

A REGULAR MEETING TOWN OF AVON, NOVEMBER 21, 2024

A Regular meeting of the Town of Avon was held on Thursday, November 21, 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 Malachy Coyne, Councilmen James Harrington.

OTHERS: Attorney James Campbell, Brian Glise Code Enforcement Officer and Diana Farrell, Town Clerk

ABSENT: Councilmen Paul Drozdziel, Dave Willard MRB Group Engineer, Tom Crye, Highway/Water Supervisor

VISITORS: Kim McDowell, Jared Rene (LCSO), Brian Shannon, Cindy Kellen, Tami Snyder, Kitty Bressington, Charles Bailey, Brian Kladke

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 was one.

Chuck Bailey lives on Linden St in the Town. He would like the Town Board to know that he and Steve Werth are running for Fire Commissioners at the East Avon Fire Department. He would like your support and help get Town voters to vote on December 10, 2024 from 6pm-9pm.

RESOLUTION #182 ENTER INTO EXECUTIVE SESSION

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to enter executive session for the purpose of discussing the employment history of a particular individual. The Town Board invited Attorney Campbell, Brian Glise Code Enforcement Officer, Kim McDowell, Code Clerk, Brian Shannon to participate. TIME 6:10 P.M.

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

A REGULAR MEETING TOWN OF AVON, NOVEMBER 21, 2024

RESOLUTION #183 CLOSE EXECUTIVE SESSION

On motion of Councilman Coyne, seconded by Councilman Harrington the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to close executive session with no action taken at 6:35 P.M.

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

DISCUSSION: Brian Kladke would like the Board to accept his application for an automotive repair shop in the Piranha Flex building. Looking to repair cars and light trucks that are gas and diesel engines. The Board asked Attorney Campbell to draft a Resolution to allow the use.

RESOLUTION #184 APPROVAL TO REQUEST ATTORNEY CAMPBELL TO DRAFT RESOLUTION FOR THE NEXT TOWN BOARD MEETING TO ACCOMDATE THE REQUEST ASKED BY BRIAN KLADKE LOCATED AT THE NORTH PIRANHA FLEX BUILDING

On motion of Deputy Supervisor Mairs seconded by Councilmen Harrington the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to approve Attorney Campbell to draft the resolution.

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

DISCUSSION-ATTORNEY REPORT

Attorney Campbell was present, and report was given:

- Working on updating two Decommissioning Agreements on existing Solar Projects.

DISCUSSION: Jared Rene Deputy with the Livingston County Sheriff's Department. Currently assigned with Community policing Unit. He spoke about the Teen Cadet Program. This program exposes young adults to the activities and day-day functions of law enforcement. They focus on high school aged students throughout the County.

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

RESOLUTION #185 APPROVAL OF MINUTES OF MEETING OF NOVEMBER 7, 2024

On motion of Councilmen Harrington seconded by Deputy Supervisor Mairs the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to approve the minutes of November 7, 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 – Absent, Councilman Coyne - Aye, Councilman Harrington - Aye

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye was not present, written report was given:

HIGHWAY:

- Ditching Mill Street
- Brushwolf mowing
- Shop maintenance - equipment

WATER:

- Everyday maintenance & sampling
- Servicing PRV's, Tower, Tank, Coyne's Altitude valve
- Long side service – Lake Road

Supervisor David LeFeber asked Assessor Tami Synder if she had anything to discuss and she stated nothing at this time.

DISCUSSION- CODE ENFORCEMENT REPORT

Code Enforcement Brian Glise was present, and a report was given.

- Inquiry about signage at Piranha identifying businesses located at the site
- Lake Rd Solar has started construction
- Twin Cedar currently has 10 open permits

DISCUSSION – ENGINEERING REPORT

Dave Willard from MRB was not present.

