

A regular meeting of the Town of Avon was held on Thursday, August 24, 2023 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, Councilman, Paul Drozdziel, Councilmen James Harrington, Councilmen Malachy Coyne

ABSENT: Dave Willard MRB Group Engineer.

OTHERS: Attorney Campbell, Brian Glise Code Enforcement Officer, Tom Crye, Highway/Water Supervisor and Diana Farrell, Town Clerk

VISITORS: Kitty Bressington, David A. Hoffmann, Anthony Pilato, Bob Westfall, Rachael Hayes, Edward Forsythe.

Supervisor David LeFeber called the meeting to order at 6:01 P.M. and led those in attendance in the Pledge of Allegiance.

VISITOR COMMENTS: Supervisor David LeFeber asked if there were any visitor comments and there were none.

RESOLUTION #167 APPROVAL OF MINUTES OF AUGUST 10, 2023

On motion of Councilmen James Harrington seconded by Deputy Supervisor Thomas Mairs the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0

RESOLVE to approve the minutes of August 10, 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 – LITTLE LIVINGSTON PLAY PROPOSAL

Anthony Pilato presented to the Board. Acknowledges the safety issues. Investigating another site on his property which would have separate access away from the existing trucking business and other tenants that he leases to.

DISCUSSION -JUDGE HOFFMANN POSITION FOR DEPUTY COURT CLERK

- Looking to fill Deputy position. Court is looking at 10 hours per week without Court session and 15 hours per week with Court in session. Fridays will be closed due to lack of activity as well as Wednesday afternoons. In the upcoming budget workshop, the Board will discuss with the Judges' the Deputy Court position.

DISCUSSION-ATTORNEY REPORT

Attorney Campbell gave the following report:

- Continues to work on the Avon on Green correction Pilot. Met with Supervisor LeFeber, Avon School Superintendent and Mayor Freeman to discuss the process and give an update. Bill Fuller completing the paperwork for the correction submitted to Tami Snyder, Assessor to sign. Suspect sometime in middle or end of September should be wrapped up. Refunds will be provided.
- Met with Town Clerk Diana Farrell to review all documents on Solar projects. Reviewed what we have and what needs to be done. Will be traveling to the County Clerks office to file these documents. We have all the documentation for all solar projects.
- Reviewed letter that was received from Department of Transportation. The 390-project is complete and turning over the sidewalk to the Town of Avon for maintenance. Attorney Campbell will respond to their correspondence on behalf of the Town refencing to Section of Highway of Law and suggest that Town isn't responsible for maintaining and ask for their counsel to contact him.

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye was present and gave the following report:

HIGHWAY:

- **Shop maintenance**
- **Hauled dirt**
- **Parks & Cemeteries**
- **Mowback**
- **Sackett Rd headwall**
- **Signage**
- **Armored up some x-overs**
- **Brush**
- **Patched some potholes for school**
- **Little wedging**

WATER:

- **Everyday maintenance & sampling**
- **Couple meter changes**
- **Flushed Dead-ends**

- **Lead meters to be replaced by October of 2024.**

Councilman Harrington relayed the message to Superintendent Crye that Kathy Cole stated excellent job done on Sackett Rd.

Highway Superintendent Cyre mentioned the last THM quarterly result. It was 58, which helps lower our quarterly average.

DISCUSSION- CODE ENFORCEMENT REPORT

Code Enforcement Brian Glise gave the following report:

- Response back from 5&20 solar of six comments from MRB Group must be answered by the engineer from the solar project to address the storm water management.
- Complaints about Solar on Henty Rd; alarming system going off and starting work before 7 am. It has been addressed.
- Spoke to Ms. Martin along with MRB regarding storage facility thinking of scaling back. Will be still going forward with mini-storage project.
- Next week, Attorney Campbell and Brian will be meeting on a proposal on a Cannabis Show case. This is not a Dispensary.

DISCUSSION – ENGINEERING REPORT

MRB Group Engineer Dave Willard was not present. It was discussed that Town Board received the plans for the infrastructure improvements to the Jim Steele Industrial Park. The work will begin next week with MRB and the Town Highway Superintendent will inspecting the work.

DISCUSSION – TOWN CLERK REPORT

- Working with Attorney Campbell on documentation on Solar projects
- Hunting licenses continuing; approximately \$3,100 sales to date.
- Met with surrounding Clerks and Bill Fuller at County on new Tax software. Option to change software. County is not sure on price yet. County has switched. Would like to stay consistent with the County. More information to come.

RESOLUTION #168 SCHEDULE SPECIAL BUDGET WORKSHOP

On motion of Supervisor David LeFeber seconded by Councilmen James Harrington the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0

RESOLVE to approve a special budget workshop on September 21, 2023, at 4:00 pm at the Avon Village Hall 74 Genesee St., Avon, NY.

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

RESOLUTION #169 PRESENTATION OF ALL TOWN AUDIT FOR 2022

On motion of Supervisor David LeFeber seconded by Councilmen James Harrington the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0

RESOLVE that Supervisor presented the Town Clerk the All Town Audit for 2022

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

RESOLUTION #170 ACCEPT THE CLAIMS

On motion of Supervisor David LeFeber seconded by Councilmen James Harrington the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 0.

