

A Regular meeting of the Town of Avon was held on Thursday, October 23, 2025 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, Councilmen Paul Drozdziel

ABSENT:

OTHERS: Attorney James Campbell, Dave Willard, MRB Group Engineer, Brian Shannon, Code Enforcement Officer, Tom Crye, Highway/Water Supervisor, Kim McDowell, Town Clerk

VISITORS: Laura Roland, Mary Clarke, MaryAnn O'Donnell, Danette Denota, Deb Nelson, Faye Beshures, Seth Graham, Kitty Bressington, Colleen Walsh-Williams, Diana Farrell, Ken Farrell, John Langless, Stephanie VanDeVelt, Jill Formella, Jen Weslowski, Shelly Read, Todd Kaufmann, Lorie Helmbold, Fritz Helmbold, Gary Hyde, Ellen Turner, Linda Conrad, JoAnn Boyce, Erika O'Brien, Deb Spratt, Larry Quackenbush, Janis Cole, Kim Gillette, Bob Westfall, Tami Snyder, Bill Nevin, Elaine McCarthy, Doug McCarthy, Mike Polland, Jared Kanty, Lisa Lane, Sol Houser

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

Supervisor LeFeber asked if there were any visitors comments at this time, but the public hearing will be opened at 6:30 for comments.

VISITOR COMMENTS:

- None

RESOLUTION #205 APPROVAL OF MINUTES OF BOARD MEETING OF OCTOBER 9, 2025

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

RESOLVE to approve the minutes of October 9, 2025, 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, Councilmen Drozdziel – Aye, Councilmen Coyne - Aye, Councilmen Harrington - Aye

DISCUSSION-ATTORNEY REPORT

Attorney Jim Campbell was present and reported the following:

- This week he attended the Planning & ZBA Board meeting regarding the LA&L railroad subdivision behind Quicklee's and Kleis Equipment. The Planning Board did approve the subdivision with a map that differed a little from the one presented to the Town Board in the sense they lessened the lots being subdivided and changed some access points.
- Kleis Equipment site plan application was reviewed as well, and it was approved subject to the Town Board's approval of the use in the PDD on Tec Drive.

RESOLUTION #206 APPROVAL OF KLEIS EQUIPMENT BUSINESS IN JAMES STEELE COMMERCE PARK PDD

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

RESOLVE to approve Kleis Equipment sales and service of equipment in the James Steele Commerce Park PDD zoning.

Vote of the Board: Supervisor LeFeber – Aye, Deputy Supervisor Mairs – Aye, Councilmen Drozdziel – Aye, Councilmen Coyne - Aye, Councilmen 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 October 23, 2025

WHEREAS, the Code of the Town of Avon (hereafter ACode@) establishes the zoning classification of Planned Development District (hereafter APDD@) 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, which such uses are also subject to site plan approval by the Town of Avon Planning Board (hereafter APlanning Board@); 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, Kleis Equipment, LLC (hereafter AApplicant@) is the owner of the property known as Lot R21 of the Crossroads Commerce Park Subdivision, located along Tech Drive and

Interstate Drive, comprised of approximately 5.46 acres and being designated as Tax Map Parcel Number 35.-1-13.538 (hereafter Asubject property@ or Aparcel@); and

WHEREAS, the subject property is located in the James Steele Commerce Park (formerly known as the “Crossroads Commerce Park Planned Development District (hereafter “PDD”); and

WHEREAS, pursuant to '130-18 H of the Code, Applicant is seeking approval from the Town Board to use the subject property as a commercial business for the sales, rental, storage and servicing of equipment for commercial landscapers, arborists, farmers and homeowners; 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 Site Plan to allow the construction of two 12,800+/- square foot metal building, appurtenant access, parking and drainage facilities, which is to be used as a commercial business for the sales, rental, storage and servicing of equipment for commercial landscapers, arborists, farmers and homeowners and which is 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 use stated above, as use of the property 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 its 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 a special permit.

