

A regular meeting of the Town of Avon was held on Thursday, May 11th 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 (arrived 6:05).

ABSENT:

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

VISITORS: Jeffrey Bauman, Don Mills, Cindy Kellen, Edward Forsythe, Bob Westfall, Steve Hernandez

Supervisor LeFeber called the meeting to order at 6:02 P.M. and led those in attendance in the Pledge of Allegiance.

VISITOR COMMENTS:

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

RESOLUTION #114 APPROVAL OF MINUTES

On motion of Supervisor LeFeber, seconded by Deputy Supervisor Mairs the following resolution was ADOPTED AYES 4 NAYS 0 ABSTAIN 0

RESOLVE to approve the minutes of April 27, 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 – Not present, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RE-ZONING REQUEST FROM LIVONIA, AVON & LAKEVILLE RAILROAD CORP.

Visitors, Jeffrey Bauman, Vice President of LAL RR and Don Mills, Executive Director, LivWell Community Center, were present to discuss their request to rezone 113 acres from Agriculture to Planned Development District. They feel this will make the land more marketable for future development and 30 acres of this will be for the LivWell Community Center.

Supervisor LeFeber stated that changing this parcel is consistent with the surrounding parcel.

Attorney Jim Campbell stated as part of the rezoning process, the uses will be determined by the Town Board initially since the PDD is a customizable zoning classification. The Railroad's request is for any uses permitted in General Business/Light Industrial zoning along with some others.

Attorney Jim Campbell also stated if the Board chooses to move forward with this rezoning request, he will draft a local law, refer it to the County, and schedule a public hearing and then deliberation.

Attorney Jim Campbell stated Tom Crye, Highway Superintendent, did express some concerns with there being only one access road to this parcel and how that would impact any maintenance on the road. Since this is a legitimate concern, there was some discussion on where there may be another entrance/exit.

RESOLUTION #115 AUTHORIZE ATTORNEY CAMPBELL TO WORK WITH JEFFREY BAUMAN ON THE REZONING REQUEST

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

RESOLVE to authorize Attorney Campbell to work with Jeffrey Bauman to rezone the property located at Lakeville Road, tax map number 50.-1-70.11, to meet their required needs.

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

DISCUSSION - ATTORNEY REPORT

Attorney Jim Campbell reported on the following:

- Solar committee meeting was last night, and it is going smoothly and making progress. Attorney Campbell feels there will be another 4-6 meetings which are every couple of weeks. Visitor Steve Hernandez asked about the companies who make the panels and the quality of these panels. He feels this is a huge concern for residents and testing the soil is very important.
- Continuing to work on a few items with Avon CSG2 and there is a pre-construction meeting next week.
- Supervisor LeFeber stated the correction of the PILOT with Avon on the Green is being worked on currently.
- Attorney Campbell is in the process of reviewing the State Budget and there are some solar provisions that are trying to reduce municipal home rule such as PILOT, Community Benefit Agreement, and assessed values.

DISCUSSION - MRB GROUP REPORT

Dave Willard was not present, but Supervisor LeFeber stated there is a water meeting tomorrow at the Village Hall that he will be attending.

DISCUSSION - TOWN CLERK REPORT

Town Clerk report was emailed to the Board.

DISCUSSION - HIGHWAY/WATER REPORT

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

HIGHWAY:

- **Parks & Cemetery's**
- **County driveway – Bronson Hill**
- **Ditching**
- **Black Top crossovers**
- **Maintenance guardrails**
- **Dump days**

WATER:

- **Everyday maintenance & sampling**
- **Flushing**

Councilman Coyne questioned the cost of hydrant replacement and if they done through state bids. Attorney Campbell explained the process and how buying from the same company as your hydrants is beneficial for parts that may be sporadically needed.

DISCUSSION - CODE ENFORCEMENT REPORT

Code Enforcement Officer Brian Glise reported on the following:

- Solar meetings have been great, and everyone is educating themselves on how the process works.
- Pre-con solar meeting next week for Avon CSG2
- A complaint came in about the gravel pit's berm that was removed. They had a berm that was too close to the road and NYS DOT told them they had to remove it. They are in the process of replacing it and will be required to put some vegetation on it.

DISCUSSION – SUPERVISOR LEFEBER

Supervisor LeFeber confirmed the monthly budget reports were received.

RESOLUTION #116 ACCEPT THE MONTHLY REPORTS

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

RESOLVE to accept the monthly reports for April 2023 from the Town Supervisor and from the Town Clerk.

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

RESOLUTION #117 JOINT MEETING WITH VILLAGE ON MAY 15, 2023 AT VILLAGE HALL

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

RESOLVE to a joint meeting with the Village on May 15, 2023 at the Village Hall starting at 7:00PM.

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

Councilman Drozdziel discussed the renovations change orders from all the contractors totaling \$121,169.90. He predicts that we will have some others before the project is completed.

RESOLUTION #118 APPROVAL OF CHANGE ORDER FOR THE RENOVATION PROJECT IN THE TOWN HALL

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

RESOLVE to approve the change orders for the Opera Block renovations totaling \$121,169.90.

