

A Regular Meeting of the Town of Avon was held on Thursday, December 27, 2007 at 6:00 P.M. at the Avon Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, and Councilmen Donald Cook, Jr., James Blye & Thomas Mairs

OTHERS: Attorney Timothy Ingersoll, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, and Town Clerk Sharon Knight

VISITORS: Norman Barrett and Charles Leonard

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

Pledge of Allegiance

DISCUSSION

VISITOR COMMENTS

Supervisor LeFeber asked for any public comments and there were none.

DISCUSSION

APPROVAL OF MINUTES

Supervisor LeFeber requested changes to the presented minutes dated December 13, 2007 as follows:

Remove: Water Superintendent McKeown reported he is painting the Tower and keeping busy.

Add: Water Superintendent McKeown reported he is painting inside the building at the Tower and keeping busy.

Remove: On motion of Councilman Cook, seconded by Deputy Supervisor Cole the following resolution was

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook & Mairs)

Add: On motion of Councilman Cook, seconded by Deputy Supervisor Cole the following resolution was

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Blye & Mairs)

Remove: RESOLVE to enter into 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 8:00 P.M. inviting Andrea Seifert (left at 8:15 P.M.), inviting Malachy Coyne (left at 8:35), inviting Sam Price (left at 8:50), inviting Joe Tuchrello (left at 9:05).

DISCUSSION-continued  
APPROVAL OF MINUTES

Add: RESOLVE to enter into 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 8:00 P.M. inviting Andrea Seifert (left at 8:15 P.M.), inviting Sandy Morris, Chairman of the Zoning Board of Appeals (arrived 8:05 and left at 9:10 P.M.), inviting Malachy Coyne (left at 8:35), inviting Sam Price (left at 8:50), inviting Joe Tuchrello (left at 9:05).

Town Clerk Knight agreed to the additions/changes/corrections and requested the Board consider adoption with the identified changes.

RESOLUTION #203  
APPROVAL OF MINUTES

On motion of Councilman Cook, second by Supervisor LeFeber the following resolution was

ADOPTED AYES 3 NAYS 0 ABSTAIN 2 (Councilmen Blye and Mairs)

RESOLVE to approve the minutes of December 13, 2007 as presented.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	ABSTAIN
Councilman James Blye	voting	ABSTAIN

DISCUSSION  
APPROVAL OF MINUTES

There was discussion of the Board's consideration of the minutes of November 8, 2007. Board adoption will be considered at the next meeting to allow for further review.

DISCUSSION  
ATTORNEY REPORT

Attorney Ingersoll reported on the following:

A response was provided to the Board regarding a signature requirement for complaint forms dated December 17, 2007. The forms will be available from both the Town Clerk's Office and the Code Department. Complaints will be received by the Town Clerk and be date stamped then sent to the Code Department. Both the Town Clerk and Code Enforcement Cappello are in support of the recommendation.

DISCUSSION-continued  
ATTORNEY REPORT

There was discussion on the agreement with the Village regarding combining the Village and Town Courts. The discussion included by was not limited to the following:

Appointment of Joint Committee - Including Deputy Supervisor Cole and Councilman Mairs for the Town Board, two Village Board Members and the Court Clerks and Justices

Cost for operation and maintenance – total square feet to be used

Increasing number of tickets for Town and the Village declining.

Length of term agreement.

Arbitration for disputes.

E-mail trails are being received and sent to the State to show work schedules and the State is providing examples of pitfalls experienced by other municipalities.

Supervisor LeFeber stated he has been in contact with Royal Springs Developer Peter Kolokouris and the Board needs to act on his letter of intent. A revised map has been received with bends in the roads as requested by the Board, both the County and Town Planning Boards has reviewed. Deputy Supervisor Cole stated he has not seen the revised map. Councilman Blye stated we are over the time frame; however, the Developer has agreed to the delays.

