of Claims Number 2019-22 including claims as follows:

General Fund	Voucher #478 through #493 in amounts totaling \$15,767.64
Highway Fund	Voucher #171 through #179 in amounts totaling \$ 1,368.99
Water Fund	Voucher #100 through #103 in amounts totaling \$53,992.48
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 reported on the following:

He will be meeting with a water customer to discuss their individual water bill. Deputy Supervisor Mairs offered to attend the meeting.

A new representative will be providing recommendations for Excellus for Town Employees. It appears the benefits will be increased including the dollar amount to be deposited into HSA accounts. The enrollment period is in 2020. The plan being discussed is Silver 19.

The Hurricane invoice for additional hours has not been signed by the Supervisor for payment.

There was a meeting held with Kim McDowell and ThyssenKrupp Elevator to discuss the maintenance agreement. Hourly rates were discussed along with the benefits of having an agreement. Competitive bidding was an option as there are three other companies that offer service.

A review of an Employee Recognition during the holiday was discussed. The Board requested that proposals be sought from Party Man and the LeRoy Golf Club to provide lunch (including drinks) with a budget of \$700.00 for lunch and \$50.00 for Mrs. Moses’ cookies.

Town Clerk Knight thanked the Board for offering a health care plan that can be purchased for her spouse as it provides a plan that provides excellent coverage..

On motion of Councilman Harrington seconded by Councilman Coyne the meeting was adjourned at 7:50 P.M.

Respectfully submitted by:

\_\_\_\_\_  
Sharon M. Knight Town Clerk, MMC/RMC