

A regular meeting of the Town of Avon was held on Thursday, January 26th at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414.

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, Councilmen James Harrington, Paul Drozdziel, and Malachy Coyne

OTHERS: Attorney Campbell, County Administrator Ian Coyle, Code Enforcement Officer Brian Glise, and Deputy Town Clerk Jennifer Shannon

VISITORS: Judy Falzoi, Kathy Cole, Bill Zhe, Diana Farrell, Ken Farrell, Edward Forsythe, Joe Montesano, Patty Moran, Katie Smith, Josh Trubia, Kathy Montesano, Meg Holmes

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

DISCUSSION WITH COUNTY ADMINISTRATOR IAN COYLE

- Discussed Home Rule in Livingston County-answered a visitor's question.
- Farmers Market-possible prospect not much to currently update on.
- Live Well Project- Behind the Quickees truck stop in Avon is some land that may be donated to a nonprofit Live Well Community Center. This is not a county lead project. It is a nonprofit entrepreneur lead project. The group that is facilitating the project still has a lot of details to work out. Possible items to be incorporated into the Community Center are:
 - Ice rink
 - 2 basketball courts
 - Indoor turf
 - Outdoor amenities
 - Walking track
 - Senior center
 - Health connections
 - Childcare center
 - Community space
 - Indoor golf simulator
 - Fitness Center
 - Other possible spaces
- High speed internet was discussed. Encouraged people to go to www.livingstoncounty.us/1175/light-up-livingston for more information.
- EMS is a growing entity.
- Shared services with Towns and Villages
- County Nursing Home was discussed.

DISCUSSION - OPEN PUBLIC HEARINGS

Supervisor opened the Public Hearing by reading the following legal notices:

**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 New York State Town Law, that a public hearing shall be held by the Town Board of the Town of Avon at **6:15 p.m. on Thursday, January 26, 2023**, at the Avon Town Hall, located at 23 Genesee Street, Avon, New York for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

- **Local Law amending and replacing in totality, Chapter 39 of the Code of the Town of Avon to provide for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code**

A copy of the proposed local law will be available for review by the public at the office of the Town Clerk during regular Town Clerk hours and will also be available on the Town's website at <https://www.avon-ny.org/town-of-avon/town-home.html>.

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

Dated: December 28, 2022

By Order of the Town Board of the Town of Avon

Sharon Knight - Town Clerk, MMC/RMC

**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 Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of Avon at the Avon Town Hall, located at 23 Genesee Street, Avon, New York at 6:15 p.m. on Thursday, January 26, 2023 for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A moratorium to temporarily prohibit the creation or siting of Type 2 Solar Energy System installations (as defined in the Town of Avon Zoning Ordinance) within the Town of Avon for a period of up to twelve (12) months, pending the development and adoption of local laws and/or ordinances designed to supplement or modify the current regulations contained in Article XV of the Town of Avon Zoning Ordinance.

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.

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

Dated: January 12, 2023

Publication Date: January 19, 2023

By Order of the Town Board of the Town of Avon

Sharon Knight - Town Clerk, MMC/RMC

VISITOR COMMENTS

The following public comments were provided prior to the meeting:

January 26, 2022

Dear Town Board Members,

As a member of the Avon Planning Board and Livingston County Planning Board, I am in full support of a one-year moratorium on the development of Type 2 Solar Energy Systems.

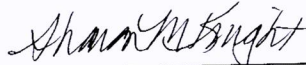
Many solar development projects have been reviewed by both boards I represent. The deepest concerns voiced during the review process are protecting our prime soils and resident proximity to the sites.

My hope is that a one-year moratorium to review these concerns may result in a solar law that reduces the conflicts between solar developers and residents yet allows for farmers to continue the option of leasing their land. This would be best achieved by increasing setbacks, especially around residential areas.

Sincerely,
Clara Mulligan



State of New York County of Livingston
Subscribed and sworn to (or affirmed) before me
this 26th day of January, 2023.
by Clara Mulligan
Sharon Knight Notary Public
My Commission Expires 06-03-2026



SHARON M. KNIGHT
Notary Public, State of New York
Registration #01KN6075134
Qualified In Livingston County
Commission Expires June 3, 2026

The following was provided by Judy Falzoi:

Judith Falzoi 1739 Athena Drive Avon, NY

Dear Town Board Members:

January 26, 2023 Public Hearing for Local Law No. 7B of 2022
Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations...

I am against this moratorium law as written today. My thanks to the town officers who recognized conflict within the community and want to correct it with a temporary moratorium on energy land uses. Much of Article XV 130-79 is good but not everyone agrees. Please refer to the 2016 Comprehensive Plan to hear what the community expects. Article XV 130-78 still does not address the needs of non-participating property owners adequately or there would be no conflict today with siting commercial energy systems within our community. I continue to encourage my elected town representatives to revise the 2016 Comprehensive Plan now in 2023 with your community more aware of type 2 commercial energy systems. Please consider revisiting the Comprehensive Plan seeking community support and involvement to guide your land use decisions to lessen conflict in the future..

I think I have a solution that works for all interests but will only share my idea with others if asked. It is simple, found in town precedent and in NYS Law. It should lessen or prevent community conflict without the need for any town board involvement or cost. Ask me. Then ask Mr. Campbell what he thinks.

I am including the **Nov. 2022 Rotterdam, NY Moratorium Law** as one example that seems similar to what you hope to accomplish. It limits exemptions and **halts all applications in progress during the time period.** Their updated Comprehensive Plan is important in the review of their energy law. **No one in Rotterdam who would otherwise be impacted by an energy land use during the moratorium timetable will be denied any benefit provided in new law after their moratorium ends. That should be the same for people living in the Town of Avon.**

Reasons for my objection: See Rotterdam, NY moratorium law for comparison

1. There are too many poorly defined ways commercial solar applicants are exempted from the moratorium. (See pg 3) Why even have a moratorium if applications can easily be exempted? I think applicants will take advantage of the loophole.

2. The Intent and Purpose is to **temporarily prohibit** the creation or siting of Type 2 (Commercial) solar energy systems for up to 12 months while the town board members prepare to supplement or modify the current regulations in Article XV. Prohibiting something questionable for a defined time is the reason for a moratorium.

3. There is a need to revisit the Article XV Energy Law due to the number of complaints the town received when solar energy system applications were considered for special land use permits according to local law. This is **Community Conflict.** This will only get worse as more property owners find energy facilities their new neighbor. The town permitting boards have to follow the energy law as written.

Some people had no idea this law existed and when they learned details about a possible energy project nearby, they spoke to the town board, zoning and planning board members seeking relief from this unexpected land use. They found no relief in the current energy law acceptable to them. It is obvious town law exists to protect its citizens and town assets. It is prudent to revisit the Article XV Energy Law, current land use map and regulations and **not permit any solar energy development not already given special land use permit.**

4. Zoning and land uses revision can address this problem but not if energy developers are exempted for any reason during the term of the moratorium. Applications should not be approved until the energy law and its weaknesses are fully understood and resolved.

6. No completed applications, or site plans in review or a hardship petition should be allowed to exempt an applicant. Nor any unspecified considerations by the Town Board. The \$2500 fee should be non-refundable (See York, NY moratorium law)

7. **ALL six (6) exemptions on page 3 should be deleted** so permitting boards are not required to make subjective decisions or listen to complaints. There is enough information in other town laws, lawyers have more expertise, and local permitting boards and county planning boards are more informed today to know what should be changed. Revising our solar law to be more sensitive to non-participating property owners should not take months.

Judith Falzoi

RESOLUTION NO. 323.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

**TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY
LOCAL LAW NO. 10 OF 2022 AND SCHEDULING A
PUBLIC HEARING THEREON**

**THEREFORE, UPON MOTION OF Councilmember DODSON, seconded by
Councilmember CHRISTOU,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. 10 of 2022 to establish a twelve (12) month moratorium on solar farms and solar power plants.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. 10 of 2022 is a Type II action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5 (c) (36), and therefore no further SEQRA review is required.

SECTION 3. The Town Board hereby refers Introductory Local Law No. 10 of 2022 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. The Town Board hereby authorizes and directs the Senior Planner to refer Introductory Local Law No. 10 of 2022 to the Schenectady County Department of Economic Development & Planning pursuant to N.Y. General Municipal Law 239-m and to circulate such other notices as may be required by law.

SECTION 5. The Town Clerk of the Town of Rotterdam is hereby directed to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

**TOWN OF ROTTERDAM
NOTICE OF HEARING**

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 14th day of December, 2022 for the following purpose:

For the enactment of Introductory Local Law No. 10 of 2022 relating to the establishment of a 12-month moratorium on solar farms and solar power plants.

**BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK
DATED: November 18, 2022
Daily Gazette: Please publish once on November 30, 2022
Town Clerk Post**

SECTION 6. This resolution shall become effective November 18, 2022.

DATED: November 18, 2022

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera (Absent)			
Dodson	X		
Mastroianni (Absent)			
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 10 OF THE YEAR 2022

**A LOCAL LAW TO ESTABLISH A 12-MONTH MORATORIUM ON
SOLAR FARMS AND SOLAR POWER PLANTS**

SECTION 1 - TITLE

This local law shall be referred to as “A Local Law to Establish a 12-Month Moratorium on Solar Farms and Solar Power Plants”.

