

A Regular meeting of the Town of Avon was held on Thursday, December 11, 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 Paul Drozdziel, Councilmen James Harrington

ABSENT: Brian Shannon, Code Enforcement Officer, Dave Willard, MRB Group Engineer, Tom Crye, Highway/Water Supervisor

OTHERS: Attorney James Campbell (via phone call), Kim McDowell, Town Clerk

VISITORS: Erik Anderson, Emily Thomas, Cindy Kellen, Faye Beshures, Kitty Bressington, Ellen Turner, Brian Thorn

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 invited Caron Power representatives Erik Anderson and Emily Thomas to discuss their potential application for battery energy storage at 2926 Lakeville Road.

Mr. Anderson & Ms. Thomas stated that Carson Power is a NYC-based storage and solar development company and are currently working with the owners of the property along with National Grid for this potential application. Carson Power ultimately would like to submit a permit under the current code for battery storage units which will benefit the Town of Avon. The battery storage containers will blend in with the landscape of Niagara Scenic Tours bus company.

Councilmen Drozdziel asked if Carson Power is the leader in this industry and they are. He also asked about fire safety and how the units operate in that situation. Ms. Thomas explained how the system operates if there is a fire in a unit (the design is for the fire to be self-contained and not spread) and there is an emergency shut off at the site as well that can be utilized by authorized personnel. Carson Power will offer a training course for any fire department that may possibly respond to Lakeville Road.

Councilmen Harrington wondered how National Grid determined this is a good site as Mr. Anderson stated. National Grid has a map that shows where they feel a good fit for solar or battery storage can be built based on electric lines and substations for interested companies. Based on the map, Mr. Anderson has been working with Niagara Scenic Tours since they are in a somewhat commercial area and a perfect site for battery energy storage.

Mr. Anderson stated the units will be storing and delivering power for the area, which stabilizes the supply pricing.

Councilmen Coyne asked for more clarification on infrastructure upgrades that was mentioned. Mr. Anderson stated when National Grid gives them the map, they also tell them what upgrades

are needed and paid for by the developer, not the taxpayers. The lines near the Lakeville Road parcel will have improvements made during the construction phase of the project if approved.

Mr. Anderson stated Carson Power is a pure developer, they essentially create a business and find an owner/operator for the long term. Within six months of getting approval from the municipality, they will find a buyer for the project.

Councilmen Harrington asked how many units will be on site and there are three separate projects that have 6 units each, the height is just over 9 feet. However, it will be one contained project.

There was much discussion on how the project moves forward if there is no moratorium and what our law states regarding battery energy storage systems currently along with the zoning of this parcel and what that means as far as approvals as well.

6:38 p.m. Supervisor LeFeber read the legal notice as follows:

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, and pursuant to New York State Town Law, that a public hearing shall be held by the Town Board of the Town of Avon at 6:00 p.m. on Thursday, December 11, 2025, 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 Local Law to temporarily prohibit the creation or siting of large-scale battery energy storage system installations (as defined in the Local Law) within the Town of Avon for a period of up to six (6) months, pending the development and adoption of local laws and/or ordinances designed to supplement and modify existing local regulations that govern such installations.

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: November 7, 2025

By Order of the Town Board of the Town of Avon
Kimberly McDowell, Town Clerk

Public comments are as follows:

- Erik Anderson, Carson Power, 110 Williams Street, New York, New York stated the Town's battery energy storage code is very robust and he is unsure what the benefit would be in modifying a code that exceeds the model law and requirements from NYSERDA.
- Cindy Kellen, 23 Clinton Street, she feels the hazards especially near the creek and the looks of battery energy storage units is not what people want to see when traveling through Avon.
- Ellen Turner, East Main Street, is against having battery energy storage, it is dangerous for the environment, and she believes fossil fuels are what we need to concentrate on.

Supervisor LeFeber stated we don't need to decide on the moratorium tonight, we can leave the public hearing open if the Board chooses.

Deputy Supervisor Mairs feels the applicant won't be affected by the moratorium however, they haven't submitted an application yet so if the moratorium does take place, they will have to wait until after the moratorium to apply due to the expense involved in submitted a complete application to the Town of Avon.

Attorney Jim Campbell stated when and if they apply, they will have to follow what the law and code is at that time.

Councilmen Coyne asked if there is no moratorium in place, can the Town decide in six months to have a moratorium, and Attorney Campbell stated yes you can.

Councilmen Harrington asked Attorney Campbell if he needed to recuse himself from the vote for a moratorium since his term is ending; he may if he chooses but he doesn't have to.

After much discussion on whether the Town should keep the public hearing open or close it and act tonight.

Brian Thorn, Hogmire Road, feels the moratorium would give the Town an opportunity to study some of the issues brought up tonight instead of relying on the potential developer's information only.

RESOLUTION #222 CLOSE THE PUBLIC HEARING FOR BATTERY STORAGE MORATORIUM

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

RESOLVE to close the public hearing on battery storage moratorium and take no action at this time; it can be reopened for discussion if needed.

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

VISITORS' COMMENTS:

- Faye Beshures confirmed the date of the organizational meeting in January 2026 and upcoming dates regarding her term as Town Clerk.

