

A regular meeting of the Town of Avon was held on Thursday, July 11, 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, MRB Group Engineer David Willard, Code Enforcement Officer Brian Glise, Highway/Water Superintendent Tom Crye and Town Clerk Sharon M Knight MMC/RMC

VISITORS: Janet Manko, Judy Falzoi, 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 – VISITORS COMMENTS

Supervisor LeFeber asked for visitor comments stating that both public hearings are open from the last meeting. The comments follow:

OPEN PUBLIC HEARING RIGHT TO FARM LOCAL LAW T-2A-2019

Visitor Judy Falzoi addressed the Board regarding Local Law T-2A-2019 Right to Farm Law of the Town of Avon. Judy provided five objections that can be easily corrected tonight. After reading and comparing other nearby towns' Right to Farm Laws I found a few differences with Avon's law being considered tonight.

The definition of activities. An example of an activity could be to run cows around the circle. She suggested that any activities defined according to New York State Farm Law.

Request to remove: "Including residential buildings"

Authority to engage in agricultural practices. It should be changed from farm operations to farm operator or something because it should be a person.

Disclosure gave some notes stating it could be a lot better.

Resolution of disputes – Town of Rush does not have a dispute committee it falls on the Code Enforcement Officer. It should read supported by mutual agreement not opinion and the resolution should not conflict with any state or federal law. She suggested a ZBA or Planning Board member be on the committee and should not include a special interest group.

DISCUSSION – VISITORS COMMENTS-continued

Delete two sentences take out legal counsel and/or remove costs. Lima or Livonia laws do not have those conditions in it. If you are keeping it in it then you should expand to other areas in the code.

Janet agree with Judy's points. Advisory committee dispute should be removed for several reasons. One is it could cause more conflict than it will solve, it may pit farmers versus other residents, and may provide a loophole, that allows the farming community to continue to farm while these items are in dispute.

Visitor Kellen asked if a new proposal had been received by LA&L Railroad regarding rezoning on Route 15?

Attorney Campbell reported that he has spoken with Engineer Andrew Costa from Clark Patterson and he feels that a lot of the anxieties would be relieved by amending the application for rezoning. One of the sticking points is access under Route #15 and that is problematic. It was suggested to go back to his client to amend the proposal. Heather Ferraro from the Livingston County Planning Board agreed that this would alleviate many problems. Mr. Costa reported that his client was not receptive to reduce the Southern part but did ask that the access to Route #15 be removed as the client did not want to include from the beginning. It was described that the crossing over the railroad would take place on his property. Mr. Costa was asked to go back to his client and continue discussions with his Client. These concerns need to be addressed by the County Planning Board.

Attorney Campbell suggested to leave the public hearing open and the Board appeared to agree.

DISCUSSION – PUBLIC HEARING LOCAL LAW T-2B-2019 RIGHT TO FARM

Attorney Campbell stated that the words “any activities” are defined within the document as they are weaved throughout the document. The draft local law was written with recommendations of the Right to Farm Committee.

Residential buildings are in parentheses to give the reader the heads-up that NYS Ag & Markets protects farms as well.

Attorney Campbell stated The Dispute Committee is to be used to help only if both parties agree as it's not mandated. It is not appropriate to have taxpayers pay for this service. It is like the way small claims work. Councilman Drozdziel stated that it's another onus on the town. If it's not used, then why have it.

Attorney Campbell suggested to leave the public hearing open.

Discussion continued regarding the way the Dispute Committee would work.

DISCUSSION – PUBLIC HEARING LOCAL LAW T-2B-2019 RIGHT TO FARM-continued

Councilman Harrington made a motion to close the hearing and no second was made.

Deputy Supervisor Mairs suggested taking out the Dispute Committee and then he would be happy with it.