SECTION 2 - PURPOSE

The Town of Rotterdam is currently engaged in a process to update its current Comprehensive Plan, which was adopted in 2001. The process to update the current Comprehensive Plan began in 2019, when a Comprehensive Plan Advisory Committee was established and a planning consultant was engaged. Since that time, the Comprehensive Plan Advisory Committee, with the assistance of the planning consultant and Town of Rotterdam staff, has worked on collecting data and input from a number of sources, including from the public, developing a draft vision, goals, and recommendations. The Comprehensive Plan Advisory Committee held a public hearing on the draft Comprehensive Plan Update and ultimately sent the draft Comprehensive Plan Update to the Town Board for commencement of the adoption process. The Town Board has conducted a public hearing on the draft Comprehensive Plan Update over the course of several months, at which it became clear that while residents supported the draft Comprehensive Plan Update, they were increasingly concerned that large solar farm/solar power plant projects could be in conflict with the goals of the draft Comprehensive Plan Update, once adopted.

In addition and separately from the Comprehensive Plan Update process, in July, 2022, the Town Board authorized retention of a consultant for purposes of providing technical assistance in updating the Town of Rotterdam’s existing land use regulations for solar energy projects.

As the Town was engaged in the Comprehensive Plan Update process, which is not yet complete, and while it has engaged a consultant to provide technical

assistance to the Town in updating the Town's existing regulations governing solar energy projects, the Town has also witnessed increased pressure from developers seeking approval to construct solar farms/solar power plants, which are currently permissible under the Town's current zoning in the A Agricultural, I-1 Light Industrial, and I-2 Heavy Industrial zoning districts upon issuance of a special use permit and site plan approval by the Town Planning Commission. Although the Town's zoning law includes certain performance standards that are intended to minimize the impact of solar farm/solar power plant developments, those performance standards were developed at a time when the scale of solar farm/solar power plants that were under consideration in the Town of Rotterdam was much smaller than today. Over the course of the past two years, the scale of proposed solar farm/solar power plants has increased substantially, and the existing performance standards may no longer be sufficient to adequately protect the neighborhood or community character from the impacts of such large-scale solar developments.

Development of solar farms/solar power plants of such substantial size under performance standards that are ill-equipped to address them will lead to long-term, potentially irreversible impacts that could conflict with the character of the surrounding area.

In light of the current status of the Comprehensive Plan update process and the Town's current work on seeking to update its solar energy project regulations, along with the increasing pressure from increasingly large solar farm/solar power plant proposals, the Town Board finds it to be prudent to impose a temporary moratorium on accepting, processing, and deciding land use applications for solar farms/solar power plants and on the construction of solar farms/solar power plants that were not or are not subject to local land use review, in order to provide the Town Board with time to consider whether, where, and under what circumstances solar farms/solar power plants should be permissible in the Town of Rotterdam and whether and to what extent additional or different performance standards should be adopted.

SECTION 3 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law.

SECTION 4 – MORATORIUM

- A. For a period of twelve (12) months following the effective date of this local law, unless earlier repealed by the Town Board, no person shall file, and no Board, body, officer, department, or employee of the Town of Rotterdam shall consider, entertain, or accept for review, continue to review, hold a hearing upon, make any decision or determination upon, or issue any approval upon, any application for special use permit or site plan approval for any solar farm or solar power plant, as those terms are defined under the Town of Rotterdam Zoning Code. This moratorium shall apply to all such applications or proposals, whether pending or received prior to or after the effective date of this local law. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect.
- B. For a period of twelve (12) months following the effective date of this local law, unless earlier repealed by the Town Board, no person shall file, and no Board, body, officer, department, or employee of the Town of Rotterdam shall consider, entertain, or accept for review, continue to review, make any decision or determination upon, or issue any approval or permit upon, any application for site development or building permits for any solar farm or solar power plant, as those terms are defined under the Town of Rotterdam Zoning Code, unless such solar farm or solar power plant underwent a review by the Town of Rotterdam Planning Commission for special use permit and site plan approval and was granted a special use permit and site plan approval (conditional or final) prior to the effective date of this local law. Accordingly, where a solar farm/solar power plant received special use permit or site plan approval (conditional or final) from the Town of Rotterdam Planning Commission prior to the effective date of this local law, site development and building permits may be issued. However, where a solar farm/solar power plant did not receive a special use permit or site plan approval from the Town of Rotterdam Planning Commission prior to the effective date of this local law, even if such approvals were not otherwise required, site development and building permits therefor may not be issued during the term of this moratorium. This moratorium shall apply to all such applications or proposals, whether pending or received prior to or after the effective date of this local law. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect.

the provisions of this local law shall constitute a violation of this local law, and such action shall be deemed ultra vires and shall be null and void. This local law may be enforced through an action seeking declaratory, injunctive, and/or equitable relief in a court of competent jurisdiction.

SECTION 7 - SUPERSESSION

To the extent this local law is inconsistent with any state or local statute or regulation, it is the intent of this local law to supersede such statute or regulation, including without limitation the following: (i) Town Law § 274-a with respect to procedures and timeframes for processing applications for site plan review for solar farms/solar power plants; (ii) Town of Rotterdam Code, Chapter 270, § 270-153; (iii) Town of Rotterdam Code, Chapter 270, Article XVII, with respect to procedures and timeframes for processing applications for site plan review for solar farms/solar power plants; (iv) Town of Rotterdam Code, Chapter 270, Article XIX, with respect to procedures and timeframes for processing applications for special use permit review for solar farms/solar power plants; (v) Town Law §§ 267, 267-a, and 267-b, with respect to procedures and timeframes for processing applications for use variances, waivers or other relief from the Town of Rotterdam Code with respect to solar farms/solar power plants; (vi) Town of Rotterdam Code, Chapter 270, § 270-177, with respect to procedures and timeframes for processing applications for use variances, waivers or other relief from the Town of Rotterdam Code with respect to solar farms/solar power plants; and (vii) Town of Rotterdam Code, Chapter 270, §§ 270-18(M), 270-73(O), and 270-84(G).

SECTION 8 - SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5 – WAIVER

The Town Board of the Town of Rotterdam shall have the power to waive, in whole or in part, or modify the application of, any provision of this local law upon a determination, in its absolute legislative discretion, after public hearing and notice, that this local law would impose extraordinary hardship upon the party seeking such waiver and that a waiver from this local law will not adversely affect the health, safety, and general welfare of the Town of Rotterdam. Any request for a waiver, along with an application fee of \$250.00, shall be filed in writing with the Town of Rotterdam Department of Public Works, which shall forward such written request to the Town Board. Following receipt of any such written request for a waiver, the Town Board shall, upon deeming the application complete, refer such written request to the Planning Commission. The Planning Commission shall issue a recommendation on the waiver within sixty (60) days of the Planning Commission's receipt of such request. The Town Board shall hold a public hearing within thirty (30) days after the receipt of the Planning Commission's recommendation, upon five (5) days' notice published in the official newspaper of the Town. At such public hearing, the party requesting the waiver and any other parties wishing to present evidence with regard to the waiver request shall have a reasonable opportunity to be heard. The Town Board may continue the public hearing as it deems necessary, in its sole discretion. The Town Board shall render a decision on such waiver request within sixty (60) days following the close of the public hearing. If the Town Board determines that (1) the party making the waiver request will suffer an extraordinary hardship if this local law is strictly applied to the particular property, and (2) that a waiver from this local law will not adversely affect the health, safety, and general welfare of the Town of Rotterdam or the surrounding neighborhood, then the Town Board shall waive the application of this local law to the extent necessary to mitigate the extraordinary hardship to the applicant, while still protecting the health, safety, and general welfare of the Town of Rotterdam and the surrounding neighborhood. A mere delay in an application review or approval process shall not be deemed to be an extraordinary hardship.

SECTION 6 - VIOLATIONS

Except to the extent that a waiver is granted by the Town Board pursuant to Section 5, above, any action while this local law is in effect by any Board, body, official, department, or employee of the Town of Rotterdam that is contrary to

5.

SECTION 9 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.

VISITOR COMMENTS-continued

Kathy Cole- Planning Board Chairwomen, shared that Planning Board Members are trying to balance the needs of people that live around other people that want to do the solar lease and trying to keep consistent with things. The Planning Board talked with some people from MRB, and MRB suggested looking into a scenic overview protection plan or protection policy. Also, to review other Towns that have stricter policies.

Collin Hayes Planning Board Member who lives at 2389 Reservoir Rd in Avon - Discussed the possibility of organizing an agriculture/prime soil committee to consider if there is a way to make it competitive to keep the lands agricultural through tax breaks, or community funds, etc? Another concern is the process of notification. Collin said that people would like to see the notice radius expanded in terms of where the solar field would be located, and to change the notification deadline.

Joe Montesano has an idea of how to put the trees around the solar fields for screening.

It was suggested that when an application comes in for a proposed solar field, it should be put in the paper, so more people can be notified. It was discussed that it should be required by applicants to make the ad a certain size and be placed in paper by required deadline.

Councilman Drozdziel said that right now the Board is deciding if it is best for the Town to move forward with imposing the moratorium. If the Board decides to move forward with the moratorium, they then will develop a charge for a solar committee. The committee will then take all concerns and suggestions.

Patty Moran is in favor of going forward with the moratorium.

