

A regular meeting of the Town of Avon was held on Thursday, August 8, 2019 at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, with the following members present:

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

OTHERS: Code Enforcement Officer Brian Glise and Town Clerk Sharon M Knight  
MMC/RMC

VISITORS: Janet Manko, Carolyn McKee and Bob McKee

Supervisor LeFeber called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance.

### **DISCUSSION – VISITORS COMMENTS**

Supervisor LeFeber asked for visitor comments stating that the public hearing from the last meeting for LA&L Railroad is still open.

Visitor Janet Manko asked about the Avon Corn Festival banner not being hung. Supervisor LeFeber stated that was to be completed by the Village and the weather is windy and rainy.

### **RESOLUTION #144 APPROVAL OF MINUTES**

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

RESOLVE to approve the minutes of June 27, 2019, 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 Harrington – Aye, Councilman Coyne – Aye, Deputy Supervisor Mairs – Aye, Supervisor LeFeber – Aye**

### **DISCUSSION – CODE DEPARTMENT**

Code Enforcement Officer Glise reported on the following.

An update on Tec Drive was provided.

We have received a couple of complaints - long grass and garbage stuff.

**DISCUSSION – CODE DEPARTMENT-continued**

A meeting with MRB Group will be held next week regarding use of the third floor. Councilman Coyne reported that there was confusion on which Engineer would be providing information (Bero or MRB Group). Bero has provided some information for the grant application but not regarding building code or use of the third floor. MRB Engineer Group and The Code Enforcement Officer will get together to discuss the usability of the third floor both now and in the near future. Code Enforcement Officer Glise provided the number of people versus the number of exits.

Councilman Drozdziel asked for an update on Matthew's Bus regarding the tearing off the East side walls of the building. Code Enforcement Officer Glise responded it will be replaced after equipment is put in the building.

Councilman Drozdziel asked for an update on Pioneer, have they conformed to our code? Code Enforcement Officer Glise responded they purchased extra land and a detention/retention pond is being installed.

Councilman Harrington questioned if the front lot across from Pioneer that is owned by Pioneer was strictly to be used for of their own personal vehicles. Code Enforcement Officer Glise responded there was only discussion at a Planning Board meeting, but it was not included in the action of any Board.

Board Members requested Code Enforcement Officer Glise review the road frontage requirements for Pioneer to make sure they are complying.

**DISCUSSION – TOWN CLERK REPORT**

Town Clerk Knight reported on the following:

- Communications were received and forwarded to the Town Board via email:

New York State Department of State 5<sup>th</sup> Annual Local Government  
Innovation Conference  
Town of Geneseo – Legal Notice Geneseo Mixed-Use Development  
#81.-1-29.114  
Preliminary Agenda Liv. Cty. Planning Department

2020 PILOTS were provided and will be used for planning the 2020 Town of Avon budget.

A contract with Tom Bartolini was provided to the Board for consideration.

**DISCUSSION – TOWN CLERK REPORT-continued**

Town Clerk Knight scheduled a vacation day on Friday, however; Deputy Town Clerk Zapf will be attending a funeral service and will out of the office. Plans were changed and the office will be open until noon. The office will be closed on Friday August 9<sup>th</sup> as both Town Clerk Knight and Deputy Ellen Zapf will be on vacation. Councilman Drozdziel requested to post on our website.

There was a lengthy discussion on the recommendation to amend the fee schedule and the Board took the following action.

**RESOLUTION #145 AMEND 2019 FEE SCHEDULE**

On motion of Councilman Harrington, seconded by Deputy Supervisor Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to amend the 2019 Fee Schedule by

REMOVING:

**Dog Fees:**

Annual license: spayed/neutered	\$10.00
unsprayed/unneutered	\$15.00
Certified Therapy Dog	\$ .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

ADD:

**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

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

**RESOLUTION #146 AUTHORIZE SUPERVISOR TO SIGN A CONTRACT WITH THOMAS BARTOLINI**

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

RESOLVE to allow Supervisor LeFeber to sign a contract with Thomas Bartolini to provide a photobooth for the Holiday Spectacular in December.

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

**DISCUSSION – OPEN PUBLIC HEARING.**

Supervisor LeFeber read the following legal notice:

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

The tentative 2019 special assessment roll (to be used for the 2020 tax bills) of the Route #39 Water Extension, Royal Springs Subdivision Lighting, and the Bruckel Drainage District has been completed and is on file at the Avon Town Clerk's Office, 23 Genesee Street, Avon, New York 14414 for review during regular business hours. The special assessment rolls indicate how many units you will be charged for water extension, drainage and/or lighting on your property tax bill for 2020.

