

A regular meeting of the Town of Avon was held on Monday, December 30, 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, Deputy Town Clerk Ellen Zapf, and Town Clerk Sharon M Knight MMC/RMC

VISITORS: 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 – VISITOR COMMENTS

Supervisor LeFeber asked for any public comments and Visitor Judy Falzoi addressed the Board providing an invitation to an event for local government officers, fire department personnel and interested people to attend a presentation sponsored by R.U.S.H. (Residents United to Save Our Homeland).

Visitor Falzoi also stated that it's exciting to learn that Livingston County has been granted dollars to have a public market. I have an abundant of ideas for a marketing plan and will contract the Livingston County Industrial Development Agency.

RESOLUTION #227 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 12, 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

RESOLUTION #228 APPROVAL OF MINUTES

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

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

RESOLVE to approve the minutes of December 16, 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 – Abstain, Supervisor LeFeber – Aye

DISCUSSION – HIGHWAY/WATER REPORT

Highway Superintendent Thomas Crye reported on the following:

Highway- snow removal, maintenance in the shop, and drainage problems.

Water – Everyday maintenance, tank tower and sampling

DISCUSSION – CODE DEPARTMENT REPORT

Code Enforcement Officer Glise provided the following report:

**DEPARTMENTAL REPORT
BUILDING & ZONING
SEPTEMBER 25, 2019 - DECEMBER 30, 2019**

The following Building Permits were issued during the time period September 25, 2019 - December 30, 2019:

2019-0070	Palmiter	Generator	9/27/2019	\$40.00
2019-0071	Crandall	HVAC	9/27/2019	\$40.00
2019-0072	Holmes	single family resident	10/31/2019	\$253.95
2019-0073	Ashley - Harper Pk	furnace & AC	11/6/2019	\$40.00
2019-0074	Wagner - Harper Pk	furnace & water heater	11/6/2019	\$40.00
2019-0075	Taromino	ground mount solar	11/6/2019	\$102.70
2019-0076	Henderson	roof mount solar	11/6/2019	\$76.00
2019-0077	King - Harper Pk	furnace	11/8/2019	\$40.00
2019-0078	Scherer	woodstove	11/8/2019	\$40.00
2019-0079	Stoos	Generator	11/12/2019	\$40.00
2019-0080	Watts	Geothermal	11/12/2019	\$40.00
2019-0081	Sinden	roof	11/14/2019	\$40.00
2019-0082	Scherer	woodstove	11/15/2019	\$40.00

2019-0083	Avon Water Tower	antenna addition	12/2/2019	\$200.00
2019-0084	Bernheim	addition 12x24	12/2/2019	\$110.00
2019-0085	Bowman-Harper Pk	furnace	12/4/2019	\$40.00
2019-0086	William	re-roof	12/6/2019	\$40.00
2019-0087	Farr	re-roof	12/13/2019	\$40.00
2019-0088	Shaw	Generator	12/19/2019	\$40.00
TOTAL PERMIT FEES FOR TIME PERIOD				\$1,302.65
FEES OUTSTANDING FOR TIME PERIOD				\$253.95
TOTAL FEES COLLECTED				\$1,048.70

TOTAL PERMITS ISSUED IN 2019 WAS 88 WITH ONLY 25 OF THOSE STILL CURRENTLY OPEN - ALL OTHERS HAVE BEEN COMPLETED

The following are permits currently renewed for one year:

- there are 7 permits that have been renewed

The following are projects/permits currently working on:

- Piranha Milling & Paving Contractors - purchasing 33 acres on Tec Drive - hoping for approval at January meeting
- Noyes Mental Health - building on Tec Drive - beginning process for application that was received Dec. 24, 2019
- Avon Solar farm on Howlett property on East Avon - Avon Road - hoping for approval in February 2019

The following actions occur on a daily basis in the code office:

- processing all paperwork through the correct channels on a timely basis
- cleanup of outstanding permits, violations and Laserfiche filing system

END

Code Enforcement Officer Glise also reported his department has been addressing calls from the East Avon Fire Department and the Livingston County Sheriff’s Office.

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight read the following tributes to former employees Norman Barrett and Patricia Loomis:

Tribute to Norman T. Barrett

Norman T. Barrett according to Town records was working for the Town of Avon in 1984 as a consultant to provide his expertise to the water district, and in 1989 he was hired part time in the Water Department to replace valves in the Water Tower and to perform repair and maintenance of the Water District. In his many years of service, he held many positions including Water Maintenance, Water System Operator, Water Superintendent, Fire Code Enforcement Officer, Addressing Official, Code Enforcement Officer and Zoning Board of Appeals Member and Chairman. Norman retired from the Town on July 17, 2014 completing his paid service as a Town of Avon Employee. Mr. Barrett requested and was approved by the Town Board to hire the first Code Enforcement Clerk and he took the lead in continually making recommendations to bring the Town in compliance with new/updated technologies. The following obituary was published in memory of Norman T. Barrett.