Supervisor LeFeber reported he has not heard from Developer Helge Heen for continued discussion.

Attorney Ingersoll stated he will be on vacation from January 4<sup>th</sup> through the 11<sup>th</sup>.

There was discussion on the Employee Handbook. Attorney Ingersoll questioned if there is a working copy of the proposed Employee Handbook, as he does not have one. The last discussion he had was an April 10, 2007 memo. Supervisor LeFeber reported Mary Blye has prepared a working copy for the Board that includes requests from Department Heads, employees paying portions of health care and Board consideration of possible HSA or health care buy-out.

Supervisor LeFeber reported he has sent letters to the Planning Board Chairman and Zoning Board of Appeals Chairman of needs of Local Law changes, advising of building renovations and the need to change to Village Hall for meetings.

DISCUSSION-continued  
ATTORNEY REPORT

A copy of a letter from Code Enforcement Officer Lee Rodamaker was provided to the Board by the Code Enforcement Clerk regarding the Code Complaint of new construction at 2921 Lakeville Road. Supervisor LeFeber provided a copy for the Town Clerk.

An e-mail was received regarding a code violation from Mr. Latoski and the complaints have been taken care of by the Code Department. His report included the following:

The driveway was new in 1997; however, stripping has taken place since that time. Water Superintendent McKeown made a quick visit to the site. Water might be running into the back yard, but certainly not into the neighbor's basement. Maybe the water is running from Mr. Latoski's gutters. Photos of the parking lot are on file with the Town.

A request of the Town Board to turn off the light at night would require all businesses to turn off their lights and singling out one business is not recommended by the Code Enforcement Officer. The lights are no longer shining in the neighbor's home.

There was an error of the Code Enforcement Clerk as she did not send a copy of the letter mailed to Linda to Mr. Latoski.

Supervisor LeFeber reported the Town of Avon has a standing resolution and it is a part of the Town Code to have a Board of Ethics. One Board member will be a part of a Board to be established.

DISCUSSION  
HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ayers reported on the following:

Section 284 of the Highway Law requires the Board to agree that moneys levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highway, shall be expended for specific projects for General Repairs and Improvements. The Board reviewed the items and signed the prepared document dated December 27<sup>th</sup>, 2007. The original form is filed with the Town Clerk and copies are provided to the Highway Department and County Highway Department.

In 2006, there was ½ inch of snow in December and to date for this December 2007, there has been 40 inches of snow. This is the most snow received in December since his work began with the Highway Department.

The following information was presented in reference to the 2007 Truck Bond Cost that he was not in favor off:

DISCUSSION-continued  
HIGHWAY SUPERINTENDENT REPORT

Bond interest:	\$2,738.67
Bond Anticipation Note:	\$2,452.58
Financial Management Services: "Bernard P. Donegan"	\$661.49
Professional Services "Tim Ingersoll"	\$700.00
Services Rendered:	<u>\$842.87</u>
"Tim McGill"	Total \$7,395.61

Supervisor LeFeber stated there were a lot of unanticipated dollars that came in and the budget shows DA2302 as \$50,000.00 and the actual was \$100,000.00. Highway Superintendent stated the County alone brought in \$30,000.00 on a "call bases for help" with items such as driveways. Supervisor LeFeber stated advertising fees and interest earned by investing BAN until needed is not included and information is available and will be presented at a later time. Also, St John & Baldwin advised the use of a BAN and it will be paid off December 28, 2007, as we did not need to bond for the truck.

Supervisor LeFeber requested Highway Superintendent review quotes sought by Supervisor Secretary Mary Blye for tire removal from the Fowlerville Dump. Highway Superintendent suggested checking to make sure the price is not associated with weight. The money has been allocated with the collections from Dump Days.

DISCUSSION  
WATER REPORT

Water Superintendent McKeown reported on the following:

The County Report was received and there are no real concerns.