RESOLUTION #121 CLOSE PUBLIC HEARING LOCAL LAW T-2B-2019 RIGHT TO FARM

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

RESOLVE to close the public hearing on Local Law T-2B-2019

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

DISCUSSION – PUBLIC HEARING LOCAL LAW T-2B-2019 RIGHT TO FARM

Supervisor LeFeber recognized the Board was in support of the amended Local Law T-2B-2019 and would follow-up with the required procedures to adopt at the next meeting. Attorney Campbell will have the documents ready for the next meeting.

RESOLUTION #122 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 June 27, 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:

We are still waiting for Helios to provide us with a signed contract. LA&L has been encouraged to revise their request for a zoning change.

It was questioned what the Town of Avon’s Compensation Plan calls for regarding the South side of the railroad tracks on Route #15.

DISCUSSION – BRUCKEL DRIVE

Supervisor LeFeber stated that we need to adopt a resolution adding Bruckel Drive to our inventory of roads that we maintain.

RESOLUTION #123 ROAD INVENTORY CHIPS PROGRAM BRUCKEL DRIVE

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

ADOPTED AYES 5 NAYS 0

WHEREAS, the Town of Avon maintains all dedicated roads located within the Town of Avon; and

WHEREAS, the Town of Avon, by its Town Highway Superintendent, Tom Crye, has undertaken and recently completed an inventory of all the local highway assets of the Town of Avon; and

WHEREAS, the New York State Department of Transportation has provided to the Town Highway Department data and information confirming the measured length of the local roads maintained by the Town of Avon; and

WHEREAS, the Town of Avon has not previously included in its road inventory a portion of the public road known as **Bruckel Drive**; and

WHEREAS, the Town Highway Superintendent of the Town of Avon has personally viewed all the local roads currently owned and maintained by the Town; and

WHEREAS, it has been determined that the Town road known as Bruckel Drive has been measured and a portion of its full length is to be added to the official inventory of Town of Avon roads, and that the official, reported length of Bruckel Drive to be added is from NYS Route 15 to its point of intersection with Hammer Head which is 0.11 miles in length, plus 34 feet wide;

NOW, THEREFORE, in consideration of the foregoing, it is hereby determined upon motion by _____, and seconded by _____, as follows:

RESOLUTION #123 ROAD INVENTORY CHIPS PROGRAM BRUCKEL DRIVE-continued

RESOLVED, that the Town Board of the Town of Avon officially affirms and takes cognizance of the fact that **Bruckel Drive** has been a public right-of-way of the Town of Avon, from NYS Route 15 to its point of intersection Head which is 0.11 miles in length, plus 34 feet wide and;

RESOLVED, that the Town Highway Superintendent and the Town Board acknowledges that the road known as Bruckel Drive is fully paved and improved to its complete extent as noted above, and that the Town through the Town Highway Superintendent maintains Bruckel Drive, which has been open to the traveling public at all times without impediment and without restriction. The described portion of Bruckel Drive is passable by all vehicles, including four-wheel passenger vehicles; and it is further

RESOLVED, that the Town Clerk and/or the Town Highway Superintendent file with the New York State Department of Transportation this Resolution, establishing the official inclusion of the described portion of Bruckel Drive within the roster of roads maintained by the said Town, and further establishing its measured length of 0.11 miles in length, plus 34 feet wide, in order to make it part of the formal inventory of Town roads.

Dated: July 11, 2019

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

RESOLUTION #124 EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

RESOLVE to enter executive session for the purpose of discussions regarding pending or threatening litigation; TIME 7:05 P.M. inviting Attorney Campbell.

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

RESOLUTION #125 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 7:42 P.M.

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

DISCUSSION – ENGINEERING

Dave Willard, MRB Group Engineer reported on the following:

I received the water easements from the County IDA for Interstate Drive.

Water study needs a field meeting that includes the Town and Village next week for model calibration.

It was questioned if we have received any new information on the Papermill Park improvements. Supervisor LeFeber would like Mr. Willard to reach out to the State.

Supervisor LeFeber stated that there is some concern regarding UET and the professional fees they were charged for. There were Many components such as the site plan review, subdivision, and review of the PDD use. It was a small building but had many parts. Even though they signed a waiver upfront taking responsibilities it was suggested to set up an escrow fund for developers and collect the money upfront. A fee schedule could be included. Engineer Dave Willard will research how other Towns handle this.

