

A meeting of the Town of Avon was held on Thursday, July 25, 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 Drozdzziel, Councilmen Malachy Coyne, Councilmen James Harrington.

OTHERS: Attorney James Campbell, Brian Glise Code Enforcement Officer, Tom Crye, Highway/Water Supervisor, Dave Willard MRB Group Engineer, Diana Farrell, Town Clerk

VISITORS: Kitty Bressington, Bob Westfall, Judy Falzoi, Michael Sharman, Santo Viola, Mark Petroski

Supervisor David LeFeber called the meeting to order at 6:00 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.

DISCUSSION: Santo Viola and Michael Sharman were present to discuss 5695 East Avon Lima Rd. in the Town of Avon. Mr. Viola owns two parcels side by side. He is asking about combining the 2 parcels and re-zoning them. Both are currently zoned residential the discussion considered changing to commercial or PDD which is the zoning for the industrial park which borders his properties to the north. If Mr. Viola wants to proceed the Board asked the request be put in writing and submitted to the Code Department. Any change to zoning would involve the local law process.

Supervisor LeFeber read the Notices for the Public Hearings.

**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 New York State Municipal Home Rule Law §§ 10 and 23, that a public hearing shall be held by the Town Board of the Town of Avon at **6:15 p.m. on Thursday, July 25, 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 introducing a referendum item on the November 5, 2024, general election ballot, providing for the abolition of the elective office of Town Clerk and the creation of the appointive office of Town Clerk of the Town of Avon. If approved by a majority of the voters at the general election, the Town of Avon elective office of Town Clerk shall be abolished; the abolition of said elective office to take effect at the expiration of the term of office of the present incumbent at 11:59 p.m. on December 31, 2027, and a new elective office of Town Clerk shall be created, to be filled as of January 1, 2028. 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: July 11, 2024

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

Supervisor David LeFeber asked if anyone cared to speak about the topic of the Public Hearings.

Judy Falzoi-1739 Athena Drive – she was against positions being appointed. She felt she was losing some of the choices she has as a voter. It is important to her to be able to participate in selecting the office holder in each position.

Kitty Bressington-509 Collins St – she investigated other Towns in the County that have appointed positions. She is in support of moving the positions from elected to appointed. As the current local law reads a 4-year term for each position she feels the length of term is too long.

Mark Petroski – 2632 Poplar Hill Rd, Lima, NY – Mark is currently a member of the Lima Town Board. He supports the 2 positions being appointed vs elected. Being involved as an elected board member its important to realize the workings of the Town. It's important to have individuals in these 2 positions who are accountable and cooperate with the Town Board. The Highway Department budget has the largest financial impact on the community. It's important that the department run efficiently and the Highway Superintendent and Town Board work closely together to ensure taxpayer dollars are used effectively. The Town of Lima has an appointed Town Clerk and she is appointed each year at the Organizational Meeting. The current Town Clerk of Lima has been appointed for many years and this serves the Lima residents very well.

Bob Westfall- 207 Genesee St.- Bob was against making the positions appointed. After listening to the discussions, he is in support.

Tom Crye-6011 Sutton Rd- He is in support of the positions being appointed. He feels the level of accountability is greater if you are appointed than elected.

Malachy Coyne -5495 Avon East Avon Rd- He was concerned with person(s) elected to positions may not have the qualifications to properly to job.

Tom Mairs-146 North Ave- He was against making the positions appointed, but now supports the change provided the length of appointments is shortened from 4 years to 1 year.

Paul Drozdziel-255 Genesee St.- He is in favor as he feels that we currently have accountability. In the future he feels that this change will ensure the same accountability. Also, agrees with length of appointment should be considered from 4 years to 1 year.

Dave LeFeber-4910 Littleville Rd- Is in favor of going from elected to appointed. By doing this he feels that we have the best chances of accountability and cooperation for both offices.

