

A regular meeting of the Town of Avon was held on Thursday, April 13th at 6:00 P.M. at the Avon Village Hall, 74 Genesee Street, Avon, New York 14414.

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

OTHERS: Attorney Campbell, Tom Crye, Highway/Water Supervisor, Brian Glise Code Enforcement Officer, Dave Willard MRB Group Engineer, Tami Snyder, Assessor and Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: Abby Bowser, Shaw Hernandez, Edward Forsythe, Robert Westfall and Judy Falzoi

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

VISITOR COMMENTS:

Supervisor LeFeber asked if there were any visitor comments, and they follow:

NEXTERA SOLAR – POLE BRIDGE ROAD

Both Visitors/Residents Abby Bowser and Shaw Hernandez addressed the Board with their concerns of the newly installed solar development on Pole Bridge Road. They had attended meetings when the application was considered for approval and highly recommended it not be approved. She shared her strong concerns that two/three years later water has continued to flood her home. Her children's toys in the yard are floating and the basement is completely flooded. Shaw described in detail his concerns and demanded answers.

An email detailing the timeline of events follows:

As requested, please see the below listed timeline of events and MRB comment letters. If you have any questions please let me know. Thank you.

2020

- September 28, 2020 - SUP & Site Plan Approved

2021

- May 2021 - Construction started
- August 6, 2021 - Violation was issued by the Town CEO
- August 26, 2021 - Meeting with Town, NextEra, Tetra Tech, Land Owner, MRB, and Village occurred
- October 22, 2021 - First set of revised plans received
- November 5, 2021 - MRB issued comment letter #1 – 1st mention of NYSDOT review needed (attached)
- December 18, 2021 - Revised Plans received submission #2

2022

- January 2022 - Information was missing so review couldn't be completed
- February 2, 2022 - MRB issues comment letter #2 – 2nd mention of NYSDOT review needed (attached)
- March 29, 2022 - MRB receives a response letter – Applicant requests onsite meeting and states the NYSDOT has reviewed and approved the updates – This was not correct
- April 7, 2022 - MRB and the Town meet with NextEra and Tetra Tech onsite – 3rd mention of NYSDOT review required
- April 11, 2022 - MRB issues a review letter – 4th mention of needing NYSDOT review and approval (attached)
- April 26, 2022 - Building Permit expired & extended by the Town of Avon
- June 9, 2022 - Town issues letter to NextEra (attached)
- August 31, 2022 - MRB issues an email with Town letter dated June 6, 2022 and MRB letter dated April 11, 2022 to the NextEra
- September 30, 2022 - Responses received from NextEra
- October 4, 2022 - MRB provides email with comments – 5th mention of NYSDOT review needed (attached)
- November 2, 2022 - Onsite meeting set up by NextEra with NYSDOT, MRB, and the Town

2023

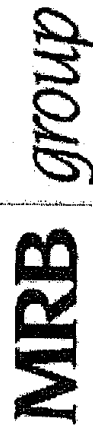
- **March 3, 2023** – NextEra sends positive email regarding correspondences with NYS DOT
- **March 2023** - NextEra submits updated plan to NYS DOT for review
- **March 2023** - NYS DOT rejects design
- **March 20, 2023** – NextEra sends negative email regarding correspondences with NYS DOT

LANCE BRABANT

Director of Planning & Environmental Services

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NEXTERA SOLAR – POLE BRIDGE ROAD- continued

There was a lengthy discussion resulting in Councilman Coyne stating a meeting with the property owner, MRB Group Engineers, Supervisor LeFeber, Councilman Coyne, Livingston County Soil & Water and their Engineer is scheduled for Monday to determine a plan to fix the flooding. He also shared his many years of coming into the Village and always remembered water in the area.

The Board took the following action:

RESOLUTION #99 APPROVAL OF THE ENGINEER TO PREPARE A LETTER TO THE NYS DEC

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

RESOLVE to approve the Town Engineer to draft a letter with the assistance of the Town Engineer giving substance to the claim to the DEC about the storm water issues that are related to the development of the solar field adjacent to the Pole Bridge Road

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

VISITOR COMMENTS-continued

Town Clerk Knight read into the minutes two communications received from Historian/Planning Board Member Clara Mulligan

Dear Supervisor Lefeber and Avon Town Council Members,

The 2016 Town of Avon Comprehensive Plan proposes protecting the area between East Avon and the village of Avon with a Corridor Overlay District to maintain the open space as agricultural use. This overlay district would prevent non-farming uses filling in the between the historic farmsteads with commercial development. Public input rated protecting this viewshed as one of the top priorities for maintaining the rural character of our town.