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

Supervisor LeFeber stated Attorney Campbell reviewed the record destruction request and confirmed they are good to destroy.

RESOLUTION #119 RECORDS DISTRUCTION

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

RESOLVE to destroy records as requested and approved.

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

Supervisor LeFeber talked about the Genesee Valley Arts Grant for the 3rd floor community presentations.

RESOLUTION #120 AUTHORIZE SUPERVISOR LEFEBER TO SIGN THE GENESEE VALLEY ARETS GRANT APPLICATION

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

RESOLVE to authorize Supervisor LeFeber to sign the Genesee Valley Arts Grant application.

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

Supervisor LeFeber congratulated Bob & Gail Westfall who were celebrated as Avon’s Citizens of the Year last week.

Supervisor LeFeber stated that Michael Carroll of Studio Sales Pottery on Route 5 & 20 will be having his Pottery Festival on June 17th and 18th.

RESOLUTION #121 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2023-09 in the following amounts.

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

General Fund	Amounts totaling \$102,358.91
Highway Fund	Amounts totaling \$ 2,750.85
Water Fund	Amounts totaling \$ 72,989.72
Cemetery Fund	Amounts totaling \$ 400.00
Royal Springs	Amounts totaling \$ 1,187.58

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

Supervisor LeFeber discussed interest rates with Community Bank vs. NY Class for our investments. We moved most of our money to NY Class since they had a better interest rate and Community Bank would like us to move the money back and offered us an interest rate comparable to NY Class. There was much discussion of the benefits of moving the money back to Community Bank, and it was determined we should move the money back to Community Bank.

Supervisor LeFeber stated there are some employee compensation changes that need to be discussed as well as the Town Clerk position. Supervisor LeFeber and Councilman Drozdziel interviewed two candidates; one candidate never showed up for the interview. Supervisor LeFeber asked if the Board would like to go into session for Attorney consultation.

RESOLUTION #122 GO INTO CLOSE SESSION FOR ATTORNEY CONSULTATION

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

RESOLVE to go into closed session for Attorney consultation.

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

The Board went into closed session at 7:17PM and returned at 7:47PM

RESOLUTION #123 APPOINT A TOWN CLERK

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

RESOLVE to appoint Diana Farrell to Town Clerk position beginning on May 30, 2023.

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

RESOLUTION #124 AMEND 2023 COMPENSATION SCHEDULE

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

RESOLVE to amend the 2023 Compensation Schedule as of May 30, 2023:

Add:

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

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

RESOLUTION #125 AMEND 2023 COMPENSATION SCHEDULE

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

RESOLVE to amend the 2023 Compensation Schedule as of May 21, 2023:

Amend:

<u>Name</u>	<u>Position/Duties</u>	<u>Status</u>	<u>2023 Rate</u>	<u>2023 Rate</u>
William Rogers	Motor Equipment Operator/ Water Laborer	Full Time	\$21.76/hr.	\$24.50/hr.

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

RESOLUTION #126 AMEND 2023 COMPENSATION SCHEDULE

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

RESOLVE to amend the 2023 Compensation Schedule as of May 21, 2023:

Amend:

<u>Name</u>	<u>Position/Duties</u>	<u>Status</u>	<u>2023 Rate</u>	<u>2023 Rate</u>
Andy Pierces	Motor Equipment Operator/ Water Laborer	Full Time	\$22.62/hr.	\$24.60/hr.

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

RESOLUTION #127 AMEND 2023 COMPENSATION SCHEDULE

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

RESOLVE to amend the 2023 Compensation Schedule as of May 21, 2023:

Amend:

<u>Name</u>	<u>Position/Duties</u>	<u>Status</u>	<u>2023 Rate</u>	<u>2023 Rate</u>
Eric Hendrick	Motor Equipment Operator/ Water Laborer	Full Time	\$23.60/hr.	\$23.60/hr.

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

Supervisor LeFeber stated at the County they used a professional company to evaluate the employees’ salaries looking at compensation, benefits, and comparable positions elsewhere. He is asking for approval to get a quote from them to come in and evaluate all the Town of Avon employees.

OPEN ITEMS TOWN BOARD MEMBERS

Councilman Harrington had no items.

Councilman Coyne stated he spoke with Mr. Bruckel, and he doesn’t plan on moving the white horse unless we request it. Councilman Harrington stated he is going to contact the Church to see if they have any interest in the white horse.

Deputy Supervisor Mairs stated dump days is on Saturday, May 13, 2023.

Councilman Drozdziel stated the entranceway to the library is getting a makeover with new landscaping and handicap ramp, the library will be open just need to use the back door.

DISCUSSION - OPEN ITEMS:

Visitor Cindy Kellen asked for a copy of the rezoning request letter from the railroad, and it was given to her.

Visitor Edward Forsythe has learned a few things while attending the solar meetings. He started coming to the Board meetings to discuss the definition of service dogs. The Town uses the definition of service animals from Ag & Market but there is a definition by the Attorney General, he would like the definition corrected. It was suggested to Mr. Forsythe to bring the definition to Code Enforcement Officer Brian Glise to research.

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 8:08 P.M.

Respectfully submitted by:

Kim McDowell, Confidential Secretary to Town
Supervisor