NOW, THEREFORE, upon motion by Councilmen Harrington, seconded by Councilmen Coyne, it is hereby

RESOLVED, that the Town Board of the Town of Avon, pursuant to '130-18 H of the Code, hereby approves of Applicant=s request (to the limited degree specifically stated herein) and authorizes a Special Permit to be issued to Applicant by the Code Department to the following extent:

1. Subject to provisions stated hereafter, Applicant, his successors and assigns shall be permitted to use the property known as Lot R21 Tech Drive, located in the James Steele Commerce Park PDD (Tax Map Parcel Number 35.-1-13.538), Town of Avon for purpose of a commercial business for the sales, rental, storage and servicing of equipment for commercial landscapers, arborists, farmers and homeowners;
2. Applicant, his successors and assigns shall not use any portion of the property for any use not authorized by this resolution;
3. Any development of the subject parcel 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;
4. Any development of the subject parcel and subsequent use thereof as authorized herein shall be subject to and comply with the Exterior Lighting requirements set forth in Chapter 49 of the Code;
5. Any development of the subject parcel and subsequent use thereof 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;
6. Any noise impacts related to any use of the subject property shall be mitigated so as to not unreasonably create a negative impact on nearby or adjacent parcels;
7. Should Applicant or his successors and/or assigns wish to utilize any portion of the subject property for a use other than what is provided for above, or in any way inconsistent with the provisions made herein, Applicant or his 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;
8. As a condition of the limited approvals granted herein, Applicant, his successors and/or assigns shall append, affix and maintain a copy of this Resolution to the abstract of title relating to Lot R21 of the James Steele Commerce Park PDD;
9. Any failure of Applicant or his 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;

10. This approval of a special permit for use is contingent upon Applicant filing the final, approved Site Plan from the Town of Avon Planning Board with the Town of Avon Building and Code Department; 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 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) and to Lot R21 thereof.

Dated: October 23, 2025

DISCUSSION-ATTORNEY REPORT (CONT)

- Attorney Campbell sent around a proposed local law restricting smoking and vaping on Town of Avon owned property including the Town Hall, Highway facilities, parks, and parking areas. If the Board moves forward, there will need to be a public hearing which should be scheduled at the next meeting.
- Attorney Campell prepared a proposal for a six-month moratorium on Battery Energy Storage systems installations. There has been some communication from a company that is interested in applying for battery storage on a parcel on Lakeville Road in a PDD. This application would consist of three-megawatt battery storage units with three self-contained buildings. The official letter of intent was received today by my office, and I have prepared the letter for the PILOT, had some discussion with the company, and they most likely will wait for the six months moratorium to be completed. They have access to technology and material for battery storage and are willing to supply materials to the committee. The area that they would like to place these units in is really the only place in Avon to do this due to the power lines that the units need to feed. The public hearing cannot be scheduled until next meeting, but I can send it over to the Livingston County Planning Board for review if the Town Board authorizes me to do it and he feel the

County will ask what the scope will be, and it will be to review and update our current law on battery storage.

RESOLUTION #207 AUTHORIZE ATTORNEY CAMPBELL TO SEND LIVINGSTON COUNTY PLANNING BOARD A REFERRAL FOR THE BATTERY STORAGE SIX MONTH MORITORIUM

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

RESOLVE to send the referral to the Livingston County Planning Board for review of a six-month moratorium for battery storage.

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

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye was present and reported the following:

HIGHWAY:

- Shop work
- Boom mowing
- County work
- Brush & trees

WATER:

- Everyday maintenance & sampling

Supervisor LeFeber stated the County is working on the Snow & Ice Agreement with the State.

DISCUSSION- CODE ENFORCEMENT REPORT

Code Officer Brian Shannon was present and reported the following:

- Permits are coming in consistently, no complaints
- National Grid is working on Lake Road solar field
- Working with Kleis Equipment and LA&L RR
- Niagara Scenic Tours have started their paving
- Dispensary is working on the interior and same as the building next door.