Councilman Malachy Coyne and I contacted two of the four landowners within this corridor to see if they were interested in participating in protecting the land from development. One landowner was not interested in engaging in the process, declaring that the area would only be farmed. The other landowner declined to respond regarding the proposal.

Though we may have the promise that part of the corridor will not be developed now, the area could be very vulnerable to development in the future.

VISITOR COMMENTS-continued

The Town Board could move forward without the consent of the landowners, by holding a public hearing on the matter to see if there is continued opposition. With help from the town attorney, there may also be options to establish design standards for any development in the future, for example, a limit on the height of structures, number of curb cuts etc.

I appreciate your attention to this matter, and would like this discussion entered into the public record.

Sincerely,
Clara Mulligan

As a follow up the following letter was provided.

April 12, 2023

Sharon,

To follow up on the corridor idea, it turns out that I was able to talk with Karon Davin today about her thoughts regarding an overlay district.

She is very in favor of the idea as a whole, especially to protect the corridor from industrial and commercial development. She does not want to build a house next to hers, however she doesn't want her heirs confined by a rule out of their control.

I see that this issue is an agenda item at tomorrow's meeting. Unfortunately, I am unable to attend due to a County Planning Board meeting at the same time.

Sincerely,
Clara

RESOLUTION #100 APPROVAL OF MINUTES FROM MARCH 23, 2023

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

RESOLVE to approve the minutes of March 23, 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

DISCUSSION-ATTORNEY REPORT

Attorney Campbell gave updates as following:

- Twin Cedars pre-project planning meeting to develop 82 additional home sites within the current mobile home project
- Bruckel Wellness Center along with railroad to create a PDD
- Kick-off Solar Committee Meeting

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye gave the following report:

- Highway – snow fence removal, spring cleanup, filled the salt shed, working in shop, brush, ditching on Jenks and Hogmire Roads, maintenance on plow equipment
- Water – Eric is at school next week, everyday maintenance and sampling, changing hydrants

RESOLUTION #101 SURPLUS 2018 FORD F250

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

RESOLVE to surplus the Highway 2018 Ford F250.

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

DISCUSSION- CODE ENFORCEMENT REPORT

Code Enforcement Brian Glise gave the following report:

- Phone complaints are coming in as Spring approaches
- Meeting with six sprouts on Monday
- Drive-in would like to hold a cars and brews on a Saturday afternoon
- First Dump Days is scheduled for the second Saturday in May.
- The length of time to have a project approved by the Planning Board, applying for a permit and extensions of both were discussed.

DISCUSSION – ENGINEERING REPORT

MRB Group Engineer Dave Willard provided the following report:

- A request to the Town Planning and Zoning Board of Appeal for an extend on the Wheat solar field project due to timing challenges.

DISCUSSION – ENGINEERING REPORT-continued

- Working with the County on the water study. Alternatives have been picked and the preparation of cost associations is being compiled.
- Possible future Joint Meeting with the Village to further discuss water.

DISCUSSION – ASSESSOR REPORT

Assessor Synder updated the Board with the following:

- An update on the PILOT agreement with Avon On The Green. This year they paid the PILOT and a tax bill. It has been determined that the PILOT has expired and that is why a tax bill was developed by the Assessor. There was a lengthy discussion which resulted in the Assessor following up with the Avon Free Library to gain their support of returning the PILOT payment, thus agreeing the PILOT has expired.
- Two Farm Penalties will be assessed and will be required to submit payback.
- The office hours for the Assessor will be changing as the Town of Lima will be closed on Fridays. Jill’s approximate hours will be Tuesday, Wednesday from 9 – 3, Thursday 1 – 3 and Friday 9 – noon.
- Solar developers are naming projects CSG with sequent numbering by Town locations. It was recommended to be mindful of where each project is located.