DISCUSSION – TOWN CLERK REPORT

Diana Farrell was present, and report was given:

- Foot traffic at the Clerk’s office from November 8, 2024 to November 21, 2024 approximately ~ 55.
- Continue to work on dog licenses, notary, DEC sales, marriage licenses.
- Next week building closed Thursday and Friday for Thanksgiving. I have a marriage license on Friday at 1:00pm. The office will remain closed. December 6th Clerk’s office will be closed as I will be out of town.
- Received a request for use of 3rd Floor on April 14, 2025. Once closer will bring to Board for approval.

DISCUSSION: Mayor Hayes approached Supervisor LeFeber about offering the inspection services for the Town’s portion of the joint tank project at \$5,000 less than the MRB proposed cost. At a future meeting we will discuss the Village’s offer.

Supervisor LeFeber also discussed that he will be meeting with the Avon Central School Superintendent Ryan Piccate and Mayor Robert Hayes on November 26, 2024.

RESOLUTION #186 INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF AVON AND LIVINGSTON COUNTY TO SHARE ASSETS

—
On motion of Deputy Supervisor Mairs seconded by Councilman Harrington the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to approve the Intermunicipal Agreement between the Town of Avon and Livingston County to share assets.

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



LIVINGSTON COUNTY HIGHWAY DEPARTMENT

Jason Wolfanger
Superintendent

Shannon Rice
Deputy Superintendent

Elaine D. Szoczei
Admin. Manager

4389 Gypsy Lane
Mt. Morris, NY 14510
Phone (585) 243-6700
Fax (585) 243-6715

Zac Cracknell
Deputy Superintendent

Shaun Metcalfe
Deputy Superintendent

November 4, 2024

To: Town Supervisors & Village Mayors

From: Elaine D. Szoczei
County Highway Dept.

RE: 2025 Inter-municipal Agreement

This letter is to formally advise you that the current Inter-municipal/Services Sharing Agreement is due to expire on 12/31/2024. This is an **extension year**, and the term of this extension shall be from January 1, 2025 to December 31, 2025.

The following is REQUIRED in order for the contract to be valid and must be returned to the Livingston County Highway department.

Sign the Letter of Agreement to Extend the Intermunicipal Agreement (for equipment, machinery, tools and services sharing) contract extension.

Provide us with an approved TOWN/VILLAGE resolution.

Provide an update certificate of Insurance with Additional Insured Endorsement for both General Liability and Auto. The end date on the COI should be AFTER 01/01/2025. If it is not, I will need a new one as soon as it becomes available.

If you have any questions, please call the office.



LIVINGSTON COUNTY HIGHWAY DEPARTMENT

Jason Wolfanger
Superintendent

Shannon Rice
Deputy Superintendent

Elaine D. Szoczei
Admin. Manager

4389 Gypsy Lane
Mt. Morris, NY 14510
Phone (585) 243-6700
Fax (585) 243-6715

Zac Cracknell
Deputy Superintendent

Shaun Metcalfe
Deputy Superintendent

**Letter of Agreement to Extend the Intermunicipal Agreement
For Equipment, Machinery, Tools, and Services Sharing
(January 1, 2025 – December 31, 2025)**

November 4, 2024

Town of Avon
23 Genesee Street
Avon, New York 14414

The parties hereto agree to extend the terms of the Intermunicipal Agreement originally made effective January 1, 2023, for an additional term of one (1) year to terminate on December 31, 2025. This is the second of five renewal options being exercised under the originally executed Agreement. For this renewal year, the parties agree to follow the equipment and wage schedules that will be effective as of January 1, 2025. The parties further agree that pricing for equipment, machinery, and tools shall be modified as specified in the attached schedule (reflects a 5% increase). All other terms and conditions of the original Agreement, not otherwise modified by this Letter of Agreement, shall remain in full force and effect.

COUNTY OF LIVINGSTON

By: David L. LeFeber, as Board Chairman

TOWN OF AVON

By: David L. LeFeber, Supervisor

A handwritten signature in black ink, appearing to read "David L. LeFeber", written over a horizontal line.

