

A meeting of the Town of Avon was held on Thursday, March 28, 2024, at 6:00 P.M. at the Avon Town Hall, 23 Genesee Street, Avon, New York 14414.

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

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

ABSENT: Dave Willard MRB Group Engineer

VISITORS: Cindy Kellen, Kitty Bressington, Bob Westfall, Carole Hayes, Kevin Sanchez, Cory Meintel

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 #49 APPROVAL OF MINUTES OF MEETING OF MARCH 14, 2024

On motion of Councilmen Harrington seconded by Councilmen Drozdziel the following resolution was ADOPTED AYES 3 ABSTAIN 2 NAYS 0

RESOLVE to approve the minutes of March 14, 2024, 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: Supervisor LeFeber – Abstain, Deputy Supervisor Mairs – Abstain, Councilman Drozdziel – Aye, Councilman Coyne - Aye, Councilman Harrington - Aye

DISCUSSION-ATTORNEY REPORT

Attorney Campbell gave the following report:

- Solar project; DG Lake Rd – underway.
- Draft lease agreement for T-Mobile
- Discussion regarding Part Town Fire District.
- Upcoming April 11, 2024 Public Hearing



DISCUSSION: Kevin Sanchez and Cory Meintel potential renters of Piranha Properties have a use not permitted under prior requests by Piranha Properties. They would like to sell and repair cars. Most of sales will be on internet, but they will have some vehicles onsite for buyer inspection. The Board asked several questions about vehicles onsite and times of operation for the inspections. The Board appeared to be in favor of the proposal business plan.

RESOLUTION #50 APPROVAL FOR ATTORNEY CAMPBELL TO DRAFT A RESOLUTION APPROVING THE USE IN THE PIRANHA PROPERTY LOCATED IN THE JIM STEELE INDUSTRIAL PARK

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

RESOLVE to approve Jim Campbell to draft a resolution for the next Town Board meeting.

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

DISCUSSION: Bob Westfall and Carole Hayes presented well organized Opera Block Third Floor Committee Responsibilities Agreement.

The Town will be contacting our Insurance Carrier to get clarity of our coverage when the facility is used for events. The Board decided to move forward with Agreement realizing that the agreement maybe modified in the future.

RESOLUTION #51 APPROVAL BUILDNG USE AGREEMENT

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

RESOLVE to approve the Building Use Agreement for the use of the 3rd Floor Opera Block.

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

TOWN OF AVON

FACILITY USE RESERVATION AGREEMENT

(Please circle requested area)

Requesting Organization:

Organization Address:

Responsible Officer:

—

Contact Information: cell: _____ Work: _____

email: _____

Dates Requested: _____ / _____ / _____ from _____ am/pm to _____
am/pm

_____ / _____ / _____ from _____ am/pm to _____
am/pm

_____ / _____ / _____ from _____ am/pm to _____
am/pm

_____ / _____ / _____ from _____ am/pm to _____
am/pm

Description of Use:

Expected Attendance: _____ Will tables and chairs be needed? ___ Yes ___ No

How many tables _____ chairs _____ The facility has 8 - 30" x 60" tables and 35 chairs available.

*** Any additional tables or chairs will be provided by an approved vendor arranged and paid for by the Responsible Party and/or Organization ***

Requesting person signature: _____ date: _____

Received Copy of Rules of Use:

_____ date: _____

Town Supervisor Signature: _____ date: _____

1. **Eligible Users.** The Facility may be used by non-profit businesses/organizations and by residents of the Town of Avon.
2. **Eligible Uses.** The Facility may be used for community related purposes associated with adult or youth recreation, community outreach, charitable events, and appropriate social events. The Facility may not be used to advance political causes, candidates, or parties. However, the Facility may be used for the valid governmental purpose of encouraging the public to participate in the democratic process and to educate and inform the public in a neutral fashion, on issues in an election.
3. **Maximum Occupancy of Event.** No event shall exceed a maximum occupancy of 125 persons, including event sponsors, guests, and other invitees.
4. **Facility Description.** Use of the Facility shall include common areas such as bathrooms, elevators, lobby, parking area, etc. as well as the stage, tables and chairs and media technology located in the Facility.
5. **Parking.** The Village has a 2-hour limit parking at the curb, additional municipal parking lot on Genesee Street south of the building as well as behind the building. **Initial: _____**
6. **Hours Available for Use.** The Facility may be used, when available, between the hours of 9:00 a.m. and 11:00 p.m., Tuesday through Sunday.
7. **Cleaning Fee.** With this Agreement, the sum of \$175.00 shall be invoiced for any cleaning costs and/or damage associated with Responsible Party’s use of the facility and any common areas (such as bathrooms, elevators, lobby, parking area, etc.) used by Responsible Party, or its guest, invitees, and agents. **Initial: _____**
8. **Indemnification and Hold Harmless.** Responsible Party shall indemnify and hold the Town of Avon, its elected officials, officers, employees, personnel and agents harmless from any and all liability, personal injury, property damage, claims, causes of action, demands, costs (including reasonable attorney fees), expenses, suits, judgments and/or liens related to, or in any way originating from Responsible Party’s use, by it or its guests, agents or invitees, of

Town of Avon property, including the Facility and any common area associated therewith, to include bathrooms, elevators, lobby, parking areas, etc. . Initial: _____

9. **Release and Waiver.** Responsible Party, on behalf of itself, Organization and any third party attendee of the Event, as a condition to granting the request for use of the Facility, hereby forever release the Town of Avon, its elected officials, officers, employees, personnel and agents and forever waives any claims against the same relating to any injury or damage to property or person resulting from or related to the use of the Facility, whether the consequence of an accident or resulting from the conduct of an elected official, officer, employee or agent, including negligence or otherwise. . Initial: _____

10. **Authority.** Responsible Party represents and warrants that he/she has current legal authority to execute this document on behalf of the Organization and bind such Organization to the terms herein.

11. **Rules for Use of Facility.** Responsible Party and all agents, employees, guests, and invitees of Organization shall abide by the following:

- The Facility and all common areas used (bathrooms, elevators, lobby, parking area, etc.) shall be left in the same or better condition than prior to use. Any tables, chairs, or other furnishings and/or equipment used for the Event shall be returned to its original location.
- All set-up of facility to be done by Organization or Responsible Party.
- Mounting of anything on walls is not allowed.
- All garbage is to be bagged and taken off site. The town does not have an onsite container service.
- All floors are to be swept with a broom as provided in the equipment room. Any spills are to be properly mopped and cleaned.
- Restroom facilities are to be left in the condition they were found.
- Minors shall be accompanied and supervised by an adult at all times.
- The entire premises is a non-smoking facility and use of cigarettes, tobacco, e-cigarettes, or cannabis is strictly forbidden.
- Besides necessary common areas such as the lobby, hallways, stairs, elevator and bathrooms, Event participants shall not enter or attempt to gain entry to any other portion of the building besides the Facility being used pursuant to this Agreement.

Initial: _____

12. **Amenities provided.**

- 8 - 30" x 60" tables
- 35 Chairs
- Projection screen and monitor
- Wi-Fi
- Microphone (limited to presentations)

13. **Attorney Fees.** Responsible Party shall pay all attorney's fees, costs and expenses incurred by the Town or any party indemnified hereunder, regarding any claim for loss or to defend any lawsuit or proceeding resulting from or in any way related to the use of Town property associated with the Event.

Initial: _____

14. **Liquor or Alcohol Use.** No Alcohol use is allowed anywhere within the Town Hall facility.

Initial: _____

15. **Cancelation/Termination.** The Town reserves the right to cancel this Agreement at any time without liability to Responsible Party. The Town further reserves the right to terminate any Event and remove or cause to be removed all participants from the Town's property, if the Town determines that the activities and/or behavior at the Event are in violation of any part of this Agreement, including but not limited to the rules in paragraph 6. above.

Initial: _____

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye was present gave written report:

HIGHWAY:

- **Snow removal**
- **Shop & equipment maintenance**
- **Ditching**
- **Changed crossover on Garden Street**
- **Finished restocking salt shed**

WATER:

- **Everyday maintenance & sampling**
- **Fixed blow off Rochester Street**
- **Fix shut off**

DISCUSSION- CODE ENFORCEMENT REPORT

Code Enforcement Brian Glise gave the following report:

- Numerous upcoming public hearings for zoning/planning department

DISCUSSION – ENGINEERING REPORT

MRB Group Engineer Dave Willard gave the following report:

- Discussed joint water tank improvement project w/ Village of Avon
- Potential inter-municipal agreement with the Village of Avon
- Discussed income survey the Village may proceed with

DISCUSSION: Supervisor David LeFeber will write letter to Village of Avon to discuss the intentions of the Village of Avon if going to survey any Town water customers.

DISCUSSION – TOWN CLERK REPORT

Diana Farrell gave following report:

- Approximately 94% of taxes have been collected. Still receiving payments. Last day to collect is April 1st. Will reconcile with County on April 9th. Foot traffic from Friday, March 15, 2024 – Thursday, March 28, 2024 – approximately 31 (town clerk only) other departments.
- Contacted Certified Document Destruction & Recycling. The shredder bins will have new locks placed next week.
- New Postage Machine from Pitney Bowes was installed.
- In the stairwell on 3rd floor the emergency box is receiving calls for Court Department. Several staff members have heard people on the box looking for Court Department. Our website designer was called and they will remove our number from Google.

RESOLUTION #52 ACCEPT THE MONTHLY REPORTS TOWN SUPERVISOR & TOWN CLERK (JANUARY & FEBRUARY 2024)

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

RESOLVE to accept the monthly reports for January & February 2024 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s January 2024 Report:

Total Local Shares Remitted:	\$ 727.18	
New York State Department of Health	\$ 0.00	
NYS Ag. & Markets for spay/neuter program	\$ 52.00	
NYS Environmental Conservation	\$ 375.82	
TOTAL	\$ 1,155.00	

Town Clerk’s February 2024 Report:

Total Local Shares Remitted:	\$ 593.38	
New York State Department of Health	\$ 45.00	
NYS Ag. & Markets for spay/neuter program	\$ 44.00	
NYS Environmental Conservation	\$ 23.62	
TOTAL	\$ 706.00	

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

RESOLUTION #53 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2024-6 in the following amounts:

Concerning ABSTRACT of Claims Number 2024-6 including claims as follows:

General Fund	Amounts totaling \$	12,930.19
Highway Fund	Amounts totaling \$	41,257.93
Water Fund	Amounts totaling \$	3,195.32
Cemetery Fund	No Voucher	
Opera Block Capital Improvement	No Voucher	
Royal Springs Lighting	Amounts totaling \$	1,255.50
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: Supervisor LeFeber – Aye, Deputy Supervisor Mairs – Aye, Councilman Drozdziel – Aye, Councilman Coyne - Aye, Councilman Harrington - Aye

RESOLUTION #54 APPROVE REQUEST ALLOWING ACCESS TO TOWN OF AVON PROPERTIES TO SURVEY EUROPEAN CHERRY FRUIT FLY PROGRAM

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

RESOLVE to approve Supervisor LeFeber to sign off on the agreement on behalf of the Town.

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

DISCUSSION – Councilman Drozdziel talked about the progress of the renovation project. He talked about a few change orders from the original contract to be completed while the contractors are onsite. The Board said go ahead and get pricing for the items that were not in the original contract. At the next Board meeting we anticipate having the figures and voting on the change orders to the original contracts. These change orders most likely will complete the improvements to the Town Hall.

OPEN ITEMS: There were none.

RESOLUTION #55 ENTER INTO EXECUTIVE SESSION

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

RESOLVE to enter executive session for the purpose of discussing employment history of an individual. The Town Board invited Attorney Campbell & Highway/Water Superintendent Crye to participate. TIME 8:20 P.M.

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

RESOLUTION # 56 CLOSE EXECUTIVE SESSION

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

RESOLVE to close executive session with no action taken at 9:02 P.M.

On motion of Councilmen Coyne, seconded by Councilmen Harrington the meeting was adjourned at 9:03 P.M.

Respectfully submitted by:

Diana Farrell, Town Clerk