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight provided the following report:

Town of Avon

Department/Committee Bi-Monthly Update to the Town Board

| 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: | March 12, 2023 |
| Requests for Town Board Decisions: | <ol style="list-style-type: none"> 1. Approval of minutes not yet considered: February 23, 2023 2. Abstract 2023-7 |
| Key Points/Updates: | <ol style="list-style-type: none"> 1. We have collected 95% of tax bills were collected. 2. Updated projected schedule of mandated reduced Deputy Town Clerk hours - No change. |
| Routine Updates: | <ol style="list-style-type: none"> 1. Scanning daily records into Laserfiche. 2. Dog Licenses, Tax Collection, Faxing, Coping, Notary Service, Local Laws, Legal Notices and Budget |

DISCUSSION – TOWN CLERK REPORT-continued

Supervisor LeFeber read into the minutes the following Proclamation that is being presented to all Town Boards in Livingston County bringing awareness of the Town Clerk positions while recognizing their individual Clerks.

RESOLUTION #102 PROCLAMINATION OF THE 54TH ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

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

RESOLVE to adopt the following proclamation:

Proclamation

*54th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
April 30 - May 6, 2023*

Whereas, *The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and*

Whereas, *The Office of the Professional Municipal Clerk is the oldest among public servants, and*

Whereas, *The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and*

Whereas, *Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.*

Whereas, *The Professional Municipal Clerk serves as the information center on functions of local government and community.*

Whereas, *Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the*

RESOLUTION #102 PROCLAMINATION OF THE 54TH ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK-continued

annual meetings of their state, county and international professional organizations.

Whereas, *It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.*

Now, Therefore, We, *the Avon Town Board David LeFeber, Supervisor, Thomas Mairs, Deputy Supervisor, Paul Drozdziel, Malachy Coyne and James Harrington, Councilmen of the Town of Avon, do recognize the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Sharon M. Knight, MMC/RMC and all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent. Dated this 13th day of April 2023*

Attest: David LeFeber Attest: Thomas Mairs

Attest: Malachy Coyne Attest: Paul Drozdziel

Attest: James Harrington

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

RESOLUTION #103 ACCEPT THE MONTHLY REPORTS

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

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

Town Clerk’s March 2023 Report:

| | |
|---|-------------|
| Total Local Shares Remitted: | \$ 1,074.29 |
| New York State Department of Health | \$ 45.00 |
| NYS Ag. & Markets for spay/neuter program | \$ 69.00 |

RESOLUTION #103 ACCEPT THE MONTHLY REPORTS-continued

| | |
|--------------------------------|--------------------|
| NYS Environmental Conservation | \$ 51.96 |
| TOTAL | \$ 1,240.25 |

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

DISCUSSION- NEW YORK STATE RETIREMENT CALENDAR

All of the required documents were not available for adoption for Councilman Drozdziel and will be considered at the next meeting.

DISCUSSION – SUPERVISORS REPORT

Supervisor LeFeber discussed the need for a plan to keep up to date on the annual expiration of decommission bonds. A policy will be developed and include the Assessor, Town Clerk, Supervisor, Confidential Secretary, Attorney and Code Enforcement Officer.

There was a request for water from a resident on Reservoir Road and shall be considered along with other improvements within the County Wide Water Study. The resident was invited to attend tonight’s meeting but was not in attendance.

DISCUSSION- OPERA BLOCK/TOWN HALL RENOVATION

Councilman Drozdziel spoke of bids for AV Equipment for the third floor. This will become a change order for the project.

DUTCH HOLLOW SPPED LIMIT REQUEST

The following email was received as follows:

From: Jeff Schneider <jefsch88@yahoo.com>
Sent: Wednesday, March 29, 2023 10:30 AM
To: Sharon Knight
Subject: Speed limit for Dutch Hollow Rd

Hi Sharon

I believe this would be a request for the highway department.

The current posted speed limit on Dutch Hollow Rd is 45 mph.

I'm requesting that you evaluate lowering the speed limit to 35 mph.

With the weather finally warming up again, we have neighbors out walking their dogs and their kids up and down the road, children riding their bikes on the road, and joggers and cyclists on the road every day.

DUTCH HOLLOW SPPED LIMIT REQUEST-continued

The road is fairly narrow, with no paved shoulder, making it dangerous for everyone out on the road.