The Town Board would like to keep the public hearing open until the next meeting that will take place on 02/09/2023.

RESOLUTION #28 APPROVAL OF MINUTES FROM JANUARY 12, 2023

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

RESOLVE to approve the minutes of January 12, 2023, 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 Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #29 APPROVAL OF MINUTES FROM JOINT MEETING WITH THE VILLAGE ON DECEMBER 19, 2022

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 December 19, 2022, 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 Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

DISCUSSION-ATTORNEY REPORT

Attorney Campbell gave the following report:

- Appearance ticket given to Amanda Murphy-plead guilty, animals have been removed.
- Continuing with post approval solar project work
- Bond anticipation note:
 - 1.5 million dollars at 4.39% with Community Bank
 - Closing February 15, 2023
 - Can pay it back sooner without penalty.
 - Do not have to make 1st payment until February 1, 2024

RESOLUTION #30 CLOSE THE PUBLIC HEARING ON LOCAL LAW T-6A-2022

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 proposed Local Law T-6A-2022.

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

RESOLUTION #31 ADOPT THE OFFICAL FINDINGS FOR SEQR - LOCAL LAW T-6A-2022

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

RESOLVE to accept the findings for SEQR for Local Law T-6A-2022.

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

RESOLUTION #32 ADOPT A NEGATIVE DECLARATION FOR LOCAL LAW T-6A-2022

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

RESOLVE this project will have no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

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

RESOLUTION #33 AUTHORIZE SUPERVISOR LEFEBER TO SIGN THE SEQR DOCUMENTS

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

RESOLVE to authorize the Supervisor to sign the SEQR documents.

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

RESOLUTION #34 ADOPT LOCAL LAW 1-2023 AMENDING AND REPLACING IN TOTALITY, CHAPTER 39 OF THE CODE OF THE TOWN OF AVON TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE

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

RESOLVE to adopt the following local law:

TOWN OF AVON

LOCAL LAW 1 OF THE YEAR 2023

A Chapter Entitled “Amending and replacing in totality, Chapter 39 of the Code of the Town of Avon to provide for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.”

Be it enacted by the Town Board of the Town of Avon as follows:

A new Chapter 39 of the Code of the Town of Avon shall be established hereby, repealing and replacing in its entirety the former version of Chapter 39 of the Code of the Town of Avon, and said new Chapter 39 shall read as follows:

§ 39-1 PURPOSE AND INTENT.

This Chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Avon, Livingston County, New York. This Chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other § of this Chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this Chapter.

§ 39-2 DEFINITIONS.

In this Chapter, the following terms shall have the meanings shown in this §:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this Chapter.

“Certificate of Compliance” shall mean a document issued by the Town of Avon stating that work was done in compliance with approved construction documents, the Uniform Code, Energy Code and other codes as may govern construction, repair or property maintenance in the Town of Avon.

“Certificate of Occupancy” shall mean a document issued by the Town of Avon certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town of Avon, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of § 3 of this Chapter.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors. “Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of § 3 of this Chapter.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to § 10 of this Chapter. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this Chapter.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of § 17 of this Chapter.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to § 6 of this Chapter.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of § 7 of this Chapter.

“Town” shall mean the Town of Avon, Livingston County, New York.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

§ 39-3 CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this Chapter. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this Chapter;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of § 17 (Violations) of this Chapter;

(7) to maintain records;

(8) to collect fees as set by the Town Board of the Town of Avon, from time to time;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the Town’s attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this Chapter, or to abate

or correct conditions not in compliance with the Uniform Code, the Energy Code, or this Chapter; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Chapter.

(b) The Code Enforcement Officer shall be appointed by the Avon Town Board on an annual basis. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Avon Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Chapter.

(d) One or more Inspectors may be appointed by the Avon Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this Chapter. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Avon Town Board.

§ 39-4 BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision

(b) of this §, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Town.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used

for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;

(2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(4) installation of partitions or movable cases less than 5'-9" in height;

(5) painting, wallpapering, tiling, carpeting, or other similar finish work;

(6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
or

(8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this § shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the location, nature, extent, and scope of the proposed work;

(2) the tax map number and the street address of any affected building or structure;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, §, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this §. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in §39-18 of this Chapter must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

§ 39-5 CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision(b) of this § is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) work site prior to the issuance of a Building Permit;

(2) footing and foundation;

(3) preparation for concrete slab;

- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10) installation, connection, and assembly of factor manufactured buildings and manufactured homes; and
- (11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in §39-18 of this Chapter must be paid prior to or at the time of each inspection performed pursuant to this §.

§ 39-6 STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this §. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by Certified Mail, return receipt requested. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail, return receipt requested, provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this §, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 17 (Violations) of this Chapter or under any other applicable Chapter or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§ 39-7 CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy

classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;

(8) any special conditions imposed in connection with the issuance of the Building Permit; and

(9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in § 18 (Fees) of this Chapter must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

§ 39-8 NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing firefighting services for a property within the Town of Avon shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

§ 39-9 UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in the Town shall be identified and addressed in accordance with the procedures established by Chapter 41 of the Code of the Town of Avon, as now in effect or as hereafter amended from time to time.

§ 39-10 OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or § title of the FCNYS as follows:

(i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

(viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;

(x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparking devices as defined by Penal Law § 270;

(xi) § 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(xii) § 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(xiii) § 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements as now in effect or as hereafter amended from time to time.

(3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in § R327.5 of the RCNYS.

(4) buildings containing one or more assembly areas;

(5) outdoor events where the planned attendance exceeds 1,000 persons;

(6) facilities that store, handle or use hazardous production materials;

(7) parking garages as defined in subdivision (a) of § 13 of this Chapter;

(8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of the Town of Avon; and

(9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of the Town of Avon. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) This subdivision is intentionally omitted.

(d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this § is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

(f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) 180 days for tents, special event structures, and other membrane structures;
- (2) 60 days days for alternative activities at a sugarhouse;
- (3) 3 years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this §, and
- (4) 1 year for all other activities, structures, and operations identified in subdivision (a) of this §.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in §39-18 of this Chapter must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

§ 39-11 FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) at least once every 12 months for buildings which contain an assembly area;
- (2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) at least once every 36 months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) Inspections permitted. In addition to the inspections required by subdivision (a) of this §, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this § or in any other provision of this Chapter shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and

Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law § 156-e and Education Law § 807-b.

Notwithstanding any other provision of this § to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to §§ 807-a and 807-b of the Education Law and/or § 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR § 1203.2(e);
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) such inspections are performed no less frequently than once a year;
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by § 17 (Violations) of this Chapter.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in § 18 (Fees) of this Chapter must be paid prior to or at the time each inspection performed pursuant to this §. This subdivision shall not apply to inspections performed by OFPC.

§ 39-12 COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Chapter, or any other Chapter, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 17 (Violations) of this Chapter;
- (c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 39-13 CONDITION ASSESSMENTS OF PARKING GARAGES.

(a) Definitions. For the purposes of this §:

(1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(i) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in § 304.1.1, § 305.1.1, and § 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this §, periodic condition assessments as described in subdivision

(d) of this §, and such additional condition assessments as may be required under subdivision (e) of this §. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town in accordance with the requirements of subdivision (f) of this §. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the Chapter enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to [specify date not more than six (6) months after the effective date of this Chapter].

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed [specify interval not to exceed three (3) years].

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this §, the owner or

operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this §, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
- (7) the responsible professional engineer's recommendation regarding preventative maintenance;
- (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the

previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as the Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This § shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This § shall not limit or impair the right or the obligation of the Town:

(1) to perform such construction inspections as are required by § 5 (Construction Inspections) of this Chapter;

(2) to perform such periodic fire safety and property maintenance inspections as are required by § 11 (Fire Safety and Property Maintenance Inspections) of this Chapter; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or

observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§ 39-14 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(i) the accompanying Flood Insurance Rate Map (FIRM);

(ii) Flood Boundary and Floodway Map (FBFM); and

(iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this §, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

§ 39-15 RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) all applications received, reviewed and approved or denied;

(2) all plans, specifications and construction documents approved;

(3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

(5) all statements and reports issued;

(6) all complaints received;

(7) all investigations conducted;

(8) all condition assessment reports received;

(9) all fees charged and collected; and

(10) all other features and activities specified in or contemplated by §§ 4 through 14, inclusive, of this Chapter.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

§ 39-16 PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the town Board of the Town of Avon a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in § 14 (Record Keeping) of this Chapter and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§ 39-17 VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this Chapter. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this Chapter; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this Chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this Chapter or by any other applicable statute, regulation, rule, Chapter or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code

Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this Chapter or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be punishable by a fine of not more than \$500.00 per day of violation, or imprisonment not exceeding 15 days, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be liable to pay a civil penalty of not more than \$500.00 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of the Town.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Chapter, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this Chapter, an action or proceeding may be commenced in the name of the Town in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of the Town of Avon.

(e) Remedies Not Exclusive. No remedy or penalty specified in this § shall be the exclusive remedy or remedy available to address any violation described in this §, and each remedy or penalty specified in this § shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this §, in § 6 (Stop Work Orders) of this Chapter, in any other § of this Chapter, or in any

other applicable law. Any remedy or penalty specified in this § may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this §, in § 6 (Stop Work Orders) of this Chapter, in any other § of this Chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this § shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this § may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of § 382 of the Executive Law.