The Avon Town Board will hold a public hearing for owners of properties located within the above-described districts on Thursday, August 8, 2019 at 6:30 P.M. in the Avon Town Hall/Opera Block, 23 Genesee Street, Avon, New York 14414 to hear objections to the special assessment roll and further give notice by mail to each property owner with unit charges on their tax bill.

By order of Town Board  
Sharon M. Knight MMC/RMC, Avon Town Clerk  
Dated: July 25, 2019  
To be published: August 1, 2019

Supervisor LeFeber asked for any comments and there were none. The Public Hearing was left open.

**RESOLUTION #147 AMEND THE COMPLENSATION SCHEDULE**

On motion of Councilman Coyne, seconded by Deputy Supervisor Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

**RESOLVE** to amend the 2019 Compensation Schedule by adding the following:

Zapf, Jordan Clerk to the Town Justice Part Time \$14.00/hr. \$14.00/hr.

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

**RESOLUTION #148 ACCEPT THE MONTHLY REPORTS**

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

**RESOLVE** to accept the monthly reports for July 2019 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk’s July 2019 Report:

Total Local Shares Remitted:	\$1,872.83
<u>New York State Department of Health</u>	<u>\$ 45.00</u>
<u>NYS Ag. &amp; Markets for spay/neuter program</u>	<u>\$ 49.00</u>
<u>NYS Environmental Conservation</u>	<u>\$ 289.14</u>
<u>TOTAL</u>	<u>\$ 2,255.97</u>

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

**DISCUSSION – ENGINEER REPORT**

Supervisor LeFeber read an email from MRB Group Engineer David Willard that included an update on the water mains, 5 & 20 culvert, and a grant for Paper Mill Park.

**DISCUSSION OPEN POSITION PLANNING BOARD**

There was discussion on possible candidates and action will be taken in the future.

**DISCUSSION 2018 AUDIT**

There was discussion on the 2018 Audit conducted by Raymond Wagner, CPA, P.C. that included the following:

Water Laborer and Motor Equipment Operator Kelly Sloan is signing off on the water billing. Kim McDowell is sending out the billing and collecting and depositing payments.

Councilman Drozdziel questioned if we have written policies and it was determined that they need to be written. Both job duties and standard operating procedures are needed. Supervisor LeFeber stated that it is a possibility to have the billing completed by the Livingston County Water & Sewer Authority.

Supervisor LeFeber reported that the Town Board are the Water Commissioners for the Consolidated Water District.

Councilman Drozdziel stated that there are three recommendations that we need to formalize as well as address scrap metal and fuel usage at the Town Barns.

Supervisor LeFeber stated that the audit did not find anything was stolen or missing. Reserves will be addressed soon, and canceled checks are being kept according to New York State requirements. We will continue to look at the Audit Report during the budget process.

**RESOLUTION #149 CLOSE THE PUBLIC HEARING ON UNIT CHARGES**

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

RESOLVE to close the public hearing on Unit Charges with no testimony offered by the public.

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

**DISCUSSION – OPEN ITEMS**

Councilman Coyne reported on the parking lot committee's work. Closing on the house is scheduled for next Wednesday. The committee will exhaust all options of the Historical Society. Kim McDowell will be asked to reach out to Kathy Cole, Planning Board Chairwoman for her recommendation to fill the seat of David Sharman as his term expired.

**DISCUSSION – OPEN ITEMS-continued**

Councilman Drozdziel will make recommendations in the future regarding the Town Hall/Opera Block front windows being painted, solar shades for the second floor and an emergency back-up generator for the building. He will also look into the records room schedule for air conditioning to control the high humidity levels. The speakers are still not working as the amp from former Councilman Kelly Cole has not been returned.

**VISITOR COMMENTS**

Visitor Janet Manko questioned if the we had received any communication from the Livingston County Planning Board regarding Local Law T-5A-2019 Moratorium prohibiting large scale battery energy storage. Supervisor LeFeber responded stating that the County was reviewing multiple Towns proposed local laws for moratoriums and it seemed the County Board approved.

Visitor Carolyn McKee addressed the Board with continued concerns of the Victor Gravel Pit alleged code violations. There was limited discussion. The following written document was read and then submitted for the record.