Norm was the youngest of eight sons of George and Isabell Barrett. Except for part of his childhood, Norm lived most of his life in Avon. He graduated from Avon Central School in 1955 and attended North Louisiana State on a football scholarship, and then Brockport State. He and Marcia married in 1957. His career was centered in the construction trades, working first for Pavilion Gas, followed by 10 years for Keegan Utilities of Rochester, then five years as Village of Avon Superintendent of Public Works. He was DPW Superintendent for the Village of Geneseo from 1972-1973, leaving that position only because residency was a requirement and his family did not want to leave Avon. In 1973, Norm established his own business, Livingston Construction Company, Inc., specializing in excavation, paving and water systems work. For 17 years his construction company had contracts for water system maintenance for both the towns of Rush and Avon. Through Livingston Construction and later as Avon Town Water Superintendent, Norm oversaw the maintenance and growth of the Town of Avon water system for 28 years. After retiring from the Town of Avon, Norman was hired as the Town of York Water Superintendent for a number of years.

Norm was a generous and dedicated community volunteer, especially focused on youth. He served on the Avon Central School Board from 1984 – 2000 and was board president for 12 of those 14 years. He served over 15 years on the Genesee Valley BOCES Board. A sports enthusiast, Norm believed children could learn many important life lessons on a sports team and generously volunteered time and talents to youth sports activities. He was a Little League coach and co-founder of Avon's Vince Lombardi youth football league. Livingston Construction Company equipment and crew moved donated bleachers from Empire Raceway in Leicester and used them to construct a "stadium" at the Avon Central Football Field. He was also largely responsible for the construction of the Avon youth soccer fields on Lake Rd. Norm volunteered his time and video equipment to film nearly every Avon varsity football game for many years to provide footage to coaches to use as teaching tools.

Tribute to Patricia Loomis

Dear Members of the Town Board:

I would like to thank you for taking the time to remember my mother, Pat Loomis, who died on Saturday, December 21, 2019, from complications from COPD. My Mom would be sad but also honored to share a place in the Town records with Norm Barrett. Pat Loomis, who served as the Avon Town Court Clerk from 1975 to 2002, died December 21, 2019. Pat began as a part-time clerk with Judge Bill Farr, eventually becoming a full-time employee when the volume of cases the court handled began to grow. She served with many town justices including Jim Steele, Jim Orman, and Fred Woodard. Pat was widely known among justices, attorneys, law officers, and her fellow clerks for work that was a model of accuracy, integrity, and confidentiality. She was also famous for her wit, for the chocolate chip cookies she baked for each court night, and for her determination to keep working despite an accident and serious illnesses that made each day a test of her strength and courage. She adapted to many changes in laws, record-keeping methods, and personnel, and worked hard to ensure that everyone who entered the court was treated fairly and with respect. Outside of court, Pat was known for her knitting, her baking, and her love for and great pride in her children and grandchildren. She enjoyed making and sending cards and loved solving mysteries along with detectives from Magnum to Inspector Morse. Pat had a strong sense of right and wrong and did her best to ensure that justice prevailed in the Avon Town Court. She is and will be deeply missed by her family, her friends, and those who worked with her.

Town Clerk Knight distributed cookies prepared by Pat Loomis's daughter Catherine Loomis to those in attendance.

We begin collection payments for 2020 property tax tomorrow.

Deputy Supervisor Mairs will complete the 2019 Audits in January for the Town Clerk and Town Court.

The following resolution was prepared and presented for consideration by Town Clerk Knight. The Board will request the opinion of Attorney Campbell prior to taking any action.

RESOLVE to acknowledge that on December 30, 2019, a correction was made by the Town Clerk, after review of the Town Attorney James Campbell's recommendation to ratify the earlier action and making sure that the record properly reflects the action preciously taken, thus correcting an error in the Town's Official Minutes of June 26, 2014 leaving out a page of Resolution #110 Zoning Classification of Planned Development District Lot 23 Tec Drive, dated June 12, 2014 as follows:

TOWN BOARD
TOWN OF AVON
COUNTY OF LIVINGSTON

RESOLUTION

At a regular meeting of the Town Board of the
Town of Avon, Livingston County, State of New York,
held at the Avon Town Hall on June 12, 2014

WHEREAS, the Code of the Town of Avon (hereafter "Code") establishes the zoning classification of Planned Development District (hereafter "PDD") as set forth in §130-18 thereof; and