DISCUSSION – ENGINEERING REPORT

Dave Willard, MRB Group, was present and reported the following:

- Culverts survey first week in November
- Anderson Farms – will pick a day to look at Agar Road pump station which will allow us to finish our proposal for their request for water
- Supervisor LeFeber stated that Councilmen Drozdziel and himself will be meeting a company on Sackett Road for a structural plate product that may be a possibility for the area

DISCUSSION – TOWN CLERK REPORT

Kim McDowell was present and reported the following:

- Day-to-day operations are running very smoothly, dog licenses, handicap permits, abstracts and vouchers, and hunting licenses have slowed down. Foot traffic in the Town Clerk's office from October 10, 2025 – October 23, 2025 was 25 people.
- The Clerk's office will be open on Saturday, November 1st from 6-9AM for any hunters that need extra tags, there is something on the website and in the window for the hunters to see as well as word of mouth.

DISCUSSION 6:28PM OPEN THE PUBLIC HEARING FOR THE 2026 BUDGET

Supervisor LeFeber read the following to all present:

TOWN OF AVON
NOTICE OF PUBLIC HEARING ON THE
PRELIMINARY BUDGET OF THE TOWN OF AVON
For the year 2026

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Avon for the fiscal year beginning January 1, 2026, including General Town Funds, Highway Fund, Water Funds, Special Districts, Royal Spring Lighting & Drainage District, Crossroads Drainage District, Bruckel Drainage District, Cemetery, Water District Route 39, Ext, and Fire District, is completed and filed in the office of the Town Clerk of the Town of Avon, 23 Genesee Street, Avon, New York 14414, the tentative and the preliminary budgets will be available for inspection by any interested person during office hours, Pursuant to Real Property Tax Law Chapter 258 & 495, an exemption report is attached to the preliminary budget and includes every type of exemption granted by the taxing authority and the cumulative impact of each type of exemption, the cumulative amount expected to be received from recipients of each type of

exemption as payments in lieu of taxes or other payments for municipal services, and the cumulative impact of all exemptions granted.

The Town Board of the Town of Avon shall hold a hearing on said preliminary budget on October 23, 2025 at 6:30 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Avon. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained. The following are the proposed 2026 salaries of Town of Avon

ELECTED OFFICIALS:

Supervisor	\$33,418.00
Councilperson(4)	\$ 7,314.00
Town Justice (2)	\$16,236.00
Town Clerk	\$58,470.00
Highway Superintendent	\$82,286.00

By Order of the Town Board

Kimberly McDowell

Avon Town Clerk

DATED: October 9, 2025

PUBLISHED: October 16, 2025

Supervisor LeFeber read his budget message to all present.

Good evening. Tonight, we are holding the public hearing on the Preliminary Budget for the 2026 fiscal year. Before we open up the meeting to public comment, I want to provide some information that may be helpful to you when considering this upcoming budget.

For the past few months, I have been working with our accounting firm, Local Government Services, to provide a tentative budget. That budget was presented to the Town Board for review and discussion, including lengthy discussion at the last Town Board meeting on October 9, 2025.

To appreciate the challenges faced with the 2026 budget, it is helpful to review a few impactful events that occurred during the 2025 budget cycle. The 2025 spending plan as adopted last fall had no increase in the tax levy, was well under the tax cap and provided for appropriate contribution to the Town's reserves.

However, a number of unanticipated events changed the financial landscape of that 2025 spending plan. The Town's seasoned Code Enforcement Officer retired, the sitting Town Clerk resigned, and the library proposed changing the way they secure funding for library operation. Additionally, the Town finalized the Collective Bargaining Agreement with the Union, after

considerable time and expense, which in turn resulted in the need to update the Town's Employee Handbook, also at considerable time and expense. The increasingly stringent emission standards for Town Highway vehicles, and the added expense they result in, led the Town to purchase a new truck in advance of the Town's replacement schedule. While this decision was intended to save the Town taxpayers between \$50,000 and \$100,000 over what it would cost to purchase the truck in 2026, it was an opportunity that caused an unanticipated expense. Lastly, as you all know, the torrential storms in June of this year caused catastrophic road failure, resulting in hundreds of thousands of dollars of needed repairs, some of which had to be paid for immediately through the Town using portions of its fund balance reserves.