RESOLUTION #187 STATE SNOW & ICE AGREEMENT BETWEEN LIVINGSTON COUNTY AND TOWN OF AVON

On motion of Councilman Harrington seconded by Councilman Coyne the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to approve the NYS Snow & Ice agreement.

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



LIVINGSTON COUNTY HIGHWAY DEPARTMENT

Jason Wolfanger Superintendent	Shannon Rice Deputy Superintendent	Elaine D. Szoczei Admin. Manager	4389 Gypsy Lane Mt. Morris, New York 14510 Phone (585) 243-6700 Fax (585) 243-6715
Zac Cracknell Deputy Superintendent	Shaun Metcalfe Deputy Superintendent		

November 15, 2024

RECEIVED
NOV 20 2024
[Signature]

To: Town Supervisors & Town Clerks

From: Elaine D. Szoczei
Heather Dulaney

Re: Extension of State Snow & Ice Control Agreement between State & County for the time frame 07/01/2024-06/30/2029

The State is requesting an extension to the existing agreement between the State & County covering **State Snow & Ice Control**. The original agreement specified the term of the agreement shall be for five years and at least one year prior to the expiration of each five-year term the municipality shall notify the commissioner that the term of the agreement is extended five years, or not to extend, at that point the contract would remain the same until the end of the current five-year contract. This is to protect the State and the municipalities so that any drastic changes by either party will be known in advance of implementation.

The State has asked that the County extend the agreement between NYS and the County to include the time from 07/01/2024 until 06/30/2029. Before the County can execute this agreement, we must be sure that the Towns will perform the snow and ice control work on the State Roads, as our subcontractors, as before.

- 1. Please confirm this at your next board meeting by passing a resolution.**
- 2. Please sign the contract and return it to the County Highway Dept.**

We request this be returned to the Livingston County Highway Department by January 15, 2025.

Thank you in advance for your attention to this matter.

A REGULAR MEETING TOWN OF AVON, NOVEMBER 21, 2024

STATE ROADS

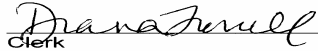
SNOW & ICE CONTROL

RESOLVE, that the agreement which became effective July 1, 1974, between the County of Livingston and this Town, relating to the control of snow and ice on the State Highways within this Town, and such adjacent territory within said County as might be agreed upon by the County and the Town Superintendent of Highways, and the changes and modifications of said agreement heretofore approved by this Town, be and the same hereby are Extension #1, for an additional 5 year period 07/01/2024-06/30/2029 as per NYS Agreement to Extend Municipal Snow & Ice Agreement, Contract#D014744, Ext. Period 2024-2029.

State of New York
County of Livingston

I, **Diana Farrell**, Town Clerk of the **Town of Avon**, DO HEREBY CERTIFY that I have compared the foregoing with the original resolution duly adopted by the Town Board of the said Town on the 22nd day of December, 2024 and that the foregoing is true and correct copy of said original resolution, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Town this 22nd day of December, 2024.


Clerk

A REGULAR MEETING TOWN OF AVON, NOVEMBER 21, 2024

Contract #	Municipality	Ext. Period	Region #	Extension #
D014744	LIVINGSTON COUNTY	2024-2029	4	1

AGREEMENT TO EXTEND MUNICIPAL SNOW AND ICE AGREEMENT

Time and Materials **Fixed Lump Sum** **Indexed Lump Sum**

This Agreement made this _____ day of _____, _____ by and between THE PEOPLE OF STATE OF NEW YORK (hereinafter referred to as "STATE"), acting by and through the Commissioner of Transportation of the State of New York (hereinafter referred to as "COMMISSIONER"), and the _____ of the _____ LIVINGSTON COUNTY _____ (hereinafter referred to as "MUNICIPALITY") as follows:

WHEREAS, the COMMISSIONER and the MUNICIPALITY have entered into an Agreement No. ____ D014744 ____ entitled Municipal Snow and Ice Agreement between the New York State Department of Transportation and the Municipality of _____ LIVINGSTON COUNTY _____ dated ____ 8/20/2020 ____; and

WHEREAS, the term of the said Agreement is for a period of five years commencing July 1, 2019 and the said Agreement provides that the parties may at the end of each 5-year term of the Agreement extend such term for an additional five years; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, 2024; and Section 1 of said Agreement allows up to a maximum of three extension periods of five years each for a maximum contract life of twenty years;

WHEREAS, Section 7 of the said Agreement provides that the COMMISSIONER shall furnish the MUNICIPALITY with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement.