WHEREAS, the intent of the PDD is to permit the development of land for commercial and industrial purposes where tracts of land suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis; and

WHEREAS, the Town Board has the authority and responsibility under §130-18 to approve of all uses contemplated in a PDD, which such uses are also subject to site plan approval by the Town of Avon Planning Board (hereafter "Planning Board"); and

WHEREAS, after initial approval, construction and occupancy of a PDD, §130-18 H provides that the Town Board shall approve any changes in use by way of a special permit; and

WHEREAS, Jim Garner (hereafter "Applicant") is the contract vendee of the property known as Lot 23 Tec Drive (hereafter "subject property" or "parcel") located in the Crossroads Commerce Park Planned Development District (hereafter "PDD"); and

WHEREAS, pursuant to §130-18 H of the Code, Applicant is seeking approval from the Town Board to construct and use three (3) buildings on the parcel:

- a 6,000 s.f. +/- office and storage building for Applicant's business, Fox and West;
- a 1,620 s.f. +/- rental office building; and
- a 12,000 s.f. +/- rental building that includes four (4) individual rental bays; and

- 8. The Town Board herein acknowledges that Applicant intends to use a significant portion of the property and the improvements thereon for rental purposes which will likely result in multiple tenants with varied uses that will change from time to time. Subject to the above restrictions and with the intent of approving a variety of acceptable yet presently undetermined uses on the subject property, the Town Board hereby determines that the Applicant and his successors and/or assigns shall not be required to re-apply for a special permit pursuant to §130-18 H each time Applicant leases to a new tenant.
 - A. Should Applicant or his successors and/or assigns wish to utilize any portion of the subject property or the improvements thereon for a use other than what is provided for above, or in any way inconsistent with the provisions made herein, Applicant or his successors and/or assigns shall be required to make application for approval and issuance of a special permit from the Town Board, which such approval and special permit may be granted or denied at the sole discretion of the Town Board, and the Town Board shall have the right to refer any such application to the Planning Board for its comments prior to making a determination on the special permit request;
- 9. As a condition of the limited approvals granted herein, Applicant, his successors and/or assigns shall append, affix and maintain a copy of this Resolution to the abstract of title relating to Lot 23 of the Crossroads Commerce Park PDD;
- 10. Any failure of Applicant or his successors and/or assigns to comply with the provisions of the special permit approved hereby shall subject the violator to enforcement proceedings set forth under Article XI of Chapter 130 of the Code and/or revocation of such special permit by the Town Board; and
- 11. Should Applicant (or an entity of which he is the majority owner) fail to take legal title to the subject property, this Resolution and the Special Permit authorized by it shall become null and void and of no effect at law.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be formally made a part of the files maintained by the Town of Avon relating to the Crossroads Commerce Park Planned Development District and to Lot 23 thereof.

Dated: June 12, 2014

Vote of the Board:	David LeFeber	_____
	Thomas Mairs	_____

James Blye _____

Robert Ayers _____

Richard Steen _____

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF Avon

Sharon Knight, CMC/RMC
Town Clerk

DISCUSSION – PAYMENT OF BILLS

Councilman Harrington questioned Attorney Campbell's October to December invoice in relations to Harper Park. Supervisor LeFeber responded stating it was regarding pending litigation.

DISCUSSION – SUPERVISOR’S ITEMS

Supervisor LeFeber reported on the grant recently awarded to complete the third floor Town Hall/Opera Block renovations. The grant application has requirements attached including but not limited to community use, non-profit events, promoting the space. What wants to be done? The grant application suggested what we wanted to do and the reason to have the space available to the community including nonprofit events. Then we will need to promote the space. A plan needs to be put together and have a bid packet put together. This is expected to be two-year project. There was a lengthy discussion on ways to move forward. The Board recommend a meeting with the committee to review their recommendations.

Supervisor LeFeber reported on the following budget items:

Possibly put Papermill Park grant dollars into a money market account. Community Bank is offering a one percent interest rate.

Highway truck payment is expected to be due in June or July.

Town Hall/Opera Block will require upfront fund balance dollars.

After discussion the Board appeared to agree to have Supervisor LeFeber’s Confidential Secretary Kim McDowell begin to draft needs based on current services provided and other input, then we will reach out to various services providers.

PILOT strategy for solar will be discussed at a future meeting.

Town debt includes route #39 water improvements and is long lasting but not a lot of dollars.

A meeting will be held with the Village Mayor and MRB Group to discuss tank location and pressurization using the Livingston County Water Study. The line heading North of Route #15 has needs for repairs.

The independent audit went over budget as the project was not completed or paid in 2018 so a portion was paid in 2019.

The 2020 budget for the Court may be under funded.