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A proposed Local Law introducing a referendum item on the November 5, 2024, general election ballot, providing for the abolition of the elective office of Superintendent of Highways and the creation of the appointive office of Superintendent of Highways of the Town of Avon. If approved by a majority of the voters at the general election, the Town of Avon elective office of Town Superintendent of Highways shall be abolished; the abolition of said elective office to take effect at

the expiration of the term of office of the present incumbent at 11:59 p.m. on December 31, 2027, and a new elective office of Superintendent of Highways shall be created, to be filled as of January 1, 2028.

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### **RESOLUTION #109 TO CLOSE PUBLIC HEARING OF TOWN CLERK OF THE TOWN OF AVON**

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

RESOLVE to close public hearing of Local Law 3.

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

**RESOLUTION #110 TO CLOSE PUBLIC HEARING OF SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF AVON**

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

RESOLVE to close public hearing of Local Law 4.

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

**DISCUSSION:** Attorney Campbell mentioned both Local Laws are type 2 under the SEQR process and no further action is needed.

**DISCUSSION:** The Board talked about changing Section 6 of both Local Laws from four (4) years to one (1) for the appointment term.

**RESOLUTION #111 AMEND LOCAL LAW 3 TERM OF TOWN CLERK OF THE TOWN OF AVON FROM (4) YEAR TERM TO (1) YEAR TERM**

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

RESOLVE to change the term for Town Clerk from (4) to (1) year term.

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

**RESOLUTION #112 AMEND LOCAL LAW 4 TERM OF SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF AVON FROM (4) YEAR TERM TO (1) YEAR TERM**

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

RESOLVE to change the term for Highway Superintendent from (4) to (1) year term.

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

**RESOLUTION #113 AUTHORIZE ATTORNEY CAMPBELL TO SUBMIT THE PROPOSITIONS TO BOARD OF ELECTIONS**

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

RESOLVE to authorize Attorney Campbell to send the proposed propositions for ballot to Board of Elections.

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



## **RESOLUTION #114 APPROVAL OF MINUTES OF MEETING OF JULY 11, 2024**

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

RESOLVE to approve the minutes of July 11, 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-ATTORNEY REPORT**

Attorney Campbell was present, and report was given:

- Short Term Rental. The Planning & Zoning Board provided the Town Board with draft language for a proposed Local Law. Attorney Campbell and the Board will be reviewing further and discussing at a future meeting.
- IMA (Intermunicipal Agreement) involving the joint tank project is in rough draft. He had Jason Molino from LCWA review the draft. Councilmen Harrington had some questions about the language and procedure of getting a final document in place. Attorney Campbell is working with the Village attorney to accomplish this.
- Working with Brian Glise on the Steele Estate Subdivision located on Route 15.
- Amanda Murphy dog case. The fence is up. Have been exchanging emails with her attorney to ensure that the determination of the Avon Town Count is followed. Code Officer Glise will coordinate with Livingston County Dog Control to do a final inspection of the fenced in area. The dogs have been spayed.

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

Highway/Water Superintendent Crye was present and report was given:

#### **HIGHWAY:**

- **Parks & cemetarys mowed & weed eating**
- **School**
- **Trees, Limbs & Brush storm & driveways**
- **Restock shop**
- **Helped Town & Village of Lima**
- **Cleaned shop & equipment**

#### **WATER:**

- **Everyday maintenance & sampling**
- **Meter reading**

**DISCUSSION** – Highway/Water Superintendent Crye, Supervisor LeFeber and Councilmen Coyne interviewed a potential Highway MEO. Colin Ellsworth will be offered the position. His start date will be August 5, 2024 after a full physical is complete. Also will send him to Livingston County for this CDL License class.

**RESOLUTION #115 APPROVE HIGHWAY MEO COLIN ELLSWORTH**

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

RESOLVE to approve hiring Colin Ellsworth for the Highway MEO position at \$20/hr. provided he passes a physical examination. He is under the age of eighteen (18) and is only allowed by NYS Labor Law to work 8 hours per day. He must also sign the employee handbook.

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

**RESOLUTION #116 AMEND 2024 COMPENSATION SCHEDULE**

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

RESOLVE to amend the 2024 Compensation Schedule as of August 5, 2024:

Add:

Colin Ellsworth, Town of Avon MEO \$20/hr

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

**RESOLUTION #117 APPROVAL OF MID-YEAR BUDGET TRANSFER**

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

RESOLVE to approve mid-year budget transfers.