Supervisor LeFeber reported on the responses received from Route #39 residents including costs being too high, interested in coming to a meeting to receive additional information, more than one half responded, residents on Hogmire Road are interested in additional information and more people are experiencing difficulties with their water. The Town should be suggesting homeowners have the County test their water. There was discussion on a possible 40-year loan, ways to trim the costs presented by Larsen such as twenty-five percent of cost to Larsen could be reduced to 10 percent. An information meeting using real numbers including cost of materials will be put together by the Water Superintendent and Larsen Engineer Rock. Deputy Supervisor Cole suggested contacting Steve Morsch and request from him a cost estimate from point A to point B including the length of time to complete.

DISCUSSION  
CODE REPORT

Code Enforcement Officer Cappello updated the Board with the following:

He chose a complaint form to be used and then his counter parts requested he not use the form and to go back to the original one they requested. Also, they do not want the Town Clerk to issue the forms; however, the Town Clerk is always here. A request to have the forms available in a box in the Town Hall was also denied. So this is how it's going to work: Forms can be provided by the Town Clerk's Office or the Code Office, the Town Clerk will receive and date stamp the Complaint Form and provide to the Code Office. Jennifer Sargeant serves as the Code Clerk, Court Clerk and Planning Board Clerk and will answer questions for all three positions at anytime. She has chosen to accept three positions and should serve all three when she is in the building. Supervisor LeFeber stated we paid for a legal opinion and this is in compliance with the legal opinion. Both Code Enforcement Officer Cappello and Town Clerk Knight agree in this practice.

RESOLUTION #204  
PAYMENT OF BILLS

On motion of Councilman Cook, seconded by Councilman Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2007-24 in the follow amounts:

General Fund	Vouchers #642 through #651 in amounts totaling\$3,477.00
Highway Fund	Voucher #295 through #301 in amounts totaling \$132,797.78
Cemetery Fund	No Voucher
Water Capital	No Voucher
Improvement	
Water Fund	Voucher #253 through #260 in amounts totaling \$1,105.11
Royal Springs	
Lighting	No Voucher
Special District Fund	No Voucher

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

DISCUSSION  
SUPERVISOR REPORT

Supervisor LeFeber reported on the following:

Dollars for the Deputy Tax Collector will be on the 2008 Payroll as the timeframe of payroll.

The second payment of mortgage tax was received.

The Village was billed for their share of the 2007 Recreation Program and payment has been received.

William Combs will be invited to host a meeting for employees and the Board to learn more about a HSA health care plan. Maybe the Town could provide employees with choices and save tax dollars.

Letter of appointments will be mailed on Monday of the appointments to the Planning Board and Zoning Board of Appeals. Also, a letter of thanks for service will be mailed and include a request to return the Town's Code Books.

The application for the position of Recreation Board Member has not been acted upon and an update will be provided in the future.

A request was made to Department Heads for any changes in our Fee Schedule. Highway Superintendent Ayers will have recommendations.

RESOLUTION #205  
END OF YEAR BUDGET TRANSFERS

On motion of Councilman Cook, seconded by Councilman Mairs the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the following budget transfers:

GENERAL FUND-TOWNWIDE

<i>Transfer</i>			
<i>From:</i>	A2610	Fines & Forfeitures	\$ 24,122.00
			<u>                    </u>
<b>TOTAL:</b>			<u><u>\$ 24,122.00</u></u>

*Transfer*

To:	A1110.1a	Justice Court Svc.	\$	446.00
	A1110.4	Justice Contr.	\$	219.00
	A1220.1a	Supervisor Secretary	\$	552.00
	A1330.1a	Tax Collection Contr.	\$	40.00
	A1355.1	Assessor Svc	\$	212.00
	A1355.1a	Assessor Aide Svc	\$	4,374.00
	A1410.4	Clerk Contr.	\$	82.00
	A1420.4	Attorney Contr.	\$	3,524.00
	A1620.4a	Town Hall Contr.	\$	3,226.00
	A1680.4a	Computer Svc.	\$	136.00
	A1990.4	Contingency	\$	3,738.00
	A5182.4	Street Light Contr.	\$	7,524.00
	A9055.8	Disability Ins	\$	21.00
	A9060.8	HRA Account	\$	28.00