WHEREAS, Sections 9 &10 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the COMMISSIONER subject to the aforementioned provisions at the time for extension of the Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and benefits between the parties,

WITNESSETH:

1. The aforementioned Snow and Ice Agreement between New York State Department of Transportation and the MUNICIPALITY" is hereby extended for a period of five years; now to expire on June 30, 2029, unless further extended.
2. The State Highways or parts thereof affected by this Agreement are as delineated on the attached map, agreed upon by the COMMISSIONER and the MUNICIPALITY, which shall be effective for the remainder of the term of the Agreement commencing July 1, 2024, unless changed by future agreement between the COMMISSIONER and the MUNICIPALITY.
3. All the terms and conditions of the original contract remain in effect except as follows. The estimated expenditure specified in Section 9 of the aforementioned Agreement shall be \$ 664,147.54 for 270.0 lane miles for each year of this five-year extension period, for a grand total of \$ 3,320,737.70, commencing July 1, 2024, unless changed by future update.
4. This Agreement incorporates the June 2023 version of Appendix A, replacing the previous version dated January 2014 MUNICIPALITY" is hereby extended for a period of five years; now to expire on June 30, 2029, unless further extended.

IN WITNESS WHEREOF, This Agreement has been executed by the State, acting by and through the duly authorized representative of the COMMISSIONER, and the MUNICIPALITY, which has caused this Agreement to be executed by its duly authorized officer on the date and year first above written.

RESOLUTION #188 AUDIT TOWN CLERK & COURT DEPARTMENT OFFICES

On motion of Councilman Harrington seconded by Councilman Coyne the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to audit the Town Clerk & Court Departments in February/March 2025 to be conducted by Deputy Supervisor Mairs.

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

RESOLUTION #189 ACCEPT THE CLAIMS

On motion of Deputy Supervisor Mairs seconded by Councilman Coyne the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to accept for payment Abstract 2024-22 in the following amounts:

Concerning ABSTRACT of Claims Number 2024-22 including claims as follows:

General Fund	Amounts totaling \$ 16,755.80
Highway Fund	Amounts totaling \$ 7,695.44
Water Fund	Amounts totaling \$ 54,257.40
Cemetery Fund	Amounts totaling \$ 1,000.00
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 – Absent, Councilman Coyne - Aye, Councilman Harrington - Aye

OPEN ITEMS TOWN BOARD MEMBERS

Councilman Harrington asked about the website. It's getting close to being live.

Supervisor LeFeber stated that Kenny Rowe will be invited to a future meeting to discuss the cemetery. Also Kathy Cole recognition is forthcoming.

Supervisor LeFeber stated that the Board will be going into executive session.

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

RESOLUTION #190 ENTER INTO EXECUTIVE SESSION

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to enter executive session for the purpose of discussing the employment history of a particular individual. The Town Board invited Brian Glise Code Enforcement Officer and Rick McGrain to participate. TIME 7:15 P.M.

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

RESOLUTION #191 CLOSE EXECUTIVE SESSION

On motion of Councilman Coyne, seconded by Councilman Harrington the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to close executive session with no action taken at 7:30 P.M.

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

A REGULAR MEETING TOWN OF AVON, NOVEMBER 21, 2024

On motion of Councilman Coyne seconded by Councilman Harrington the meeting was adjourned at 7:35 P.M.

Respectfully submitted by:

Diana Farrell, Town Clerk