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

PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 7/25/24 MEETING:

**GENERAL FUND - TOWNWIDE**

		<b>UNANTICIPATED REVENUE</b>	
<i>Transfer From:</i>			
	AA.1090.000	Interest & Penalties on Prop Tax	\$ 10,317.00
	AA.2401.000	Interest	\$ 10,700.00
			<u>\$ 21,017.00</u>
 <i>Transfer To:</i>			
	AA.1380.400	Fiscal Agent, Contr Exp	\$ 1,458.00
	AA.7310.400	Youth Service Contr Exp	\$ 15,000.00
	AA.8160.100	Refuse Pers Serv	\$ 1,165.00
	AA.9010.800	State Retirement	\$ 3,394.00
			<u>\$ 21,017.00</u>

**GENERAL FUND - OUTSIDE VILLAGE**

		<b>UNANTICIPATED REVENUE</b>	
<i>Transfer From:</i>			
	AA.2401.000	Interest & Earnings	\$ 1,300.00
			<u>\$ 1,300.00</u>
 <i>Transfer To:</i>			
	BB.6410.400	Publicity Contr Exp	\$ 1,300.00
			<u>\$ 1,300.00</u>

**HIGHWAY FUND - TOWNWIDE**

<i>Transfer From:</i>			
	DA.5148.400	Services Other Gov't Contr Exp	\$ 572.00
		<b>UNANTICIPATED REVENUE</b>	
	DA.2401.000	Interest & Earnings	\$ 1,478.00
			<u>\$ 2,050.00</u>
 <i>Transfer To:</i>			
	DA.5142.400	Snow Removal Contr Exp	\$ 572.00
	DA.9060.801	Hosp. & Med. Insurance H.S.A	\$ 1,478.00
			<u>\$ 2,050.00</u>

**HIGHWAY FUND - OUTSIDE VILLAGE**

<i>Transfer From:</i>			
	DB.5110.40	General Repairs Contr Exp	\$ 222.00
			<u>\$ 222.00</u>
 <i>Transfer To:</i>			
	DB.9060.801	Hosp. & Med. Insurance H.S.A	\$ 222.00
			<u>\$ 222.00</u>



**WATER FUND**

<i>Transfer From:</i>	SW.1990.400	Contingency	\$ <u>2,025.00</u>
			\$ <u>2,025.00</u>
 <i>Transfer To:</i>	 SW.1440.400	 Engineer Contr Exp	 \$ <u>2,025.00</u>
			\$ <u>2,025.00</u>

APPROVED
  NOT APPROVED

SIGNATURE - SUPERVISOR	DATE
SIGNATURE - COUNCILPERSON	DATE
SIGNATURE - COUNCILPERSON	DATE
SIGNATURE - COUNCILPERSON	DATE
SIGNATURE - COUNCILPERSON	DATE

**DISCUSSION:** Supervisor LeFeber stated that August 1, 2024 will be the last payment on the water project bond from 2004.

**DISCUSSION- CODE ENFORCEMENT REPORT**

Code Enforcement Brian Glise was present, and report was given:

- Working on website for Code Department

- Charging fees for not having inspections
- Re-vamped applications for pools/desks/fence to 1 page
- 5&20 recent pictures of water from past several storms
- Steele Subdivision – 5 parcels 1.43
- Amanda Murphy fence has not been inspected

**DISCUSSION – ENGINEERING REPORT**

Dave Willard from MRB was present, and nothing to report:

**DISCUSSION – TOWN CLERK REPORT**

Diana Farrell was present, and report was given:

- Foot traffic for the Clerk’s office from June 28<sup>th</sup>-July 25<sup>th</sup> is 85.
- Working on website re-design
- A proposal for an AED for Town Hall (HeartStart FRx Defibrillator)
- Training for AED for staff with Sports Medicine Concepts located locally in East Avon. The cost will be \$36.00 per person.