RESOLUTION #229 ADOPT BUDGET TRANSFERS

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

RESOLVE to accept the following budget transfers:

GENERAL FUND-TOWNWIDE

<i>Transfer From:</i>	A1110.1C	Deputy Justice Clerk	\$	1,144.00
	A1355.4A	Assessor Comm Data Project	\$	5,000.00
	A1420.4	Attorney Contra	\$	5,245.00
	A1620.4	Town Hall Contr.	\$	23,037.00
	A1990.4	Contingency	\$	2,274.00
	A5132.4	Garage Contra	\$	25,120.00
	A7110.4	Parks Contra	\$	30,000.00
		UNANTICIPATED REVENUE		
	A1081	Pymt Ion Lieu of Taxes	\$	19,201.00
	A1090	Int. & Pen. Real Prop Taxes	\$	1,353.00
	A2001	Park & Recreational Charge	\$	1,869.00
	A3005	Mortgage Tax	\$	16,717.00
	A3040	Real Property Tax Admin	\$	6,823.00
	A3089	NYSERDA	\$	37,500.00
		Unexpended Balance	\$	44,496.00
		TOTAL:	\$	<u>219,779.00</u>

<i>Transfer To:</i>	A1110.1a	Justice Court Svc.	\$	1,144.00
	A1220.4	Supervisor Contr.	\$	2,878.00
	A1320.4	Independent Auditing	\$	5,950.00
	A1355.4	Assessor Cont.	\$	145.00
	A1910.4	Unallocated Insurance	\$	3,725.00
	A5010.4	Highway Sup Contr.	\$	134.00
	A7310.4	Youth Contr.	\$	3,780.00
	A7550.4	Celebrations American Leg	\$	750.00
	A8160.4	Refuse & Garbage Contr.	\$	1,273.00
	A9710.6	Serial Bond Principle	\$	200,000.00
		TOTAL:	\$	<u>219,779.00</u>

GENERAL FUND-OUTSIDE VILLAGE

<i>Transfer From:</i>	B5650.4	Off Street Lighting Contra	\$	4,445.00
			TOTAL:	<u>\$ 4,445.00</u>
<i>Transfer To:</i>	B3620.1b	Safety Inspections Clerk	\$	1,524.00
	B4020.1	Registrar Vital Statistics	\$	34.00
	B6410.4	Publicity Contr.	\$	2,820.00
	B9060.8	Medical Ins	\$	67.00
			TOTAL:	<u>\$ 4,445.00</u>

HIGHWAY FUND TOWN-WIDE

<i>Transfer From:</i>	DA5140.1	Brush Personal Svc	\$	12,174.00
			TOTAL:	<u>\$ 12,174.00</u>
<i>Transfer To:</i>	DA5130.4	Machinery Contr.	\$	9,748.00
	DA5140.4	Brush Personnel Contra	\$	2,349.00
	DA5140.4	Drug Testing	\$	45.00
	DA9055.8	Disability Ins.	\$	32.00
			TOTAL:	<u>\$ 12,174.00</u>

WATER FUND

<i>Transfer From:</i>	SW9030.8	Social Security	\$	84.00
			TOTAL:	<u>\$ 84.00</u>
<i>Transfer To:</i>	SW9050.8	Unemployment Insurance	\$	84.00
			TOTAL:	<u>\$ 84.00</u>

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

RESOLUTION #230 PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2019-25 in the following amounts:

Concerning ABSTRACT of Claims Number 2019-25 including claims as follows:

General Fund	Voucher #591 through #616 in amounts totaling \$ 14,753.05
Highway Fund	Voucher #214 through #223 in amounts totaling \$ 17,257.28
Water Fund	Voucher #124 through #125 in amounts totaling \$ 3,279.59
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #13 through #13 in amounts totaling \$ 1,095.47
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 – OPEN ITEMS

Councilman Coyne has set a meeting for the Battery Committee and Supervisor’s Secretary Kim McDowell is aware of the need to complete a legal notice.

DISCUSSION VISITOR COMMENTS

Supervisor LeFeber asked for any visitor comments and Visitor Falzoi reported on her visit to Piranha in Webster, New York. Supervisor LeFeber stated they would have customers coming onsite. She stated that she also visited Bruckel’s property and Piranha has things stored there as well. There was further discussion on what Piranha will be doing on site as they have three businesses (paving, dumpster and snow removal). A concern raised was if they would be removing/adding oil to other materials.

On motion of Deputy Supervisor Mairs seconded by Supervisor LeFeber meeting was adjourned at 7: 00 P.M.

Respectfully submitted by:

Sharon M. Knight Town Clerk, MMC/RMC
&

Ellen Zapf, Deputy Town Clerk