§ 39-18 FEES

A fee schedule shall be established by resolution of the Town Board of the Town of Avon. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this Chapter.

§ 39-19 INTERMUNICIPAL AGREEMENTS

The Town Board of the Town of Avon may, by resolution, authorize the Supervisor of the Town to enter into an agreement, in the name of the Town with other governments to carry out the terms of this Chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 39-20 PARTIAL INVALIDITY

If any § of this Chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Chapter.

§ 39-21 EFFECTIVE DATE

This Chapter shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.

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

DISUSSION- CODE ENFORCEMENT REPORT

Code Enforcement Brian Glise provided the following report:

- Discussed training at RIT

**DEPARTMENTAL REPORT
BUILDING & ZONING
OCTOBER 14, 2022 TO JANUARY 23, 2023**

The following Building Permits were issued during the time period October 14, 2022 to January 23, 2023

2022-0135	Grodus	storage container	10/18/2022	\$40.00
2022-0136	Gaiser	pellet stove	10/20/2022	\$40.00
2022-0137	Twin Cedars	mobile home	10/24/2022	\$218.40
2022-0138	Lechner	inground pool & fence	10/24/2022	\$90.00
2022-0139	Champaneri	replace tank	10/24/2022	\$200.00
2022-0140	Sullivan	re-roof	10/27/2022	\$40.00
2022-0141	Flora	EV charger	10/31/2022	\$40.00
2022-0142	Dean	renovations	11/1/2022	\$291.44
2022-0143	Butler	addition	11/2/2022	\$75.00
2022-0144	RT Solutions	add to existing bldg & new building	11/10/2022	\$1,397.70
2022-0145	Nagy	fence	11/17/2022	\$30.00
2022-0146	Donato	EV charger	11/22/2022	\$40.00
2022-0147	Steger	re-roof	11/23/2022	\$40.00
2022-0148	Peskor	addition	11/28/2022	\$94.08
2022-0149	Reid	pole barn	12/5/2022	\$120.00
2022-0150	Dean	re-roof	12/14/2022	\$40.00
2023-0001	Walnes	geothermal	1/3/2023	\$40.00
2023-0002	SolaREITI LLC	solar array	1/4/2023	\$21,384.00 paid in Oct 2022
2023-0003	Koehler	shed	1/6/2023	\$25.00
2023-0004	Hanvet	furnace	1/23/2023	\$40.00
TOTAL PERMIT FEES FOR TIME PERIOD				\$24,285.62
FEES OUTSTANDING FOR TIME PERIOD				\$0.00
TOTAL FEES COLLECTED				\$24,285.62

The following are permits currently renewed for one year:

- Peter Farr, #2019-0012 - garage addition - expires 4/4/2023
- James Anderson, #2021-0012 - house remodeling - expires 3/8/2023
- Andrew Pike, #2020-0022 - sign - expires 5/5/2023
- Andrew Pike, #2020-0023 - privacy fence - expires 5/11/2023
- Avon Lima Road Inc - house - expires 4/23/23
- NextEra - Route 5&20 solar field - expires 4/23/23
- Avon Lima Road Inc - house - expires 6/22/23
- Daniel McKeown - AG pool - expires 7/2/23
- Richard Brice - pool house & decks - expires 8/20/23
- Richard Brice - inground pool - expires 9/8/23

The following are projects/permits currently working on:

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

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

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Tom Crye was absent and provided the following report via email:

HIGHWAY:

- Shop
- Snow Removal
- Located Town Hall Geothermal area & GIS and registered on Dig Safe

WATER:

- Everyday maintenance & sampling
- Water break Littleville & Cemetery Road
- Meter reading

DISCUSSION – ENGINEER REPORT

MRB Group Engineer Dave Willard was absent. Supervisor LeFeber gave the following report:

- THM violation meeting coming up.
- Not sure about the latest water reading.
- There will be a joint study meeting scheduled with the Village.

DISCUSSION- TOWN CLERK REPORT

Town Clerk Sharon Knight provided a written report and confirmed that the Town Board received it prior to meeting.

Description	Information/Update
Department/Committee:	Town Clerk/Collector, Registrar, Records Management Officer, Marriage Officer, Notary
Department Head:	Sharon M. Knight, MMC/RMC
Date of Report:	January 26, 2023
Requests for Town Board Decisions:	<ol style="list-style-type: none"> 1. Approval of minutes not yet considered: December 19, 2022 and January 12, 2023 2. Abstract 2023-2 3. NYSTCA Legislative Committee Update – One Day Marriage Officiant Licenses 4. Request for Information - General Code Codification Update - Again 5. Identify two Board Members to serve on Fire District/Department informal gatherings
Key Points/Updates:	<ol style="list-style-type: none"> 1. The tax collecting season is in full bloom. 2. Provided a projected schedule of mandated reduced Deputy Town Clerk hours. 3. Liv. Cty Traffic & Safety board minutes 4. Denied FOIL request – Village of Avon not Town
Routine Updates:	<ol style="list-style-type: none"> 1. Scanning daily records into Laserfiche. 2. Dog Licenses, Conservation Sales, Marriage Licenses, Marriage Ceremony, Faxing, Coping, Notary Service, Local Laws, Legal Notices and Budget

RESOLUTION # 35 PRESENTATION OF THE 2022 ANNUAL SUPERVISOR'S REPORT

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

RESOLVE to accept the following 2022 Annual Report of the Supervisor:

TOWN OF AVON



2022 Budget End of Year Report

Submitted on January 26, 2023

By
David LeFeber, Supervisor
Town of Avon

Town of Avon 2022 Budget Report

Individual Fund Performance

General Fund - A - Townwide

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$1,944,430.00	\$1,944,430.00	\$1,077,097.70	-\$867,332.30	-44.61%
Expense:	\$1,944,430.00	\$1,944,430.00	\$859,893.24	-\$1,084,536.76	-55.78%

General Fund - A, composite performance impact on budget: \$217,204.46

General Fund - B - Outside Village

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$221,077.00	\$221,077.00	\$234,060.09	\$12,983.09	5.87%
Expense:	\$221,077.00	\$221,077.00	\$194,993.21	-\$26,083.79	-11.80%

General Fund - B, composite performance impact on budget: \$39,066.88

Highway Fund - DA - Townwide

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$638,171.00	\$638,171.00	\$590,356.69	-\$47,814.31	-7.49%
Expense:	\$688,171.00	\$688,171.00	\$584,452.53	-\$103,718.47	-15.07%

Highway Fund - DA, composite performance impact on budget: \$55,904.16

Highway Fund - DB - Outside Village

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$369,431.00	\$369,431.00	\$478,051.17	\$108,620.17	29.40%
Expense:	\$369,431.00	\$369,431.00	\$383,682.39	\$14,251.39	3.71%

Highway Fund - DB, composite performance impact on budget: \$94,368.78

Water Fund - SW - Town of Avon Water District

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$718,359.00	\$718,359.00	\$618,759.00	-\$99,600.00	-13.86%
Expense:	\$718,359.00	\$718,359.00	\$554,447.11	-\$163,911.89	-22.82%

Water Fund - SW, composite performance impact on budget: \$64,311.89

Rt. 39 -Water Fund

	Budgeted	Revised	Actual	Variance	Performance
Revenue:	\$8,713.00	\$8,713.00	\$8,213.09	-\$499.91	-5.74%
Expense:	\$8,713.00	\$8,713.00	\$8,825.00	\$112.00	1.29%

Cap. Project - Water Fund - H, composite performance impact on budget: -S611.91

Special District Fund - SF - Town of Avon Fire District

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$654,054.00	\$654,054.00	\$654,054.00	\$0.00	0.00%
Expense:	\$654,054.00	\$654,054.00	\$654,054.00	\$0.00	0.00%

Special District Fund - SF, composite performance impact on budget: \$0.00

Cemetery Fund - C - East Avon Cemetery

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$4,766.00	\$4,766.00	\$5,886.30	\$1,120.30	23.51%
Expense:	\$4,766.00	\$4,766.00	\$4,000.91	-\$765.09	-16.05%

Cemetery Fund - C, composite performance impact on budget: \$1,885.39

Crossroads Drainage District

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$1,000.00	\$1,000.00	\$1,000.00	\$0.00	0.00%
Expense:	\$1,000.00	\$1,000.00	\$0.00	-\$1,000.00	-100.00%

Crossroads Drainage District Fund - CR, composite performance impact on budget: \$1,000.00

Bruckel Drainage District

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$500.00	\$500.00	\$500.00	\$0.00	0.00%
Expense:	\$500.00	\$500.00	\$0.00	-\$500.00	-100.00%

Bruckel Drainage District Fund - BD, composite performance impact on budget: \$500.00

Royal Springs Drainage District

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$3,000.00	\$3,000.00	\$3,000.00	\$0.00	0.00%
Expense:	\$3,000.00	\$3,000.00	\$0.00	-\$3,000.00	-100.00%

Royal Springs Drainage District Fund - RS, composite performance impact on budget: \$3,000.00

Royal Springs Lighting District

	<u>Budgeted</u>	<u>Revised</u>	<u>Actual</u>	<u>Variance</u>	<u>Performance</u>
Revenue:	\$13,000.00	\$13,000.00	\$12,000.00	-\$1,000.00	-7.69%
Expense:	\$13,000.00	\$13,000.00	\$13,597.20	\$597.20	4.59%

