

A regular meeting of the Town of Avon was held on Thursday, April 27<sup>th</sup> 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, and Paul Drozdziel, and Malachy Coyne

ABSENT:

OTHERS: Attorney James Campbell, Code Enforcement Officer Brian Glise, Kim McDowell, Confidential Secretary to the Town Supervisor

VISITORS: Cindy Kellen, Bob Westfall, Judy Falzoi, Justin Bower. Edward Forsythe, Kathy Cole

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.

Judy Falzoi asked if there are three committees going on simultaneously, the Town only has a solar committee currently. However, considering having a comprehensive plan update and code recodification, but no committee has been formed for these at this time.

Justin Bowser asked if the Town had a meeting with Mr. Howlett regarding the drainage by his house and Supervisor LeFeber stated they have, and the Town is actively pursuing to rectify the situation. There was much discussion on what the Town, Landowner, and Developer are doing to get this resolved.

### **RESOLUTION #107 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of April 13, 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 Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

### **TOWN CLERK REPORT**

Town Clerk Sharon Knight wasn't present but provided a written report to Board.

### **DISCUSSION- HIGHWAY/WATER REPORT**

Highway/Water Superintendent Crye was not present but sent the following report:

**HIGHWAY:**

- **Parks & Cemetery's**
- **Ditching**
- **Shop**

**WATER:**

- **Everyday maintenance & sampling**
- **Hydrant changes**
- **Water Break Restoration**
- **Meter Reading**
- **Meter changes**

**DISCUSSION- CODE ENFORCEMENT REPORT**

Code Enforcement Officer Brian Glise reported on the following:

- There is a business on Interstate Drive that wants to expand the building, not change the use, do they have to come back to the Board to get approval since they are in a PDD. Supervisor LeFeber stated since the use is not changing, they do not have to come to the Board for expanding the building.
- He asked what the protocol is for any new houses being built that will connect to sewer, does it need to go through the Village. Supervisor LeFeber stated they would have to go through the County not the Village if they were connecting to the sewer.
- Since we currently do not have a Town Clerk, Code Enforcement Officer Brian Glise will sign the permit and they will pay the permit fee at the Village office. It was also determined that Code Enforcement Officer Glise can sign the permits from now on
- The solar meeting minutes are not on the website, but he would like them on there.
- There is no committee for the comprehensive plan, and he requested the Planning & ZBA Boards read over the comprehensive plan and bring any suggestions to the next meeting.

**DISCUSSION-MRB GROUP REPORT**

Dave Willard, MRB Group, reported on the following:

- Regarding the drainage issue discussed earlier, Lance Brabant is prepared to draft a letter to the NYS DEC for Attorney Campbell to proof. Supervisor LeFeber would like to wait since the landowner is engaged in the resolution process. There was discussion about a timeline for the resolution from the developer and landowner. Councilman Harrington feels it is a simple fix and we need to get this taken care of for the homeowner. Councilman Coyne stated that all parties are working together to get this resolved and the solar field hasn't been turned on and won't get turned on until it is resolved.
- Councilman Harrington feels that this project, according to our own solar law, should be in decommissioning mode.
- Councilman Harrington feels that Supervisor LeFeber and Councilman Coyne shouldn't be involved due to their business and personal relationship with Mr. Howlett; Supervisor LeFeber offered to recuse himself from any further discussions.
- Deputy Supervisor Mairs stated that by the next Town Board meeting we should have a timeline from Mr. Howlett. Councilman Coyne will spearhead this request.
- MRB Group would like to set up a joint meeting with Village and Town to discuss moving forward with the Joint water study, Supervisor LeFeber will reach out to the mayor to schedule.

**RESOLUTION #108 APPROVAL OF RETIREMENT CALENDAR FOR COUNCILMAN PAUL DROZDZIEL**

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

RESOLVE to approve the calendar as presented by e-mail the calendar for retirement for Councilman Paul Drozdziel.

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

**RESOLUTION #109 AMEND COMPENSATION SCHEDULE**

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

RESOLVE to amend the 2023 Compensation Schedule as of April 29, 2023:

Remove:

Knight, Sharon, Town Clerk & Receiver of Taxes, Elected	\$47,447.00/yr. to \$0/yr.
Vital Registrar	\$948.00/yr. to \$0/yr.

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

**DISCUSSION – SUPERVISOR LEFEBER COMMENTS**

- Deputy Supervisor Mairs will be meeting with Sharon Knight to get her keys and all other items on April 29, 2023.
- The Town of Avon’s AUD has been submitted to the State.
- Supervisor LeFeber stated we currently have three applications for the Town Clerk position and need to schedule interviews. It was determined that if all Board members meet, it will be considered a public meeting, therefore Supervisor LeFeber and Councilman Drozdziel will conduct interviews next week and report to the Board at the following meeting.
- Village Clerk, Heather Randall, has agreed to fill in as Deputy Town Clerk during this transition phase.