DISCUSSION – CODE DEPARTMENT

Code Enforcement Officer Glise reported on the following.

Horse farm on lake road, parcels have been combined. There was some confusion as to when the combination of properties would go into effect. We have had two right to farm complaints around town. There are none at this property.

Harper Park FOIL request. The Town Clerk stated that we will need to redact information on permits before they can be sent out and this will take many hours as there are many files to go through. Therefor we will need to determine how many hours this will take and the rate per hour to charge.

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight reported on the following:

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

Avon Chamber of Commerce June Minutes
NY Invasive Species Awareness Week – July 9, 2019 walk and talk
State Comptroller - \$16 billion in lost money
Liv. Cty. Planning Board Preliminary Agenda
Congressman Collins Update

An idea for the 2019 Christmas Spectacular is to hire Tom Bartolini to setup his photo booth in the bank lobby and offer to our visitors an opportunity to have pictures taken. If the Board thinks this is a good idea an agreement to provide the service will be brought before the Board for consideration. The Board appeared to approve the idea. Councilman Harrington offered to bring Santa.

Thank you to Attorney Campbell for his quick response to a FOIL request that was received regarding Harper Park. Although the FOIL was granted when looking for building permits the tax map number has changed and the address of the property requested does not match the tax map number. Attorney Campbell agreed to request clarification.

Michael Carroll stopped in to share that he thanked the Sheriff for his departments support provided during the Pottery Festival. The Sheriff shared his letter with the Deputies. He continues to be thankful for the Town and County's support.

DISCUSSION – HIGHWAY/WATER REPORT

Supervisor LeFeber reported on the following:

Highway- Roadside mowing, weed and mowed parks, cemeteries, and guard rails.

Water- Hydrants and everyday maintenance and weekly sampling.

RESOLUTION #126 ACCEPT THE RESIGNATION OF HOLLY SWAFFORD

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the resignation of Clerk to the Town Justice, Holly Swafford effective July 19, 2019.

RESOLUTION #126 ACCEPT THE RESIGNATION OF HOLLY SWAFFORD-continued

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

RESOLUTION #127 AMEND THE COMPLENSATION SCHEDULE

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

ADOPTED AYES 5 NAYS 0

RESOLVE to amend the 2019 Compensation Schedule effective July 19, 2019 by removing the following:

Swafford, Holly Clerk to the Town Justice Part Time \$13.25/hr. \$14.00/hr.

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

RESOLUTION #128 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 2019-13 in the following amounts:

Concerning ABSTRACT of Claims Number 2019-13 including claims as follows:

General Fund	Voucher #303 through #331 in amounts totaling \$ 27,152.91
Highway Fund	Voucher #108 through #116 in amounts totaling \$ 182,584.34
Water Fund	Voucher #63 through #73 in amounts totaling \$ 4,131.58
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #7 through #7 in amounts totaling \$ 964.70
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 #129 ACCEPT THE MONTHLY REPORTS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the monthly reports for June 2019 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk's June 2019 Report:

Total Local Shares Remitted:	\$1,346.16
New York State Department of Health	\$ 67.50
NYS Ag. & Markets for spay/neuter program	\$ 36.00
NYS Environmental Conservation	\$ 288.14
TOTAL	\$ 1,737.80

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

DISCUSSION - BUDGET TRANSFERS

There was discussion regarding budget transfers but since they were not distributed to the Clerk or the Board it will be considered at the next meeting.

DISCUSSION – SUPERVISOR REPORT

Supervisor LeFeber talked about the moratorium on battery energy storage installations. The County Planning Board should be discussing this at their meeting tonight and we should know by our next meeting what their recommendations are. We can then set a public hearing.

DISCUSSION – OPEN ITEMS

Town Clerk Knight provided drainage information that was requested by Councilman Harrington.

DISCUSSION VISITOR COMMENTS

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

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 8:21 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC