

A meeting of the Town of Avon was held on Thursday, April 11, 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 James Campbell, Brian Glise Code Enforcement Officer, Dave Willard MRB Group Engineer and Diana Farrell, Town Clerk

ABSENT: Tom Crye, Highway/Water Supervisor

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 #57 APPROVAL OF MINUTES OF MEETING OF MARCH 28, 2024**

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

RESOLVE to approve the minutes of March 28, 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 – Aye, Deputy Supervisor Mairs – Aye, Councilman Drozdziel – Aye, Councilman Coyne - Aye, Councilman Harrington - Aye**

DISCUSSION: Public Hearing scheduled for 6:15 p.m. We will continue with board meeting and begin the hearing at that time.

### **DISCUSSION-ATTORNEY REPORT**

Attorney Campbell gave the following report:

- Changes to the Lease agreement for T-Mobile
- Prepared & distributed to Board members Resolution relating to new Proposed Use for Piranha tenant's online vehicle sales.
- Working on updating/organizing Solar projects including framing in Laserfishe
- Howlett Farms with drainage issues relating to solar development on Polebridge Rd; inspection on April 16th

DISCUSSION: Attorney Campbell presented the Board with the Resolution that includes the use for the online Auto Sales discussed at the last Board meeting. The following action was taken.

**RESOLUTION #58 EXPANDED USE AT PIRANHA MILLING AND PAVING**

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

RESOLVE to expanding the uses requested by Piranha Milling and Paving Contractors, LLC.

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

TOWN BOARD  
TOWN OF AVON  
COUNTY OF LIVINGSTON

**RESOLUTION**

At a regular meeting of the Town Board of the  
Town of Avon, Livingston County, State of New York,  
held at the Avon Town Hall on April 11, 2024

**WHEREAS**, the Code of the Town of Avon (hereafter “Code”) establishes the zoning classification of Planned Development District (hereafter “PDD”) as set forth in §130-18 thereof; and

**WHEREAS**, the intent of the PDD is to permit the development of land for commercial and industrial purposes where tracts of land suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis; and

**WHEREAS**, the Town Board has the authority and responsibility under §130-18 to approve of all uses contemplated in a PDD; and

**WHEREAS**, after initial approval, construction and occupancy of a PDD, §130-18 H. provides that the Town Board shall approve any changes in use by way of a Special Permit; and

**WHEREAS**, Piranha Tec Drive, LLC and/or Piranha Milling and Paving Contractors, LLC (hereafter “Applicant”) is the owner of the property known as 5665 Tec Drive, Avon New York, also known as Tax Identifier Map Parcel No.: 35.-1-13.524 (hereafter “subject property” or “parcel”) located in the James Steele Commerce Park (formerly known as the “Crossroads Commerce Park Planned Development District (hereafter “PDD”)); and

**WHEREAS**, as part of Phase 2 of Applicant’s development of said property, Applicant previously sought Site Plan Approval from the Town of Avon Planning Board (hereafter “Planning Board”) to construct two (2) 72’ x 250’ (+/- 18,000 sq. ft.) flex space

buildings and associated site improvements, as described in the Site Plans dated April 19, 2021 prepared by Land Tech Surveying & Planning P.L.L.C., and which such Site Plan approval was granted by the Planning Board on February 21, 2022; and

**WHEREAS**, pursuant to §130-18 H. of the Code, Applicant previously sought and received approval from the Town Board to utilize the two (2) 18,000 +/- square foot buildings (each building having twelve (12) individual 1,500 +/- square foot self-contained bays or units) for lease of individual units; and

**WHEREAS**, the uses that were approved by the Town Board pursuant to §130-18 H. of the Code and which resulted in the issuance of a Special Permit on February 10, 2022 were specified as:

- Landscape and landscape paver business
- various types of contracting (framers, painters, drywall, flooring, masonry, HVAC, etc.)
- car detailing
- car, boat and RV interior storage
- record storage
- wood-working that does not require a sprinkler system
- art studio
- fitness facility
- batting cage
- any purpose that is listed as a “Permitted principal use[s]” as defined in §130-16 B. of the Light Industrial District (L-1) zoning classification, excepting such uses as set forth in §§130-16 B. (5), (6) and (7) thereof; and

**WHEREAS**, pursuant to §130-18 H. of the Code, Applicant sought and on February 8, 2024, the Town Board issued a Special Permit resulting in an additional approval from the Town Board to utilize some portion or all of the units located in each of the two (2) 18,000 +/- square foot buildings approved and constructed as part of Phase 2 of Applicant’s development, for purposes of conducting trucking operations, including operation and maintenance of trucks, as well as light repairs to those trucks; and

**WHEREAS**, Applicant is now seeking additional approval from the Town Board to utilize some portion or all of the units located in each of the two (2) 18,000 +/- square foot buildings approved and constructed as part of Phase 2 of Applicant’s development, for purposes of conducting online retail sales of used automobiles, which will include detailing and light maintenance of such automobiles in preparation for sale; and

**WHEREAS**, it is the duty of the Town Board under §130-18 H. of the Code to determine what specific uses are appropriate for such self-contained bays or units that are for lease by Applicant, and to issue a Special Permit for the same; and

**WHEERAS**, the Town Board acknowledges that the Town of Avon Planning Board, as lead agency, previously conducted an appropriate environmental review under 6 NYCRR 617 (New York State Environmental Quality Review Act) and at the conclusion of such review, issued a Negative Declaration regarding Applicant's proposed amendment to his Site Plan to allow the construction of two 18,000+/- square foot buildings that constitute Applicant's Phase 2, which were to be used as flex space with multiple self-contained bays or units) for lease of individual units and which are the subject of this Resolution; and

**WHEERAS**, the Town Board has determined that the SEQR review conducted by the Planning Board is sufficient and appropriate with regard to the proposed application and request to approve the additional uses stated above, as use of the buildings such as is being requested, was contemplated during that SEQR review and the subsequent findings made by the Planning Board as part of its Site plan review and approval; and

**WHEREAS**, the Town Board has determined that the previous SEQR review and determination made by the Planning Board shall be relied upon by the Town Board in the place of the Town Board conducting it's own SEQR review and that such determination fulfills the requirements of SEQR; and

**WHEREAS**, the Town Board wishes to memorialize and specify the parameters of its approval of Applicant's request for issuance of an additional Special Permit pursuant to §130-18 H. of the Code to conducting of online retail sales of used automobiles which will include detailing and light maintenance of such automobiles in preparation for sale.

**NOW, THEREFORE**, upon motion by Supervisor LeFeber, seconded by Councilmen Harrington, it is hereby

**RESOLVED**, the Town Board determines that the SEQR review conducted by the Planning Board is sufficient and appropriate with regard to its review of Applicant's request for Site Plan approval of Phase 2 of its development, including construction of the two (2) 72' x 250' (+/- 18,000 sq. ft.) flex space buildings and associated site improvements (hereafter "Phase 2 Improvements") and the same is herein relied upon by the Town Board in the place of the Town Board conducting it's own SEQR review hat such determination satisfies the requirements of SEQR; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Avon, pursuant to §130-18 H. of the Code, hereby approves of Applicant's request for new use of the Phase 2 Improvements and authorizes a Special Permit to be issued to Applicant by the Code Department to the following extent and with the stated limitations:

1. Subject to any other restrictions in the Code or in the New York State Uniform Code (Building or Fire) and in addition to the uses previously approved by the Town Board on February 10, 2022 and February 8, 2024, Applicant, its

successors and assigns shall be permitted to use one or more of the self-contained bays or units within the existing 18,000 square foot Phase 2 buildings that are for lease by Applicant and located on the property known as 5665 Tec Drive, Avon New York, also known as Tax Identifier Map Parcel No.: 35.-1-13.524, for the purpose of conducting online retail sales of used automobiles, which will include detailing and light maintenance of such automobiles in preparation for sale, and the Code Enforcement Officer is hereby directed to issue a Special Permit for the same pursuant to §130-18 H. of the Code;

2. All on-site viewing of vehicles by customers shall be only between the hours of 8:00 a.m. – 9:00 p.m. Monday through Friday and between (9:00 a.m. and 5:00 p.m. on Saturday and Sunday;
3. At no time shall there be more than ten (10) vehicles on-site, either inside any portion of the suite or suites leased by such online retail vehicle sales business, or outside in any designated or general use parking spaces available to such online retail vehicle sales business;
4. No automobile repair shall take place as part of an online retail vehicle sales business, which shall not preclude detailing or maintenance of such vehicles in preparation for sale;
5. All previously approved uses granted by the Town Board pursuant to §130-18 H. of the Code and as set forth in a resolution dated February 10, 2022 and February 8, 2024, are hereby ratified and shall remain in full force and effect and shall apply to both existing 18,000 square foot Phase 2 buildings;
6. All restrictions set forth in the previous approval granted by the Town Board pursuant to §130-18 H. of the Code and as set forth in a resolution dated February 10, 2022 and February 8, 2024, are hereby ratified and shall remain in full force and effect and shall apply to both existing 18,000 square foot Phase 2 buildings;
7. Applicant, its successors and assigns shall not use any portion of the self-contained bays or units within the existing 18,000 square foot Phase 2 buildings for any use that is listed as a “Prohibited use[s]” as defined in §130-16 E or any other use not compliant with this approval or the previous Special Permits approved by the Town Board on February 10, 2022 and February 8, 2024;
8. Any portion of the subject property and subsequent use thereof as authorized herein shall be subject to and comply with the off-street parking and loading requirements set forth in Article VII of Chapter 130 of the Code at §130-36 through §130-38;

9. Any use of a portion of the subject property as authorized herein shall be subject to and comply with the Exterior Lighting requirements set forth in Chapter 49 of the Code;
10. Any use of a portion of the subject property as authorized herein shall be subject to and comply with the Bulk and Area Requirements set forth in Schedule A of Chapter 130 of the Code;
11. Any noise impacts related to any use of the subject property as authorized herein shall be mitigated so as to not unreasonably create a negative impact on nearby or adjacent parcels;
12. Should Applicant or its successors and/or assigns wish to utilize any portion of the subject property or the improvements thereon for a use other than what is provided for above and in the aforementioned February 10, 2022 and February 8, 2024 approvals by the Town Board, or in any way inconsistent with the provisions made herein, Applicant or its successors and/or assigns shall be required to make application for approval and issuance of a Special Permit from the Town Board, which such approval and Special Permit may be granted or denied at the sole discretion of the Town Board, and the Town Board shall have the right to refer any such application to the Planning Board for its comments prior to making a determination on the Special Permit request;
13. As a condition of the limited approvals granted herein, Applicant, its successors and/or assigns shall append, affix and maintain a copy of this Resolution to the abstract of title relating to 5665 Tec Drive, Avon New York, also known as Tax Identifier Map Parcel No.: 35.-1-13.524;
14. Any failure of Applicant or its successors and/or assigns to comply with the provisions of the Special Permit approved hereby shall subject the violator to enforcement proceedings set forth under Article XI of Chapter 130 of the Code and/or revocation of such Special Permit by the Town Board; and

**BE IT FURTHER RESOLVED**, that in reaching the above determinations, the Town Board makes the following findings pursuant to §130-18 H. of the Code:

- The request is in harmony with the general purpose and intent of the regulations set forth in §130-18 H. of the Code, taking into account the location and size of use, the nature and intensity of the operations involved and the adequacy of public facilities needed to serve the project; and
- The granting of the Special Permit applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or be

detrimental or injurious to the property and improvements in the vicinity or to the general welfare of the Town; and

**BE IT FURTHER RESOLVED**, that the above approvals of Special Permits and uses apply only to that portion of the subject property containing the 18,000 square foot buildings having the twelve (12) individual 1,500 square foot self-contained bays or units for lease that were constructed pursuant to Phase 2 of Applicants Site Plan modification approved by the Planning Board on February 21, 2022 and that any future buildings of a similar nature will require separate and additional action by the Town Board at its sole discretion, as well as approval of a Site Plan amendment from the Town of Avon Planning Board as applicable.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be formally made a part of the files maintained by the Town of Avon relating to the James Steele Commerce Park (formerly known as the “Crossroads Commerce Park Planned Development.

Dated: April 11, 2024

Vote of the Board:	David LeFeber	AYE
	Thomas Mairs	AYE
	Malachy Coyne	AYE
	Paul Drozdziel	AYE
	James Harrington	AYE

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF Avon

\_\_\_\_\_  
Diana Farrell - Town Clerk

**DISCUSSION- HIGHWAY/WATER REPORT**

Highway/Water Superintendent Crye was not present a report was submitted:

**HIGHWAY:**

- **Little snow removal**
- **Shop & equipment maintenance**
- **Ditching**

**WATER:**

- **Everyday maintenance & sampling**

**DISCUSSION- CODE ENFORCEMENT REPORT**

Code Enforcement Brian Glise gave the following report:

- Wheat solar project is progressing
- Applicant, Barely Legal Fireworks, would like an approval for set up located at 2781 Lakeville Rd. The Board discussed and will set up an Operating permit fee per occurrence.

**DISCUSSION:** The Board discussed at length the amount to charge for the Application Use Fee. The Board agreed to charge \$100 per occurrence.

**RESOLUTION # 59 AMEND FEE SCHEDULE ADDING OPERATING PERMIT**

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

RESOLVE to approve to amend the Fee Schedule for Operating Permit at \$100.00 per occurrence.

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

Diana Farrell

Town of Avon Clerk & Tax Collector

23 Genesee Street

Avon NY 14414

(585)226-2425 x 11

Demolition	\$50.00
Move/Relocate Structure	\$30.00
Truss Construction Stickers	\$25.00
Single Family Residence - with foundation	.15 sq. ft . \$200.00 Min
Single Family Residence - without foundation	.15 sq. ft . \$185.00 Min
Double/Multi-family - with foundation	.20 sq. ft . \$250.00 Min
Double/Multi-family - without foundation	.20 sq. ft . \$215.00 Min



Mobile Homes	.12 sq. ft . \$100.00 Min
Modular Homes - with foundation	.15 sq. ft . \$200.00 Min
Modular Homes - without foundation	.15 sq. ft . \$185.00 Min
Basement/Foundation/Crawl Space	\$35.00
Accessory Bldgs:	
including but not limited to: Sheds, Garages, Barns - with foundation	.10 sq. ft . \$50.00 Min
including but not limited to: Sheds, Garages, Barns - w/o foundation	.10 sq. ft . \$25.00 Min
Porches/Decks/Three Season Room	.10 sq. ft . \$50.00 Min
Interior Alterations	.12 sq. ft . \$50.00 Min
Additions	.12 sq. ft . \$75.00 Min
Fences	\$30.00
Chimney/Fireplace/Woodstove	\$40.00
Wheelchair Ramps	\$25.00
Pool – Above Ground with enclosure	\$50.00
Pool – In Ground with enclosure	\$60.00
Hot Tub	\$30.00
Re-roofing	\$40.00
Generator/Furnace/Hot Water Heater Installation	\$40.00
Tank Installation/Removal	\$25.00
Tower Construction	\$10/linear foot
Tower Collocation	\$25.00 + \$1/linear foot
Tower Equipment Repair	\$200.00
Sign Permits	\$1.50 sq.ft. \$25.00 Min
Sign Permits – Temporary	\$25.00
Site Visit – Flood Zone Interpretation	\$25.00

Additional Site Visit	\$25.00
Certificate of Occupancy/Compliance NOT under Permit	\$50.00
Permit One Year Renewal Fee	\$50.00
Commercial/Industrial	
Truss Commercial Construction Stickers	\$50.00
0 to 4,000 sq. ft floor space	.15 sq. ft.
4,001 sq. ft +	.12 sq. ft.
Commercial Storage Buildings	.10 sq. ft.
Commercial Foundations/Crawl Space	\$100.00
Special Use Permits	\$25.00
Planning Board/Zoning Board of Appeals Publication Fees	\$45.00 per notice
Area/Use Variance	\$15.00
Site Plan Review	\$50.00
Subdivision Application	\$50.00 + \$10.00 per lot
Tower Conditional Use Permit Application Fee	\$500.00
Tower Conditional Use Permit	\$1,000.00
<b>All Solar:</b>	
Type 1 & 2 Solar Energy	\$5.00/KW
Other professional fees as they apply within the code	
<b><u>Cemetery Fees:</u></b>	
Single plot (approx. 4x10) with corner markers	\$625.00
Double plot (approx. 8x10) with corner markers	\$1,200.00
Grave Opening –Adult size grave	\$650.00

Grave Opening – Still born, youth size and cremations	\$500.00
South Avon Cemetery plot (approx. 4 x 4) with corner markers	\$625.00

**Town Clerk**

**Service Fees:**

Photocopies per page	\$0.25
Fax	\$2.00
EzPass	\$25.00

**Dog Fees:**

Annual license: spayed/neutered	\$10.00
unsprayed/unneutered	\$15.00
Guide or service dog (defined Article 7 of the State Ag. & Markets Law)	\$ .00
Purebred license: 1 – 10 dogs	\$25.00
11 – 25 dogs	\$50.00
26 – more dogs	\$100.00
Replacement tag	\$3.00
Enumeration	\$5.00

**Town Code Books:**

Town of Avon Code Book - Current General Code Price	Current
Supplements	Cost of last update divided by the # of copies

Subdivision of Land – Chapter 113	\$25.00
Design Criteria and Construction Specifications for Land Development	\$25.00
Zoning – Chapter 130	\$25.00

**Peddler/Solicitor:**

For a person licensed as a hawker, peddler or solicitor:

For a period of six months or less	\$25.00
For a period in excess of six months but not for more than one year	\$100.00

For a person licensed to assist a hawker, peddler, or solicitor:

For a period of six months or less	\$15.00
For a period more than six months but not for more than one year	\$50.00

Application For Operating Permit	\$100.00
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**Water Department Fees:**

Tapping fees – short side	\$2,400.00
Tapping fees – long side	\$3,200.00
Tapping fees – state road	\$3,600.00 plus \$800.00 materials
Tapping fees – over standard 1- inch service	– as per quote

Meter Pit with above	\$700.00
Meter Pit (includes meter)	\$1,000.00 material only
	\$350.00 installation only
Termination of existing water service at water main	\$800.00
Meter & Reader	\$250.00
Shut off/turn on existing service	\$32.50 per event
Remove meter in addition to turn on/off	\$12.50 per event
Inspection	\$50.00 per visit

**Dump Day Fees: (10 tire limit)**

Motorcycle tires	\$5.00
Car and small truck sixteen inches or under	\$7.00
Large Pick-up truck or SUV tires over sixteen inches	\$15.00
Dump truck	\$25.00
Tractor tire	\$50.00
TV'S (one per household)	\$20.00

**Engineering, Attorney & Other Professional Services:**

Engineering, Attorney or Other Professional Services at actual cost to Town of Avon

**DISCUSSION – ENGINEERING REPORT**

MRB Group Engineer Dave Willard gave the following report:

- Joint meeting with Village of Avon to discuss tank projects
- Grant funding for the tank projects will require intermunicipal agreement with the Village of Avon
- Further discussion regarding the income survey the Village of Avon will conducting

**DISCUSSION – TOWN CLERK REPORT**

Diana Farrell gave following report:

- Reconciled with County on April 9<sup>th</sup>. Everything went well. Tax season is officially done. Foot traffic from Friday, March 29, 2024 – Thursday, April 11, 2024 – approximately 27 (town clerk only) other departments.
- Contacted by Judy Casler, at Cardiac Life. We discussed at length AED (Automated External Defibrillator). I explained to her that I was researching for our building as I believed it would be important to have onsite. Would like to see about a grant for 2 which would be adult/child and also 1 portable for the summer recreation program.

Supervisor LeFeber opened the Public Hearing at 6:30 p.m. and asked Attorney Campbell to read aloud the Public Hearing notice:

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN**, pursuant to the provisions of the Code of the Town of Avon, and pursuant to Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of Avon at **6:15 p.m. on Thursday, April 11, 2024**, at the Avon Town Hall, located at 23 Genesee Street, Avon, New York for the purpose of considering public opinion and comment about or concerning a proposed local law relating to the following:

A proposed local law to modify the boundaries of a certain zoning district currently known as Agricultural (A) within the Town, changing such certain specified area to a zoning classification of General Business District (B1), thereby also changing the boundaries of the General Business District (B1) within the Town. The area that is proposed to change its zoning classification is a parcel known as \_\_\_\_\_ South Lima Road, Town of Avon, County of Livingston and State of New York, also being known as Tax Identifier Map Parcel No. 55.-1-62, said area being 1.27 acres in area.

A copy of the proposed local law will be available for review by the public at the office of the Town Clerk during regular Town Clerk hours and will also be available on the Town’s website at <https://www.avon-ny.org/town-of-avon/town-home.html>.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: March 14, 2024

By Order of the Town Board of the Town of Avon  
Diana Farrell - Town Clerk

Supervisor LeFeber officially opened the hearing for comments.

No comments from the public. We reviewed the recommendations from the Livingston County Planning Board. The Avon Town Board Members were in favor of the Rezone. The action is consistent with the surrounding zoning.

**RESOLUTION #60 TO ADOPT THE COMPLETED PART 2 SEQR DOCUMENT**

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

RESOLVE to adopt the completed SEQR document.

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

**RESOLUTION #61 TO DECLARE NEGATIVE DECLARATION**

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

RESOLVE to claiming negative declaration.

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

**RESOLUTION #62 TO AUTHORIZE SUPERVISOR LEFEBER TO SIGN SEQR DOCUMENT**

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

RESOLVE to authorize Supervisor LeFeber to sign SEQRA document.

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

**RESOLUTION #63 TO CLOSE PUBLIC HEARING**

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

RESOLVE to close public hearing.

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

Documents given to Town Clerk Farrell for filing.

**RESOLUTION #64 TO ADOPT LOCAL LAW 2-2024**

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

RESOLVE to Adopt Local Law 2-2024.

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

**RESOLUTION #65 ACCEPT THE MONTHLY REPORTS TOWN SUPERVISOR & TOWN CLERK**

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

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

Town Clerk’s March 2024 Report:

Total Local Shares Remitted:	\$ 866.16	
New York State Department of Health	\$ 22.50	_____
NYS Ag. & Markets for spay/neuter program	\$ 40.00	_____
NYS Environmental Conservation	\$ 28.34	_____
<b>TOTAL</b>	<b>\$ 957.00</b>	_____

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

**DISCUSSION:** Discussion on the Court Clerk services is running ahead of budget. At the current rate of usage of allocated dollars a budget transfer before end of year will be necessary.

**DISCUSSION:** Town Highway Department will be considering at Agar Road the need to some work on parking lot. We had some unanticipated revenue from working for Livingston County which could cover this cost.



**DISCUSSION:** To date, no applications for job opening for laborer.

**RESOLUTION #66 ACCEPT LCWSA LEAD AGENT**

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

RESOLVE to approve LCWSA to be the lead agent for the Regional Water Project.

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

**DISCUSSION:** In May there will be an open water meeting to be held at the Town Hall in Lima. The topic will be a water project in Lima which could give a redundant connection to the Town of Avon.

**RESOLUTION #67 ACCEPT LETTER OF RESIGNATION OF CHAIR KATHY COLE**

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

RESOLVE to accept resignation of Kathy Cole as of May 1, 2024 from Planning Board Committee.

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

**RESOLUTION # 68 ACCEPT THE CLAIMS**

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

RESOLVE to accept for payment Abstract 2024-7 in the following amounts:

Concerning ABSTRACT of Claims Number 2024-7 including claims as follows:

General Fund	Amounts totaling \$	41,379.82
Highway Fund	Amounts totaling \$	20,990.20
Water Fund	Amounts totaling \$	2,972.87
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: 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 discussed at length the figures for the change orders to the original contracts. These change orders most likely will complete the improvements to the Town Hall.

**Contractor Change Order Log Opera Block Renovations**

**Town of Avon**

**NKB Project No. 21419/21420**

**4/11/2024**

**General Contractor - Whitney East**

**COR # COR Amount Description / Explanation**

1	\$	- Attic Insulation Substitution
2	\$ ( 6,710.00)	1st Floor Demolition reduction
3	\$ 12,686.74	OH Coiling Grill change to powered operation, soffit work
4	\$ ( 53,550.00)	Plaster Wall replacement on 3rd floor
5	\$ ( 3,585.50)	Door Frame & Hardware adds & deducts based on inventory
6	\$ ( 9,000.00)	Foundation Shoring Credit
7	\$ ( 1,500.00)	HVAC Support Platform Credit
8	\$ ( 7,325.00)	Window glazing film instead of spandrel glass
9	\$ ( 4,175.00)	Widow Guardrail
10	\$ ( 1,230.00)	Stainless Steel toilet partitions changes
11	\$ ( 1,100.00)	Toilet partitions to Overhead Braced
12	\$ ( 1,500.00)	Ceiling tile - material change
13	\$	- 2nd floor Office layout changes
14	\$ 5,895.00	1st floor Office layout changes
15	\$ 1,650.00	3rd floor stage - remove and replace window trim for Historic
16	\$ 9350.00	Lobby 1st floor resilient flooring replacement
17	\$ 115,789.00	AV Equipment (from 3rd party vendor)
18	\$ 7,500.00	Additional Paving
19	\$ 2,062.00	Additional Tile First Floor Bathroom
20	\$ 900.00	Added Plywood at Mezzanine
21	\$ 1,309.00	Remove Insulation Under Stage
22	\$ 1,425.00	Rework Ceiling Heights 1st floor
23	\$ 1,889.00	Rework Ceiling Heights 2nd floor
24	\$ 2,442.00	Addition of Canopy Storm Piping
25	\$ 16,353.00	Stairwell Treads & Landings
26	\$ 1,265.00	Additional Hand Rails
27	\$ 4,510.00	Painting Existing Stairwell
28	\$ 2,519.00	Draywall Mechanical Room Windows
29	\$ 6,597.76	Additional A/V Equipment
30	\$ (3,252.00)	Additional Door Frame & Hardware Credits
31	\$ 8,469.00	Rochester Window cleaning (option 1 = \$6,929.00)
32	\$ 71,500.00	Repair Asphalt Roof Flashing, Recoat Area on Bank Roof Section
33	\$ 14,410.00	Prep, Prime & Paint Exterior Wood Trim & Doors on East Elevation

34 \$ 5,049.00 Basement Brick Pier Replacement  
**\$ 200,643.00 Subtotal Whitney East**

**Contractor Change Order Log Opera Block Renovations  
 Town of Avon  
 NKB Project No. 21419/21420  
 4/11/2024**

**Electrical Contractor - Erie Electric**

1 \$ 1,131.84 OH Coiling grill powered operation  
 2 \$ 1,530.64 Misc. Changes on 1st floor offices - requested during work  
 3 \$ 938.95 Emergency Pull Station on 3rd floor (RFI #005)  
 4 \$ 1,157.07 Rerouting lighting circuit for Stair exterior lighting (RFI #009)  
 5 \$ 616.96 Extending Circuit for 3rd Floor Occupancy Sensor (RFI #011)  
 6 \$ 1,600.00 Office layout changes on 2nd floor - requested during work  
 7 \$ 3,200.00 Office layout changes on 1st floor - requested during work  
 8 \$ 4,022.76 Additional receptacles on 3rd floor - requested during work  
 9 \$ (380.80) Deduct water heater electrical 3rd floor  
 10 \$ 4,883.41 T&M work on 1st and 2nd floors - requested during work  
 11 \$ 5,325.81 T&M work on 2nd and 3rd floors - requested during work  
 12 \$ - Exterior canopy light fixture change (M|E)  
 13 \$ 4,981.73 Additional Card Readers for rear stair / basement entries  
 14 \$ 763.70 Replacement lights in 1st floor lobby - due to damages  
 15 \$ 4,200.00 Misc. changes - requested during punchlist  
 \$ - *Attic lighting*  
 \$ 2,500.00 Replacement of the "can" style light fixtures in stair E & D.  
 \$ 400.00 Stairwell "F" replace top & bottom light switch with motion occupancy sensor to automatically turn on/off light fixtures  
 \$ 400.00 Stairwell "D" replace top & bottom light switch with motion occupancy sensor to automatically turn on/off light fixtures  
 \$ 400.00 Provide an estimate – Stairwell "E" replace top, intermediate & bottom light switch with motion occupancy sensor to automatically turn on/off light fixtures  
**\$ 37,672.07 Subtotal Erie Electric**

**Mechanical/Plumbing Contractor - LMC**

1 \$ (65,000.00) Alt. No. 3 BMS System upgrades  
 2 \$ 1,650.00 Convert 3rd floor sprinkler system from dry to wet  
 3 \$ 4,400.00 Office layout changes on 1st floor sprinkler north line only  
 4 \$ 4,980.00 Office layout changes on 1st & 2nd floor duct work  
 5 \$ (439.42) HW Tank credit on 3rd floor  
 6 \$ 8,429.00 Additional diffusers, return grills and ductwork 3rd floor attic  
 7 \$ 4,860.00 Heat Pump access modification/ductwork 3rd floor attic  
 8 \$ 2,272.00 Reroute sprinkler lines under 3rd floor stage, chairlift / dressing room  
 \$ 500.00 Add 2 above-ceiling transfer grills at 1st floor offices  
**\$ (38,348.42) Subtotal LMC**

**Other Changes, 3rd party vendors**

\$ 46,000.00 BMS System Upgrades (Logical Controls)  
 \$ 2,379.12 Bldg-wide FA / Elevator Add-ons Erie Elec (West Fire)  
 \$ 5,491.25 Card reader installation in elevator cab (Omni)  
**\$ 73,870.37 Subtotal Other Changes**

**\$ 273,837.02 Subtotal ALL Added Contract Changes**

**\$ 2,733,181.00 Original Contract Amount: including bid add alternates #1, #2, #3**  
**\$ 3,007,018.02 Total Contract Amount**

**RESOLUTION #69 TO CHANGE CONTRACT AMOUNT WITH WHITNEY EAST**

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

RESOLVE to approve the change orders to the original contract by an addition of \$200,643.00.

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

**RESOLUTION #70 TO CHANGE CONTRACT AMOUNT WITH LMC**

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

RESOLVE to approve the change orders to the original contract by a subtraction of \$38,348.42.

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

**RESOLUTION #71 TO CHANGE CONTRACT AMOUNT WITH ERIE ELECTRIC**

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

RESOLVE to approve the change orders to the original contract by an addition of \$37,672.07.

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

**DISCUSSION:** Discussed the SunKing Contract for disposal of electronic devices collected at dump days. The board decided to hold off.

On motion of Deputy Supervisor Mairs, seconded by Councilmen Harrington the meeting was adjourned at 7:48 P.M.

Respectfully submitted by:

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Diana Farrell, Town Clerk