While these things certainly impacted on the 2025 spending plan for the Town, they also impact the budget process for the 2026 budget and spending plan. In addition to the stragglings effects of those 2025 events, 2026 will present its own challenges. The Town will see the retirement of the long-time Highway Superintendent and Water Superintendent. The Town will have the responsibility to administer and manage 3 or 4 significant grant awards that benefit the Town, but require meaningful outlay of Town resources, especially from the use of personnel to administer those processes.

Despite those challenges, with additional consultation with the Town's accounting firm since the last meeting, modifications to the Preliminary Budget can be made that will provide for a budget that stays under the tax cap by approximately \$1,040.00. The resulting budget, if adopted, will cause the town-wide tax rate to increase by \$0.05 and the town-outside-the-village rate to increase by \$0.10.

In order to stay under the tax cap, the proposed revisions include removing the line item for \$57,000 that previously was included for support of the library, as well as making some changes to amount of funds allocated to road work that does not include the emergency repairs from the June storm. Should the library proposition fail at the general election, the Town's budget will not accommodate any funds to the library without further changes, prior to final adoption.

There has been much discussion about the election and how it may impact the Town's expenditures in 2026. Besides the issue relating to the library as I just mentioned, the election results will also influence the 2026 spending plan as it relates to Town Hall staffing. Between the possibility of a new Town Clerk and the certainty of a new Highway Superintendent and Water Superintendent, I believe it is critical that the budget provide adequate financial resources to support keeping experienced personnel in critical roles, such as administrative support to the Supervisor, building administration, grant administration, human resources and payroll, Code, planning and zoning support. Experienced personnel can also assist the new Highway and Water Superintendent, as well as a new Town Clerk, should the incumbent Clerk not succeed at the election. For both of those positions, there is naturally a significant learning curve while acclimating to the new position and responsibilities.

While the various budget line items can be confusing when trying to determine the salary or rate of pay for a particular job function, I am anticipating the cumulative compensation for the roles I mentioned to be approximately \$80,000.00. The compensation for such job duties is not specifically set out in the budget but will be clearly stated on the Town's Compensation Schedule, once the election results are in and Town Board knows what the needs for the Town will be going into 2026. The Town Board will have to vote for any change to be placed on the Compensation Schedule. Budgeted funds in excess of whatever compensation is established by the Town Board will be available for additional staffing needs, if they arise.

Supervisor LeFeber asked for any visitors' comments, please state your name and your opinion.

- Bryan Read questioned the Town Clerk and Highway Superintendent salary anticipating that more money is going to be offered to fill those positions, the salaries for an elected official are set but some additional administrative assistance will be required with a new highway superintendent.
- Laura Roland asked for more clarification of the \$80,000 and what positions that covers, it is for the code clerk, personnel clerk, secretary to town supervisor, planning clerk, zoning board clerk, personnel clerk, and water clerk.
- Fritz Helmbold stated that salary is higher than the average medium and is getting increased even more; the scope of work and responsibilities will be greater than in previous years.
- Jan Cole would like to see a job description for all the jobs described since the last meeting only had one job description.
- Jeff Schweitzer asked if the positions are exempt or non-exempt; they are treated as exempt, salaried positions. He wondered how many hours each day an employee is expected to work.
- Jan Cole would like to see more cross training done; that will happen moving forward.
- Bill Nevin asked if Town government is exempt for minimum wage standard and we are not.
- Kitty Bressington questioned certain hours and positions and how many hours they would require getting the job done.
- Deb Spratt feels jobs should not be put together and is concerned about the length of discussions regarding these jobs; and that is because the public is discussing it.
- Elaine McCarthy wonders why the request is higher than what the state allows, and the budget needs to be tightened. She feels that the Town needs to actively find businesses and if that occurred, we would be bringing in tax dollars.
- Councilmen Harrington is against the budget.
- Kathy Cole feels comparing us to other Towns should not be considered and she thinks this budget is fair and should move forward.