**RESOLUTION #118 APPROVE THE PURCHASE OF AED (AUTOMATED EXTERNAL DEFIBRILLATOR) FOR TOWN HALL**

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

RESOLVE to approve the purchase of AED in the amount of \$1,905.85.

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

Emergency Skills, Inc.  
 305 7th Ave, Suite 1100  
 New York, NY 10001  
 212-564-6833  
 sarahg@emergencyskills.com  
 www.emergencyskills.com

**Proposal**



ADDRESS
Diana Farrell Town of Avon 25 Genesee Street Avon, New York 11414

SHIP TO
Diana Farrell Town of Avon 25 Genesee Street Avon, New York 11414

PROPOSAL #	DATE
6409	07/03/2024

PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

DATE	ACTIVITY	QTY	RATE	AMOUNT
	<b>861304</b> HeartStart FRx Defibrillator, includes one battery and one single use SMART PADS II. AHA G2005/G2010 compliant. Serial Number: Defibrillation Pads Expiration Date: Install battery before:	1	2,099.00	2,099.00
	<b>861304:989803139251</b> Carrying Case FRx	1	164.00	164.00
	<b>861304:989803139261</b> HeartStart SMART Pads II Pads Expiration Date: Pads Lot #:	1	64.00	64.00
	<b>861304:989803139311</b> Infant/Child Key	1	115.00	115.00
	<b>68-PCHAT</b> Fast Response Kit: CPR mask, gloves, scissors, razor & towel in clip-on case	1	54.00	54.00
	<b>Wall Cabinets:Wall Cabinet - 989803136531</b> AED Alarmed Wall Cabinet, Basic	1	350.00	350.00
	<b>989803170921</b> AED Wall Sign - Red Tri-fold	1	40.00	40.00
	<b>Discount - AED Units and Accessories</b> Discount - AED Units and Accessories 35%	1	-1,010.10	-1,010.10
	<b>Shipping</b> Shipping	1	29.95	29.95
	<b>Non-ESI MD</b> Non-ESI Medical Direction: Please provide contact information for doctor overseeing your AED.  Name: _____ Address: _____ City/State/Zip: _____	1	0.00	0.00
	<b>TOTAL</b>			<b>\$1,905.85</b>

**DISCUSSION:** The Board discussed training of the Town employees on the AED use and BLS skills verification. Town Clerk will gather alittle more information about cost and extent of the training. The board will have further discussion at the next meeting.

**RESOLUTION #119 SCHEDULE PUBLIC HEARING FOR UNIT CHARGE SPECIAL DISTRICT**

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

RESOLVE to set the hearing for 6:30 p.m. August 8, 2024 at the Avon Town Hall, 23 Genesee Street, Avon.

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

**DISCUSSION:** Supervisor LeFeber discussed the 2025 tentative budget will be worked on soon. Kim McDowell will be sending out Department Head requests.

**RESOLUTION #120 ACCEPT THE CLAIMS**

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

RESOLVE to accept for payment Abstract 2024-14 in the following amounts:

Concerning ABSTRACT of Claims Number 2024-14 including claims as follows:

General Fund	Amounts totaling \$	16,377.34
Highway Fund	Amounts totaling \$	7,804.28
Water Fund	Amounts totaling \$	354.00
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: Supervisor LeFeber – Aye, Deputy Supervisor Mairs – Aye, Councilman Drozdzziel – Aye, Councilman Coyne - Aye, Councilman Harrington - Aye**

**OPEN ITEMS TOWN BOARD MEMBERS**

Councilman Drozdziel stated that the signage throughout the building is almost complete. They will be returning to finish.

**VISITOR COMMENTS:**

Kitty Bressington stated that signage looks great. Also wanted to know if the Village of Avon Mayor has reached out to Supervisor LeFeber to schedule a joint meeting. Supervisor LeFeber said not at this time.

Judy Falzoi asked the Board to look into mass notification of Avon residents of urgent matters.

On motion of Deputy Supervisor Mairs seconded by Councilmen Harrington the meeting was adjourned at 8:01 P.M.

Respectfully submitted by:

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Diana Farrell, Town Clerk