RECEIVED

AUG 08 2019

## Victor Gravel Pit Code Violations

SHARON M. KNIGHT  
TOWN CLERK/TAX COLLECTOR

On September 17, 2018 the ZBA approved a Special Use Permit for the Victor Gravel Pit on Oak Openings Rd. with 18 conditions to be enforced by the Code Enforcement Officer. Many of these conditions either have not been met or have been violated,

Condition #2 states that a fence or barrier of 6 feet be erected to prevent unauthorized access where excavations are greater than 4 feet. The retention pond is far greater than 4 feet with no fence. The former owners of this pit erected a fence around the entire property to ensure no one entered the property after hours. Most of this fence has been removed granting easy access. Gravel pit and quarry ponds have always been attractive for kids to explore....why are we waiting for a tragedy to occur before this condition is enforced???

Condition #12 states that the owner must regularly notify all haulage providers to access the pit from the north. After following a truck entering the pit from the south, the driver told us no one had informed him of that restriction. According to the complaint records the CEO never contacted the pit owner of this violation.

Condition #13 states that a visible sign, not less than 16 square feet, indicating "left turn only" be placed at the site exit. There is no sign meeting these requirements at the exit from the pit onto Oak Openings.

Condition #18 states that a water monitoring well be maintained with results available to the town semi-annually. It's almost year later, are these results available yet?

Condition #11 states on Sat, Sunday and federal holidays no operations of any kind were permitted. After a complaint was filed we were told that hauling in equipment on these days was permitted because it was not considered part of the operations. IF THIS EQUIPMENT IS NECESSARY TO OPERATE A GRAVEL PIT, THEN IT IS PART OF THE OPERATIONS. Furthermore, if NO operations are permitted on these days then WHY DO THEY NEED THE EQUIPMENT THERE ON SATURDAY?????

*Overrule ZBA >*  
Your special use condition #11 does not list exceptions to this condition! No operations means NO operations! As a result of this, the pit has been open several Saturdays and now has a sign by the road advertising top soil for sale. Because your language in the special use conditions reads identical for Saturdays, Sundays and holidays, you have now set a precedent allowing the pit to be open on these days as long as they are hauling equipment.....so....is a dump truck considered equipment???? Do you think trucks hauling in equipment on weekends is any less disturbing to the residents of Oak Openings Rd than dump trucks all day long during the week??? You have set a precedent that needs to be disallowed immediately. The residents of Oak Openings have filed numerous complaints regarding the Victor Gravel Pit's frequent violations of the Special Use Permit, but nothing seems to be done about it. After requesting copies of all the complaints against the pit owners, there are 15 that have no response listed under the results of the investigation by the CEO even when a written response was specifically requested. When this was discussed in a phone conversation with the CEO he accused the residents of Oak Openings of fabricating complaints. His exact words were....."I think you're making these complaints up". Judging by the continuing violations none of our complaints have reached the pit owners. Apparently we will have to contact the pit owners ourselves to inform them of their special use permit violations.

When questioned about the continued truck traffic going north on Oak Openings from 5&20, the CEO stated he was not responsible for enforcing that and that it was the DOT's responsibility. According to the DOT, they do not enforce town codes or traffic conditions imposed by the town. It is the responsibility of the CEO to enforce the conditions set forth by the ZBA. Why is this not being done???

*Carolyn McKee*

RESOLUTION #150 PAYMENT OF BILLS

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2019-15 in the following amounts:

**Concerning ABSTRACT of Claims Number 2019-15 including claims as follows:**

General Fund	Voucher #353 through #374 in amounts totaling \$ 22,854.41
Highway Fund	Voucher #122 through #130 in amounts totaling \$ 48,811.24
Water Fund	Voucher #77 through #81 in amounts totaling \$ 2,293.41
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #8 through #8 in amounts totaling \$ 980.97
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 Drozdzziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**RESOLUTION #151 EXECUTIVE SESSION**

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to enter executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. TIME 7:17 P.M. inviting Assessor Tami Snyder, left at 8:02 P.M.

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

**RESOLUTION #152 CLOSE EXECUTIVE SESSION**

On motion of Supervisor LeFeber, seconded by Deputy Supervisor Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to close executive session with no action taken at 8:24 P.M.

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

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the meeting was adjourned at 8:25 P.M.

Respectfully submitted by:

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Sharon M. Knight, MMC/RMC