With the current speed limit of 45 mph, most traffic is driving at 55 mph or greater.

Lowering the current speed limit to 35 will make it safer for everyone.

Since Dutch Hollow is not a heavily travelled north/south road like Bronson Hill or Poplar Hill, slowing down the speed on Dutch Hollow shouldn't have a negative impact to the flow of traffic.

Thank you for considering this change.

Jeff Schneider

2175 Dutch Hollow Road

RESOLUTION #104 THE REQUEST WILL BE SENT TO THE LIVINGSTON COUNTY TRAFFIC & SAFETY BOARD

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

RESOLVE to send to the Livingston County Traffic & Safety Board a reduction in the speed limit on Dutch Hollow Road from 45mph. to 35mph.

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

RESOLUTION #105 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2023-7 in the following amounts:

Concerning ABSTRACT of Claims Number 2023-07 including claims as follows:

| | |
|---------------------------------|-------------------------------|
| General Fund | Amounts totaling \$64,679.49 |
| Highway Fund | Amounts totaling \$134,597.68 |
| Water Fund | Amounts totaling \$26,411.57 |
| Cemetery Fund | No Voucher |
| Opera Block Capital Improvement | No Voucher |
| Royal Springs Lighting | Amounts totaling \$1,202.03 |
| Cross Roads Drainage District | No Voucher |
| Bruckel Drainage District | No Voucher |
| Royal Springs Drainage | No Voucher |
| Town of Avon Fire Protection | No Voucher |
| Rte. 39 Water SW2 | No Voucher |

RESOLUTION #105 ACCEPT THE CLAIMS-continued

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

TOWN CLERK REPORT - continued

Town Clerk Knight reported that she would not be attending the next meeting and read the following information to the Town Board:

To the Town Board,

I have had a long and successful career as the Avon Town Clerk for the last twenty-three plus years. The Town Clerk's office is considered the center of town government. There are many responsibilities held in this office, but also many amenities that I have had the opportunity to choose to offer as "extras". These extras can only be provided with the support of the Town Board and the community. For example, issuing hunting licenses, notary service, selling EZPass, creating letter to students and residents acknowledging their accomplishments, taking the time to have meaningful conversations with residents and those visiting our community, and going above the office's scope of practice when an issue arises that needs help.

Working with other Town Clerks to listen, learn and lead about things that come into our offices. Serving our County Clerk's Association as Secretary, Treasurer, Vice Chairman, and Chairman. Serving the New York State Town Clerk's Association on many committees such as Scholarship Committee, Regional Clerk of the Year, NYS Clerk of the Year, Welcoming Committee, Event Planner as well as teach follow Clerk's the job of the authoring of minutes - that take hours to prepare and Regional Director service six Counties.

Attending the International Institute of Municipal Clerks at Cornell and earning my Certified Municipal Clerk and later my Master Municipal Clerk Certification. Attending conferences in Montreal, Norfolk, Birmingham, and Little Rock could not have been accomplished without the support of the Town Board and my family.

Recent budget cuts to the Town Clerk's Office for continuing training of both the myself and the Deputy Clerk position do not allow for keeping up with changing responsibilities of these positions. In addition, the drastic reduction of both hourly rates of pay and budgeted number of hours are the most prominent actions taken by the entire Board that has caused a change in services that me and my staff have so proudly performed. Although these actions are extremely disappointing to me, they have inspired me to contemplate retirement.

I'm forever grateful to both supportive and challenging coworkers and Board Members as well as my friends and family to serve our appreciative community.

The past happened and History is what someone wrote down.

I'm requesting a Board Member audit my office prior to returning access to the Clerk's Office.

TOWN CLERK REPORT - continued

Please accept this as my notification of my last day to work as your Elected Town Clerk effective April 29, 2023.

Supervisor LeFeber will be following up to determine if our Auditor's are available to perform an audit or two Town Board Members.

RESOLUTION #106 ACCEPT THE RESIGNATION OF TOWN CLERK

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

RESOLVE to accept the resignation of Town Clerk Sharon M. Knight, MMC/RMC effective April 29, 2023 and advertise for the position.

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

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 8:33 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC Town Clerk