- Jan Cole asked if Supervisor LeFeber could clarify how the Town could be under the tax cap, and he stated it depends on the library proposition and the truck that was purchased that could be sold.
- Ellen Turner feels maybe each clerk could back up for each other and divide the salary between them.
- Collen Walsh-Williams wondered how many positions and how much each one pays; Supervisor LeFeber stated what was in the budget.
- Laura Roland would like everyone to tighten their belts because of the inflation that is happening now.
- Jeff Schweitzer asked who is doing all these 7 positions and the hours that require them to get them done and it seems like a lot of hours for one person.
- Bryan Read wondered if one person is doing all these jobs and the salary increase is for all the other positions other than the Town Clerk and the Town Clerk has set job requirements and is not required to do anything more than that.
- Bill Nevin asked if the job consolidation was consensus and shouldn't they just have different people doing the jobs; having one person saves the Town money.
- Lisa Lane was curious how the Board can be fiscally responsible if you are raising taxes.
- Stephanie VanDeVelt feels you are asking one person to do several jobs then maybe the doors should be open all the time since that is what is needed to get the job done.
- Shelly Read feels these are more about job responsibilities and when one person leaves others take over those responsibilities without a pay increase.
- Kitty Bressington questioned why Water Superintendent is getting a large increase without job responsibilities changing; and is it due to the fact they may need to be filled the job by someone other than the Highway Superintendent next year.
- Jeff Schweitzer asked if the other employees could be the water superintendent; and that would require us to modify the Union contract.

Supervisor LeFeber asked if there were any other public comments and there were none.

Supervisor LeFeber asked if there were any Board member comments.

Councilmen Harrington is against the budget.

Supervisor LeFeber asked the Board if they would like to leave the public hearing open until the November 6th meeting which is after the election.

Deputy Supervisor Mairs would like to leave the public hearing open and if the library passes, we can take out the \$57,000.

Councilmen Harrington stated there is no reason to leave the public hearing open since it doesn't make a difference with the \$57,000 in or out of the budget. If the library passes, then we can use that money towards other items, he wants the public hearing closed regardless of the library.

There was much discussion on the why the public hearing should be left open and that will possibly change the Town to not going over the tax cap.

Councilmen Harrington insisted the public hearing be closed with the \$57,000 still in the budget making the Town go over the tax cap but the remainder of the Board want to keep it open until the next meeting.

DISCUSSION – TOWN SUPERVISOR ITEMS

- Supervisor LeFeber wrote a letter to the Village of Avon regarding the grant application they submitted expressing our position with housing development in the Town and that it could be several years before any construction can begin. There was discussion on the Town's perspective of how long this could potentially take to break ground and what exactly the process would be to get to that point.

RESOLUTION #208 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2025-20 in the following amounts:

Concerning ABSTRACT of Claims Number 2025-20 including claims as follows:

General Fund	Amounts totaling \$	28,180.29
Highway Fund	Amounts totaling \$	2,723.50
Water Fund	Amounts totaling \$	1,582.01
Cemetery Fund	Amounts totaling \$	
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, Councilmen Drozdziel – Aye, Councilmen Coyne - Aye, Councilmen Harrington - Aye

OPEN ITEMS:

- Councilmen Drozdziel, Deputy Supervisor Mairs, and Councilmen Coyne had no open items.
- Councilmen Harrington asked when the updated employee handbook will be available for review by the Board members and it should be soon, still working on the time clock and presenting to the Union.

VISTOR COMMENTS:

- Ellen Turner asked if there was going to be a moratorium on battery storage. The Town Board will be moving forward with the moratorium, and it is not subject to the SEQR review since it has already been completed.

On motion of Deputy Supervisor Mairs seconded by Councilmen Harrington the meeting was adjourned at 8:10P.M.

Respectfully submitted by:

Kim McDowell, Town Clerk