RESOLUTION #223 APPROVAL OF MINUTES OF BOARD MEETING OF NOVEMBER 20, 2025

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

RESOLVE to approve the minutes of November 20, 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 – ENGINEERING REPORT

MRB Group, Dave Willard was not present and reported the following via Supervisor LeFeber:

- Working on survey and hoping to hear soon about the grant applications
- Anderson Farms/Agar Road Pump station – still working on this

DISCUSSION- HIGHWAY/WATER REPORT

Highway/Water Superintendent Crye was not present and reported the following via email:

HIGHWAY:

- Snow removal
- Shop work – maintenance & repair

WATER:

- Everyday maintenance & sampling
- Health Dept. inspection

Supervisor LeFeber stated that the highway department did purchase more salt since there was room in the budget to do so.

DISCUSSION- CODE ENFORCEMENT REPORT

Code Officer Brian Shannon was not present but reported the following via email:

- Working on permits and getting some things closed out for the end of the year
- No Complaints
- Working with SJF Construction, Kleis Equipment project underway at 5680 Tec Drive, site work being completed
- Working on things for CNY Feed looking to build here in Avon, near the truck stop
- Working with the new dispensary located at 1745 Lakeville Road. Working on getting things situated on the interior and fire alarm system getting installed and connected for monitoring. No opening date yet.
- I am registered for the FLBOA Annual Training Conference at the RIT Inn and Conference Center March 9-11, will be attending all 3 days.
- I want to thank the board for the help and support as my first year here as the Town Code Enforcement Officer / Fire Marshal comes to a close, still enjoying it every day!

DISCUSSION-ATTORNEY REPORT

Attorney Jim Campbell was not present but reported the following via phone:

- Discussion with Brian, Kim and Lance regarding CNY Feeds project and the application is deemed incomplete and they will now be coming into the Planning/ZBA meeting on January 26, 2025, and the Joint meeting with the Town Board will need to be moved to February as well.
- Bruckel has paid for his escrow and received a permit for some site work.
- The Town and Town Clerk were named in an article 78 lawsuit, a gentleman is seeking Italian citizenship, and he needs a copy of his great grandmother's birth certificate who was born in Avon in 1905 from immigrants from Italy. Kim searched our records extensively and we couldn't find them in our records. This should be finished up shortly.

DISCUSSION – TOWN CLERK REPORT

Kim McDowell was present and reported the following:

- Day-to-day operations are running very smoothly, dog and hunting licenses, handicap permits, abstracts and vouchers. Things have slowed down immensely. Working on yearend items and organizing the office.

RESOLUTION #224 ACCEPT THE MONTHLY REPORTS TOWN SUPERVISOR & TOWN CLERK

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

RESOLVE to accept the monthly reports for November 2025 from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk's November 2025 Report:

Total Local Shares Remitted:	\$ 1,107.90
New York State Department of Health	\$ 22.50
NYS Ag. & Markets for spay/neuter program	\$ 32.00
NYS Environmental Conservation	\$ 2,332.00
TOTAL	\$ 2,386.50

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

RESOLUTION #225 ACCEPT THE RESIGNATION OF COLLIN HAYES FROM THE PLANNING BOARD

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

RESOLVE to accept the resignation of Collin Hayes from the Planning Board effective December 31, 2025.

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

RESOLUTION #226 RE-APPOINTMENT OF CINDY KELLEN FOR ZONING BOARD OF APPEALS MEMBER

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

RESOLVE to re-appoint Cindy Kellen for Zoning Board of Appeals term to expire December 31, 2030.

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

RESOLUTION #227 RE-APPOINTMENT OF BRIAN THORN FOR PLANNING BOARD MEMBER

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

RESOLVE to re-appoint Brian Thorn for Planning Board term to expire December 31, 2032.

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

DISCUSSION – TOWN SUPERVISOR ITEMS

- We have received 4 letters of interest for the one current vacancy, and another vacancy as of December 31, 2025 for the Planning Board. We will interview all four and have the two spots filled beginning January 1, 2026.

RESOLUTION #228 AMEND THE COMPENSATION SCHEDULE

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

RESOLVE to AMMEND THE Compensation Schedule to change Spencer Heeler rate of pay due to getting his CDL license from \$22.00/hour to \$28.50/hour.

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

DISCUSSION – TOWN SUPERVISOR ITEMS

- Employee Handbook – there are a lot of additions to the handbook since it was last updated. Deputy Supervisor Mairs talked about the time clock rules that is for every Town employee who is paid hourly and how department heads will be able to approve time sheets. Councilmen Drozdziel stated that even if you are an elected official, the employee handbook does apply to you as well. There will be a training luncheon for all employees before the new payroll company begins to get acclimated to the new system. The Board plans on adopting the handbook before the end of the year.

RESOLUTION #229 ACCEPT THE CLAIMS

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

RESOLVE to accept for payment Abstract 2025-23 in the following amounts:

Concerning ABSTRACT of Claims Number 2025-23 including claims as follows:

General Fund	Amounts totaling \$ 29,537.61
Highway Fund	Amounts totaling \$ 3,051.17
Water Fund	Amounts totaling \$ 15,288.99
Cemetery Fund	Amounts totaling \$
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Amounts totaling \$ 1,857.48
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:

- Deputy Supervisor Mairs, Councilmen Drozdziel, and Councilmen Coyne had no open items.
- Councilmen Harrington asked how everything went with the Holiday Spectacular, the floor needs to be mopped but everything went well. Bob Westfall volunteers each year and looks after the 3rd floor during the day and helps with cleanup as well.

VISTOR COMMENTS:

- Ellen Turner thanked the Board for always questioning items that affect the Town of Avon.

On motion of Councilmen Coyne seconded by Deputy Supervisor Mairs the meeting was adjourned at 8:00 P.M.

Respectfully submitted by:

Kim McDowell, Town Clerk