Royal Springs Lighting District Fund - RL, composite performance impact on budget: -\$1,597.20

Total composite budget fund impact for 2022: \$475,032.45

2022 Receipts for the Year

	General Fund A	General Fund B	Highway Fund DA	Highway Fund DB	Water Fund SW	Special Fund SF	Cemetery Fund	Crossroads Drainage Dist	Bracket Drainage Dist	Royal Springs Drainage Dist	Royal Springs Lighting Dist	Water Capital	Res. for Water Capital
January	\$570,866.19	\$79,551.69	\$439,881.67	\$264,778.40	\$21,182.11	\$654,054.00	\$1,222.00	\$1,000.00	\$500.00	\$3,000.00	\$12,000.00	\$0.00	\$8,213.02
February	\$9,504.73	\$51,417.01	\$31,773.20	\$35.93	\$92,133.94	\$0.00	\$21.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.01
March	\$52,421.73	\$4,281.91	\$20,795.89	\$39.78	\$29,641.03	\$0.00	\$19.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.02
April	\$11,046.14	\$816.04	\$19,956.19	\$40.91	\$4,416.29	\$0.00	\$21.37	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.01
May	\$72,953.76	\$3,325.69	\$6,886.50	\$38.91	\$63,190.25	\$0.00	\$521.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.02
June	\$8,679.58	\$2,276.41	\$2,573.96	\$0.00	\$77,843.49	\$0.00	\$1,296.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
July	\$7,559.96	\$1,189.70	\$429.43	\$22,640.16	\$42,966.98	\$0.00	\$521.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
August	\$4,393.13	\$1,375.00	\$33,855.23	\$0.00	\$103,397.99	\$0.00	\$26.27	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
September	\$41,781.54	\$7,262.31	\$21,681.36	\$190,477.08	\$34,353.07	\$0.00	\$1,477.58	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.01
October	\$17,785.84	\$60,781.46	\$5,788.43	\$0.00	\$24,308.15	\$0.00	\$577.16	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
November	\$67,017.98	\$22,667.93	\$1,901.07	\$0.00	\$105,533.71	\$0.00	\$152.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
December	\$213,087.12	\$885.06	\$4,833.76	\$0.00	\$19,791.99	\$0.00	\$27.17	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals:	\$1,077,097.70	\$234,060.09	\$590,356.69	\$478,051.17	\$618,759.00	\$654,054.00	\$5,886.30	\$1,000.00	\$500.00	\$3,000.00	\$12,000.00	\$0.00	\$8,213.09

\$3,682,978.04 Total Receipts for 2022

2022 Disbursements for the Year

	General Fund A	General Fund B	Highway Fund DA	Highway Fund DB	Water Fund SW	Special Fund SF	Cemetery Fund	Crossroads Drainage Dist	Bracket Drainage Dist	Royal Springs Drainage Dist	Royal Springs Lighting Dist	Water Capital	Res. for Water Capital
January	\$90,307.10	\$108,048.58	\$46,541.11	\$7,337.40	\$19,153.36	\$654,054.00	\$523.14	\$0.00	\$0.00	\$0.00	\$1,134.11	\$0.00	\$0.00
February	\$50,051.13	\$7,733.85	\$38,017.24	\$925.11	\$82,443.87	\$0.00	\$173.14	\$0.00	\$0.00	\$0.00	\$1,111.68	\$0.00	\$0.00
March	\$50,266.43	\$9,585.53	\$31,269.13	\$2,219.27	\$15,707.08	\$0.00	\$259.71	\$0.00	\$0.00	\$0.00	\$1,128.16	\$0.00	\$0.00
April	\$64,272.42	\$6,179.54	\$108,459.53	\$7,422.30	\$33,564.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,098.94	\$0.00	\$0.00
May	\$46,962.50	\$5,505.45	\$17,640.56	\$114,210.76	\$68,114.14	\$0.00	\$346.28	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
June	\$49,911.81	\$7,399.70	\$19,729.94	\$203,075.93	\$37,173.19	\$0.00	\$473.14	\$0.00	\$0.00	\$0.00	\$2,099.42	\$0.00	\$1,912.50
July	\$89,959.33	\$4,727.19	\$49,091.72	\$13,342.68	\$101,962.72	\$0.00	\$173.14	\$0.00	\$0.00	\$0.00	\$1,077.31	\$0.00	\$0.00
August	\$81,039.97	\$13,283.29	\$22,392.05	\$14,110.54	\$21,015.36	\$0.00	\$259.71	\$0.00	\$0.00	\$0.00	\$1,098.28	\$0.00	\$0.00
September	\$109,009.07	\$8,915.93	\$21,432.70	\$2,690.68	\$69,884.64	\$0.00	\$173.14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
October	\$119,746.66	\$5,612.17	\$170,699.92	\$14,335.35	\$10,678.43	\$0.00	\$873.14	\$0.00	\$0.00	\$0.00	\$1,157.20	\$0.00	\$0.00
November	\$46,049.94	\$7,705.06	\$16,345.31	\$3,003.90	\$13,815.67	\$0.00	\$173.14	\$0.00	\$0.00	\$0.00	\$1,185.28	\$0.00	\$0.00
December	\$62,316.88	\$9,796.92	\$42,833.32	\$1,008.47	\$80,933.85	\$0.00	\$573.23	\$0.00	\$0.00	\$0.00	\$2,506.82	\$0.00	\$6,912.50
Totals:	\$859,893.24	\$194,993.21	\$584,452.53	\$383,682.39	\$554,447.11	\$654,054.00	\$4,000.91	\$0.00	\$0.00	\$0.00	\$13,597.20	\$0.00	\$8,825.00

\$3,257,945.59 Total Disbursements for 2022

Revenue From Other Governments

Mortgage Tax	\$122,553.41
Sales Tax Receipts Balance	\$36,270.46
State Snow Rem. & Cty. Snow Removal & Road Maint.	\$115,774.11
Equipt. Rental - Other Govts.	\$0.00
Grants - State and Federal	\$96,034.00
NYS Per Capita Aid	\$0.00
Misc. Revenues Other Govts.	\$115,774.11
Consolidated Highway Aid (CHIPS)	\$213,117.24
NYS Real Property Tax Admin.	\$0.00
Equalization & Assessment	\$0.00
total:	\$699,523.33