RESOLVE to accept for payment Abstract 2023-16 in the following amounts:

Concerning ABSTRACT of Claims Number 2023-16 including claims as follows:

General Fund	Amounts totaling \$ 93,394.62
Highway Fund	Amounts totaling \$ 8,033.53
Water Fund	Amounts totaling \$ 825.00
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	No Voucher
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town of Avon Fire Protection	No Voucher
Rte. 39 Water SW2	No Voucher

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

DISCUSSION - OPEN ITEMS:

Discussion by Supervisor David LeFeber RR has asked for a letter stating Town has re-zoned the area. Letter attached.

Town of Avon

23 Genesee Street
Avon, New York 14414
Phone: (585) 226-2425
Fax: (585) 226-9299
Web Site: www.avon-ny.org

Thomas Mairs, Deputy Supervisor
Malachy Coyne, Councilman
Clara Mulligan, Historian
Brian Glise, Code Enforcement Officer
Diana Farrell, Town Clerk

David LeFeber, Supervisor
James Harrington, Councilman
Paul Drozdzziel, Councilman
Tami Snyder, Assessor
Thomas Crye, Highway/Water Superintendent

August 22, 2023

To Whom It May Concern:

At the regularly scheduled meeting on August 10, 2023, of the Town Board of the Town of Avon approved a Local Law to amend the boundaries of the Agricultural District and change a portion of such area to a zoning classification of Planned Development District, all within the Town of Avon, NY.

The area affected by this modified zoning classification is parcel 2851 and 2861 Lakeville Road, Town of Avon, NY also known as tax map parcel #55.-1-70.11.

As a result of this zoning district boundary modification, such change being subject to the following conditions and/or limitations:

Permitted Uses - Permitted Uses – The following uses are specifically permitted, subject to Site Plan approval:

Railroad first business opportunities, including transload facility to support shipping and receiving needs of area businesses that are not otherwise located on railroad property, but would benefit from rail to truck logistical assistance and accompanying warehouse space.

All uses not specifically permitted above will require further approval and issuance of a special permit by the Avon Town Board, pursuant to §130-18 H. of the Code.

Conditions of Approval - The following conditions shall apply to all future development of the rezoned property:

Prior to any development, and as a condition of seeking approval from the Town of Avon Planning Board for any proposed Site Plan, any applicant shall provide a traffic study to address flow issues concerning increased volume of traffic likely to occur at the Route 15/Bruckel Drive intersection, and how it relates to the transition between the NYS 390 exists and the local residential parcels and other commercial uses in the immediate area. Such traffic study shall also address interior connector roads and secondary access points as referenced below.

Prior to development and as a condition of seeking approval from the Town of Avon Planning Board for any proposed Site Plan, any applicant shall demonstrate to the satisfaction of the Avon Town Board and/or the Avon Planning Board that the proposed Site Plan includes interior connector roads and/or secondary access roads adequate to handle increased truck, patron and employee traffic associated with the proposed use. All proposed road segments are to be designed and constructed to the Town of Avon Site Design Criteria and shall be located in such a fashion that allows for the periodic maintenance and upkeep of Bruckel Drive.

Concept Map/Plan – The rezoning affected by this local law shall encompass the entirety of the parcel known as Tax Identifier Map Parcel No. 55.-1-70.11 (113.60 +/- acres) as shown on the concept map/plan provided as part of the rezoning request application. However, that portion of the concept map/plan that shows any improvements related to the community wellness and fitness center are specifically not considered to be part of this rezoning, nor are they deemed to be approved hereby as part of the approved concept plan.

Sincerely,

David LeFeber, Supervisor
Town of Avon

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Steve Morsch is completing the infrastructure per the CPL drawings in the Industrial Park in East Avon.

Supervisor David LeFeber and Councilmen Malachy Coyne attending a water meeting with the Village of Avon Mayor Freeman along with the Village of Lima Mayor and Bill Davis with MRB Group. A future meeting will be scheduled to see about an additional water source for the Town of Avon and Village of Lima to provide some back up water supply for each. The Village is nearing its maximum water producing capacity while maintain redundancy. Mayor Freeman stated that he would amend the water supply contract with the Town of Avon so the town could secure another water source. Supervisor David LeFeber was given permission from the Board to have a conversation with Livingston County Water Authority. The Village of Lima and the Town of Avon will investigate the Authority as a possible water source.

Councilman Paul Drozdziel discussed all Town meetings should be back to our building end of September. Contractor agrees.

Councilmen James Harrington has excused himself due to a commitment.

RESOLUTION #171 DEDUCTION ON WATER BILL

On motion of Deputy Supervisor Thomas Mairs seconded by Councilman Paul Drozdziel the following resolution was ADOPTED AYES 3 NAYS 1 ABSENT 1

RESOLVE to approve a deduction of \$65.00 for water bill for resident of Town of Avon.

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

Supervisor David LeFeber discussed a town resident who went on vacation to come back and hose split open and released water. The water department investigated it. Resident asking for a deduction on their water bill.

Visitor comments: Bob Westfall wanted to know who maintains the Littleville Cemetery. The Town of Avon maintains all Town Cemeteries.

On a motion of Supervisor David LeFeber, Councilmen Malachy Coyne seconded by the meeting was adjourned at 8:20 P.M.

Respectfully submitted by:

Diana Farrell, Town Clerk