**RESOLUTION #110 APPOINT HEATHER RANDALL AS DEPUTY TOWN CLERK**

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

RESOLVE to appoint Heather Randall as Deputy Town Clerk

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

**RESOLUTION #111 APPOINT HEATHER RANDALL AS REGISTRAR OF VITAL STATISTICS**

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

RESOLVE to appoint Heather Randall as Registrar of Vital Statistics

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

**DISCUSSION – SUPERVISOR LEFEBER COMMENTS CONT**

- It was decided that Heather will not be put on the compensation schedule but will get paid through the voucher system. Councilman Drozdziel questioned if Heather will have to resign as Deputy Town Clerk once an appointed Town Clerk is named and Attorney Campbell stated it will be up to the Town Clerk.
- Councilman Harrington asked how the Town would go about changing the Town Clerk position to an appointed position instead of an elected position and Attorney Campbell stated it would have to go out to a public vote. It was also stated that you can’t do it during an election year, it would have to be done before the next term is up.
- Sharon Knight asked Supervisor LeFeber to destroy some records, but the list of records was not distributed to everyone, and it was decided to delay action until the next meeting.

**RESOLUTION #112 ACCEPT THE CLAIMS**

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

RESOLVE to accept for payment Abstract 2023-08 in the following amounts.

Concerning ABSTRACT of Claims Number 2023-08 including claims as follows:

General Fund	Amounts totaling \$27,312.59
Highway Fund	Amounts totaling \$ 4,689.79
Water Fund	Amounts totaling \$ 2,024.53

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

**RESOLUTION #113 AUTHORIZE THE SUPERVISOR TO SIGN**

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

RESOLVE to authorize the Supervisor to sign the Hurricane Technologies quote.

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

**DISCUSSION – SUPERVISOR LEFEBER COMMENTS CONT**

- Supervisor LeFeber stated Bob Westfall sent an email regarding the ownership of the white horse in East Avon. Mr. Westfall feels the white horse is a landmark and the last several years the Historical Society has done maintenance on the horse. The Historical Society has researched and found no ownership of the white horse. Mr. Westfall fears any new construction in that area may damage the white horse and he would suggest the Town of Avon claim ownership. There was discussion on how or if the Town would want to take ownership of the horse. Attorney Campbell made suggestions on how to start the process if the Town wanted to pursue that avenue.
- Supervisor LeFeber explained to Attorney Campbell that he has a business relationship with Howlett Farms, and he is recusing himself from all conversations regarding anything to do with Howlett Farms and drainage on Pole Bridge Road.

**DISCUSSION- ATTORNEY REPORT**

Town Attorney James Campbell reported on the following:

- The second solar committee meeting happened and there were active participants. We are having active discussion and going through the code line by line, we need to optimize Mary Underhill since we only have her for six meetings.
- Attorney Campbell and Assessor Tami Snyder are working on the Barilla PILOT along with Bill Bacon from Livingston County IDA. We are also working on the Avon on the Green PILOT and the letters that need to be sent out.
- Councilman Harrington questioned Attorney Campbell on the letter that was agreed upon at last meeting to the NYS DEC; he feels the solar farm should be in decommissioning mode according to our solar law. Councilman Harrington also asked if the developer was going to solve the two drainage issues. They are only required to resolve the issue caused by the installation of the road. There was more discussion on the drainage issue.
- Councilman Coyne feels that Supervisor LeFeber and himself, should not be removed from the conversations with Mr. Howlett regarding this issue. Deputy Supervisor Mairs agrees completely with Councilman Coyne.
- Attorney Campbell stated there is no conflict of interest with Supervisor LeFeber and Councilman Coyne being involved and all Board members agreed that both should continue to be involved.

#### **OPEN ITEMS TOWN BOARD MEMBERS**

- Deputy Supervisor Mairs has no items to discuss.
- Councilman Drozdziel stated there are change orders that need to be approved on the renovations and he will send copies to get approval at next meeting.
- Attorney Campbell stated that the Town will be receiving the Community Host Agreement payment for Avon CSG2 in the next few days.
- Councilman Harrington asked if we are putting an ad in the Pennysaver for residents to know to go to the Village Hall and see Heather; it was determined to just put a sign in the door.
- Councilman Drozdziel stated things are moving along on the renovations.

#### **DISCUSSION - OPEN ITEMS:**

- Visitor Edward Forsythe asked for clarification on what needs to be fixed on Pole Bridge Road regarding the drainage and Code Enforcement Officer Glise explained it to him.
- Visitor Judy Falzoi explained the difference between private and public nuisance.

On motion of Deputy Supervisor Mairs, seconded by Councilman Coyne the meeting was adjourned at 8:15 P.M.

Respectfully submitted by:

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Kim McDowell, Confidential Secretary to Town  
Supervisor