Revenue by Fund

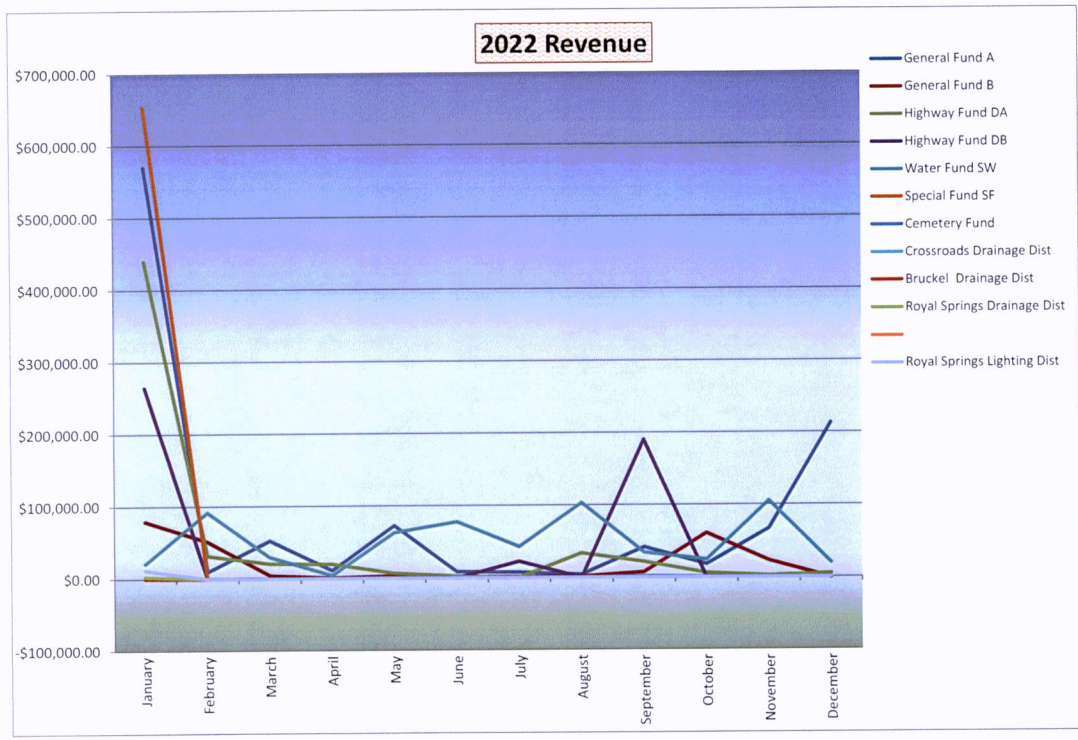
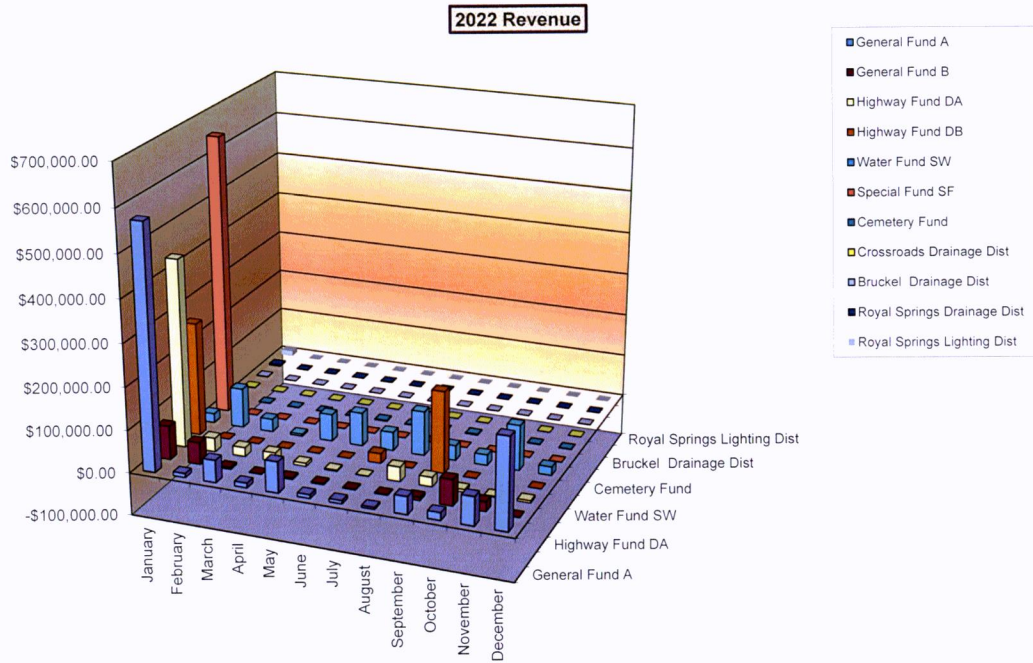
	<i>Budgeted</i>	<i>Revised</i>	<i>Actual</i>
General Fund - A - Townwide	\$1,944,430.00	\$1,944,430.00	\$1,077,097.70
General Fund - B - Outside Village	\$221,077.00	\$221,077.00	\$234,060.09
Highway Fund - DA - Townwide	\$638,171.00	\$638,171.00	\$590,356.69
Highway Fund - DB - Outside Village	\$369,431.00	\$369,431.00	\$478,051.17
Water Fund - SW - Town of Avon Water District	\$718,359.00	\$718,359.00	\$618,759.00
Special Fire District Fund - SF	\$654,054.00	\$654,054.00	\$654,054.00
Crossroads Drainage	\$1,000.00	\$1,000.00	\$1,000.00
Bruckel Drainage	\$500.00	\$500.00	\$500.00
Royal Springs Drainage	\$3,000.00	\$3,000.00	\$3,000.00
Royal Springs Light	\$13,000.00	\$13,000.00	\$12,000.00
Cemetery	\$4,766.00	\$4,766.00	\$5,886.30
Route 39 Water	\$8,713.00	\$8,713.00	\$8,213.09
totals	\$4,576,501.00	\$4,576,501.00	\$3,682,978.04

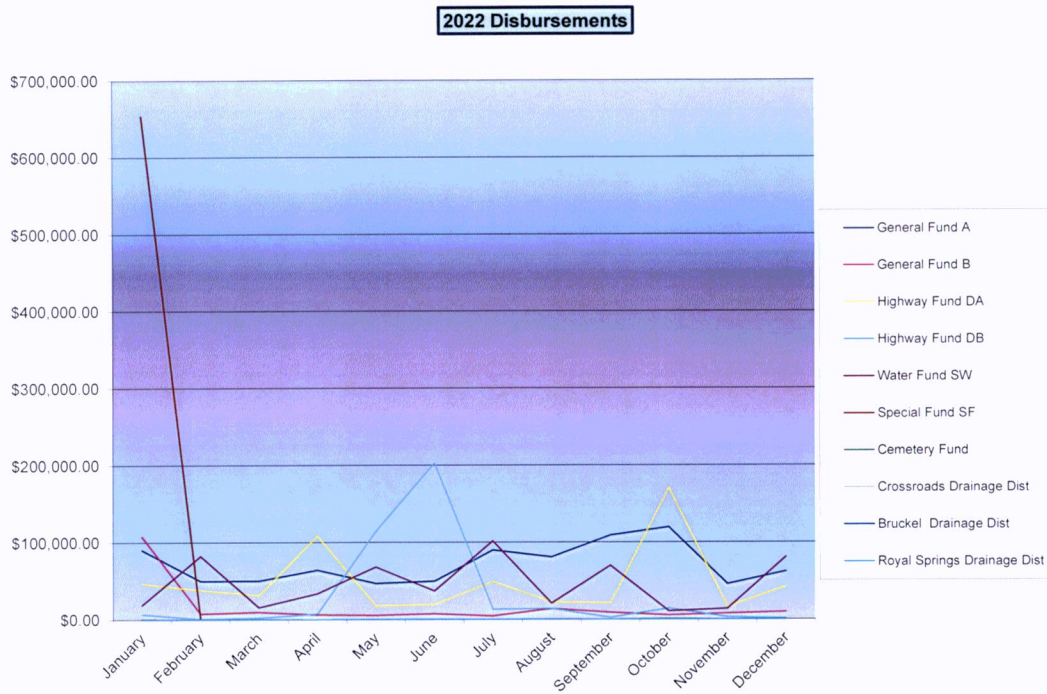
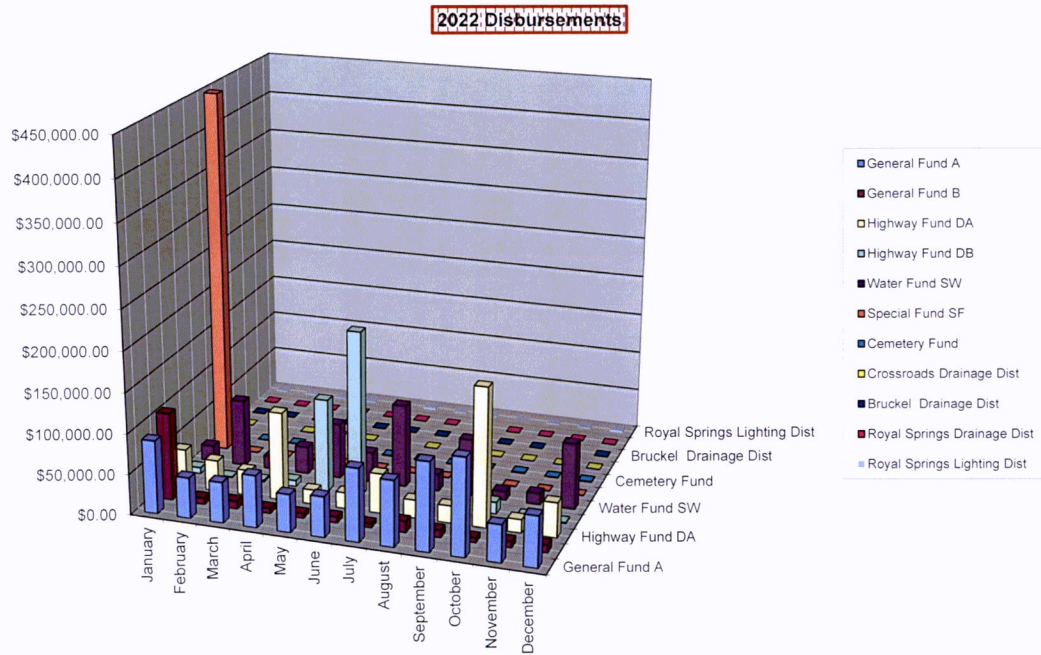
Expenses by Fund

	<i>Budgeted</i>	<i>Revised</i>	<i>Actual</i>
General Fund - A - Townwide	\$1,944,430.00	\$1,944,430.00	\$859,893.24
General Fund - B - Outside Village	\$221,077.00	\$221,077.00	\$194,993.21
Highway Fund - DA - Townwide	\$688,171.00	\$688,171.00	\$584,452.53
Highway Fund - DB - Outside Village	\$369,431.00	\$369,431.00	\$383,682.39
Water Fund - SW - Town of Avon Water District	\$718,359.00	\$718,359.00	\$554,447.11
Special Fire District Fund - SF	\$654,054.00	\$654,054.00	\$654,054.00
Crossroads Drainage	\$1,000.00	\$1,000.00	\$0.00
Bruckel Drainage	\$500.00	\$500.00	\$0.00
Royal Springs Drainage	\$3,000.00	\$3,000.00	\$0.00
Royal Springs Light	\$13,000.00	\$13,000.00	\$13,597.20
Cemetery	\$4,766.00	\$4,766.00	\$4,000.91
Route 39 Water	\$8,713.00	\$8,713.00	\$8,825.00
totals	\$4,626,501.00	\$4,626,501.00	\$3,257,945.59

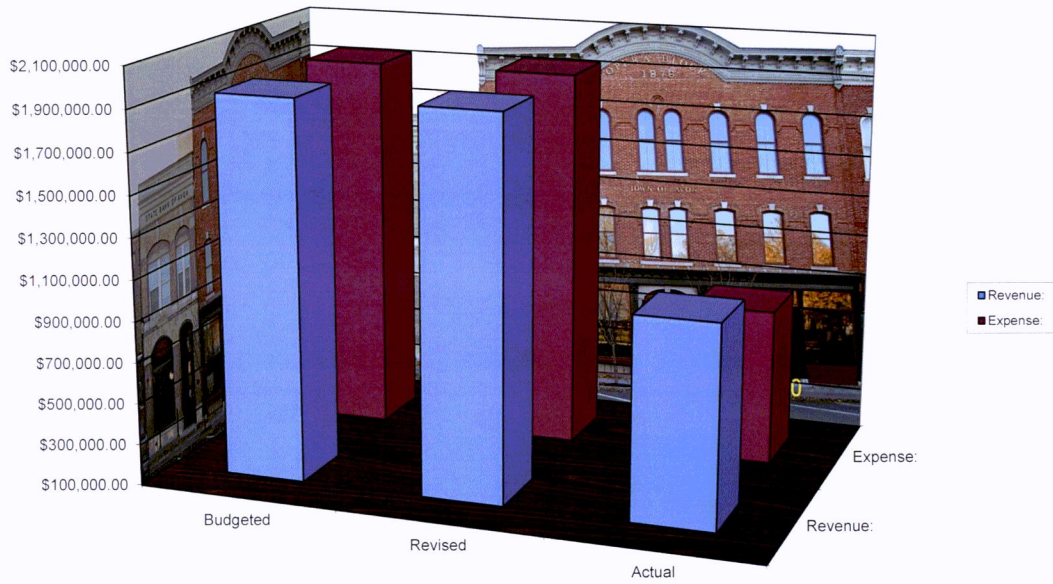
Revenue Sources

Property Taxes	\$1,980,863.00
Payment in Lieu of Taxes	\$46,928.28
Franchise Fees	\$38,231.20
Interest & Earnings	\$3,188.11
Penalties & Interest	\$5,735.63
Fees & Permits	\$87,631.65
Fines & Forfeitures	\$16,548.50
Water Rents	\$553,491.75
Revenue From Other Governments	\$457,715.22
Misc	\$396,610.70
Grants	\$96,034.00
total:	\$3,682,978.04

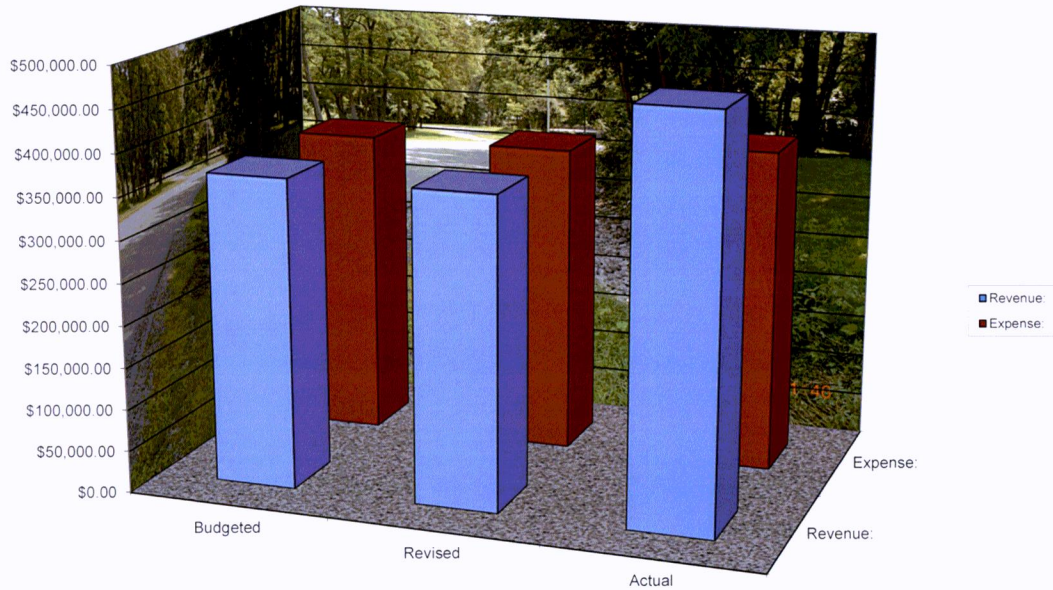


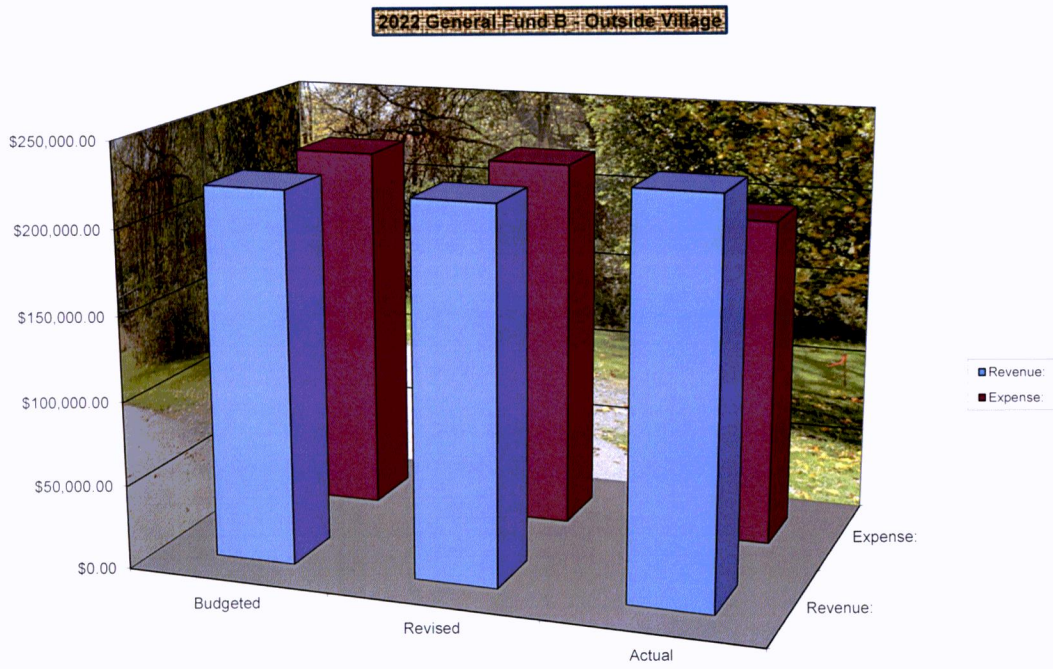
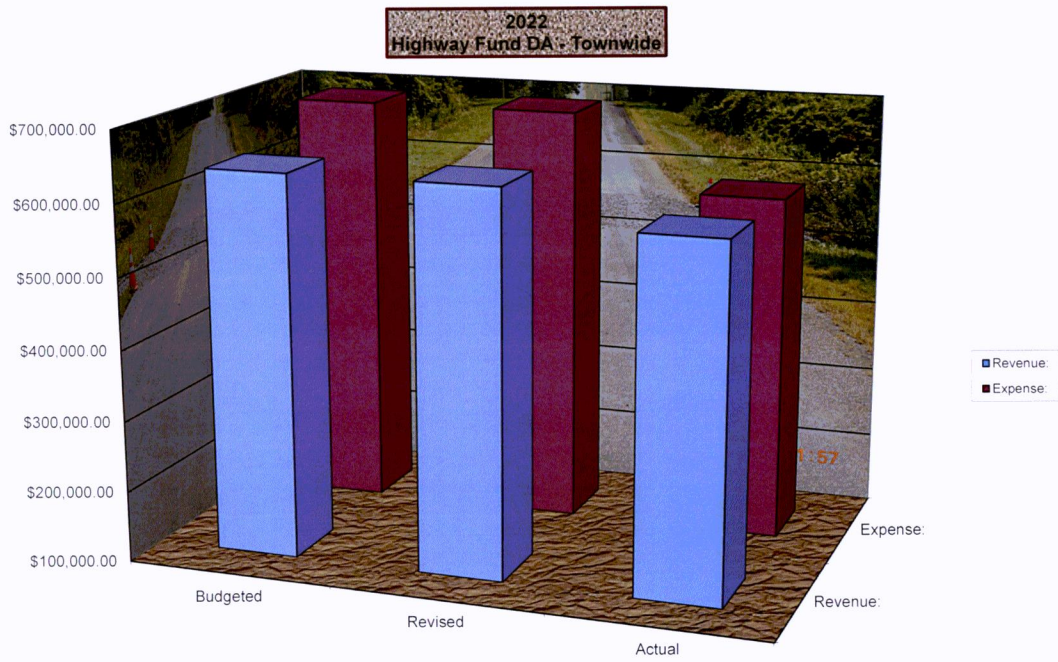


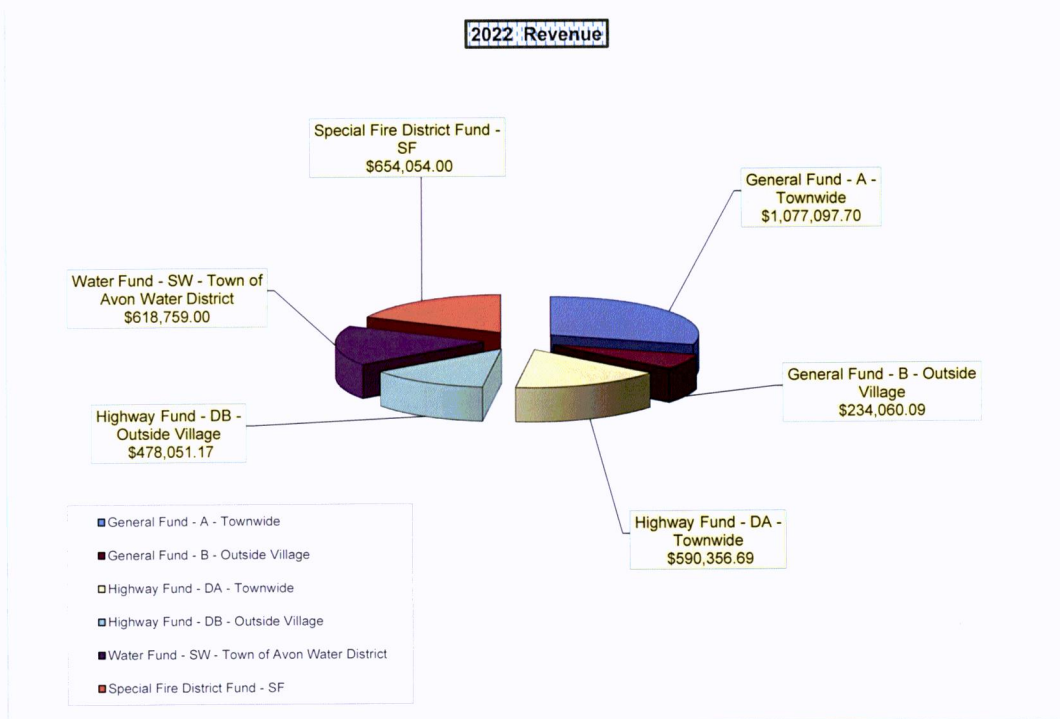
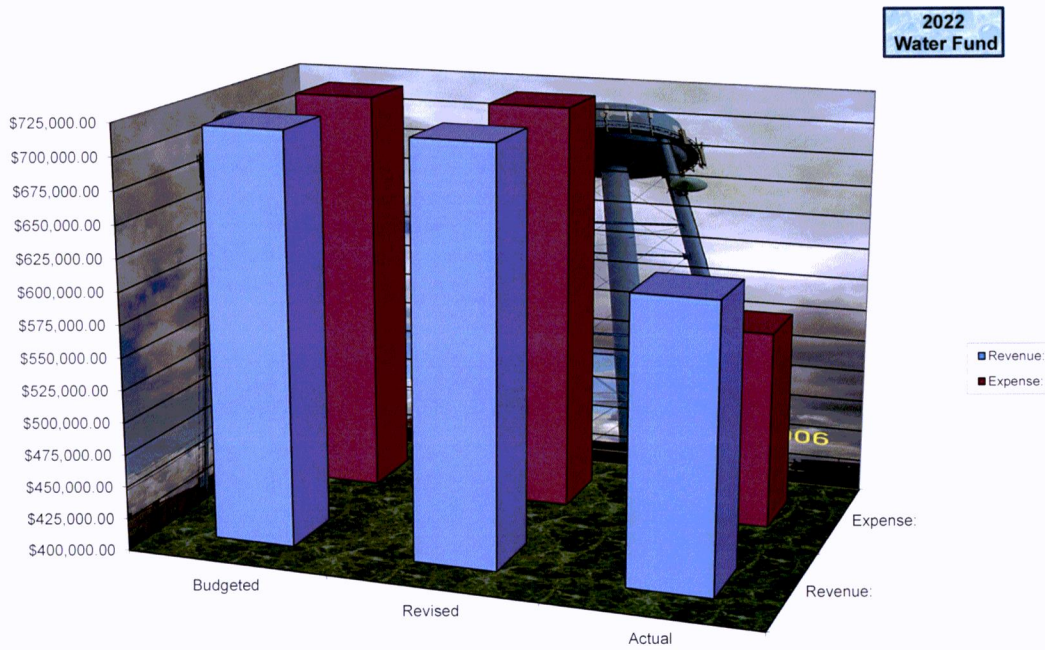
2022 General Fund A - Townwide



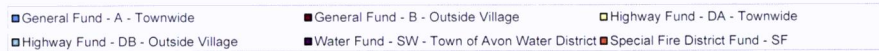
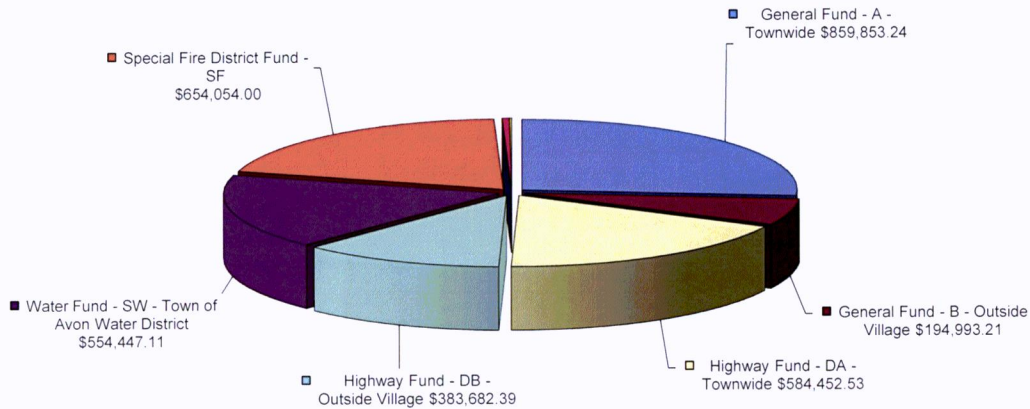
2022 Highway Fund DB - Outside Village



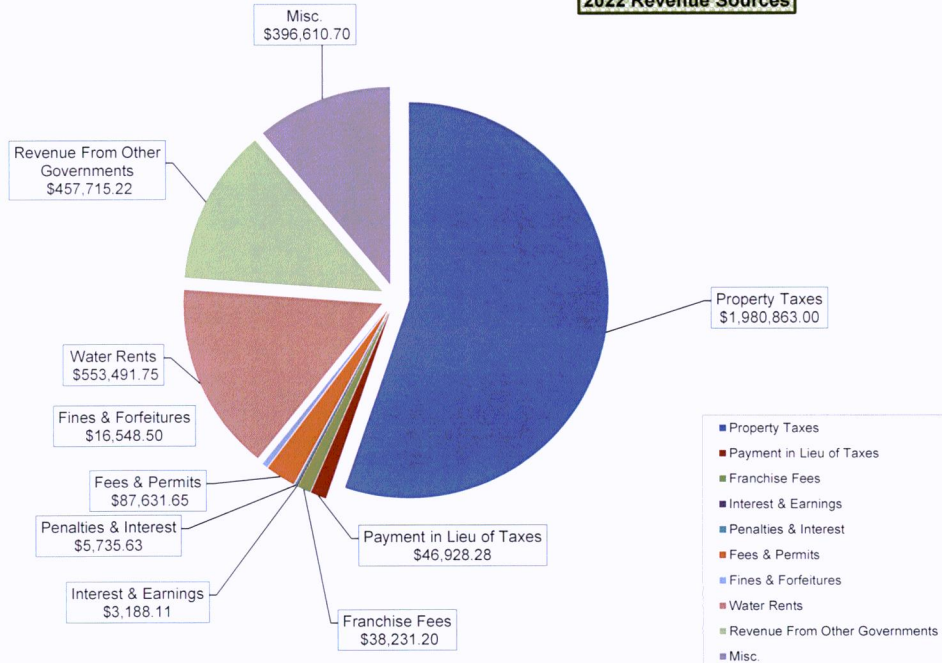




2022 Town Expenses



2022 Revenue Sources



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

RESOLUTION #36 BUDGET TRANSFER FOR 2023

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

RESOLVE to make the following budget transfer:

TOWN OF AVON
PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 1/26/2023 MEETING:
BUDGET YEAR: 2023

GENERAL FUND - TOWNWIDE

<i>Transfer From:</i>	A1410.102	Town Clerk Deputy, Pers Serv	\$ 12,480.00
			\$ 12,480.00
 <i>Transfer To:</i>	 A1620.400	 Buildings, Contractual	 \$ 12,480.00
			\$ 12,480.00

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

RESOLUTION #37 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2023-2 in the following amounts:

Concerning ABSTRACT of Claims Number 2023-2 including claims as follows:

General Fund	Amounts totaling \$121,127.43
Highway Fund	Amounts totaling \$2,546.60
Water Fund	Amounts totaling \$7,980.88
Town of Avon Fire Protection	Amounts totaling \$667,1000.00

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

OPEN ITEMS TOWN BOARD MEMBERS

- Deputy Supervisor Mairs will do the audit for Town Clerk and Court Clerk on February 8th
- Continued discussion on Town Clerk office hours and Deputy Clerk’s weekly hours.

On motion of Deputy Supervisor Mairs, seconded by Supervisor LeFeber the meeting was adjourned at 8:42 P.M.

Respectfully submitted by:

Jennifer Shannon, Deputy Town Clerk

&

Sharon M. Knight, MMC/RMC Town Clerk