**TOTAL:** \$ 24,122.00

**GENERAL FUND-OUTSIDE VILLAGE***Transfer*

From:	B3120.4	Police Contr	\$	6,708.00
	B7310.4	Youth Programs	\$	18,371.00
		UNANTICIPATED REVENUE		
	B1170	Franchise Fees	\$	4,841.00
	B2115	Planning Board Fees	\$	3,619.00
	B2401	Interest CD	\$	2,957.00
	B2770	Miscellaneous	\$	6,110.00
	B3001	State Aide Revenue Sharing	\$	9,969.00

**TOTAL:** \$ 52,575.00

*Transfer*

To:	B1440.4	Engineer Contr.	\$	281.00
	B6410.4	Publicity Contr	\$	1,378.00
	B7110.4	Parks Contr.	\$	1,404.00
	B7310.1	Youth Services	\$	37,871.00
	B7550.4	Celebrations	\$	35.00
	B8010.4	Zoning Contr.	\$	9,054.00
	B9030.8	Social Security	\$	2,552.00

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**TOTAL:** \$ 52,575.00

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**HIGHWAY FUND TOWN-WIDE**

*Transfer*

<i>From:</i>	DA5140.4	Drug Testing	\$ 140.00
	DA5120.1	Bridges Personal Svc	\$ 1,840.00
	DA5140.1	Brush Personal Svc	\$ 9,731.00
	DA5140.4	Brush Contr	\$ 5,381.00
	DA5142.1	Snow Removal Town Svc	\$ 5,708.00
	DA5142.4	Snow Removal Town Contr.	\$ 366.00
	DA9060.8	Hosp/Med Insurance UNANTICIPATED REVENUE	\$ 2,811.00
	DA2302	Other Gov't. Svc - Snow	\$ 31,310.00
	DA2401	Interest -CD	\$ 3,841.00
	DA2414	Equip Rtl Oth Go	\$ 1,791.00
	DA2770	Miscellaneous	\$ 64.00

**TOTAL:** \$ 62,983.00

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*Transfer*

<i>To:</i>	DA5130.1	Machinery Svc.	\$ 18,529.00
	DA5130.4	Machinery Contr.	\$ 9,613.00
	DA5130.4	Miscellaneous	\$ 23.00
	DA5148.1	Other Gov't Svc PS	\$ 3,009.00
	DA5148.4	Other Gov't Cont.	\$ 3,338.00
	DA9030.8	Social Security	\$ 56.00
	DA9730.6	BAN Principal	\$ 25,676.00
	DA9730.7	BAN Interest	\$ 2,739.00
			<u>\$ 62,983.00</u>

**TOTAL:** \_\_\_\_\_  
 \_\_\_\_\_

**WATER FUND**

*Transfer*

<i>From:</i> SW2148	Penalties	\$ 5,296.00
SW2410	Cell Site Rent	\$ 4,350.00
SW2771	Reimbursement	\$ 4,037.00

**TOTAL:** \$ 13,683.00  
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*Transfer*

<i>To:</i> SW1420.4	Legal Fees	\$ 407.00
SW1440.4	Engineer Contr.	\$ 10,503.00
SW8340.1	Transmission Svc	\$ 2,773.00

**TOTAL:** \$ 13,683.00  
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Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

**DISCUSSION**

**OPEN ITEMS**

Councilman Blye reported he has information from serving on the Planning Board regarding lighting and is interested in providing suggestions for local laws to the Board in 2008. Other items were identified for possible local laws for 2008.

**DISCUSSION**

**OPERA BLOCK**

Deputy Supervisor Cole reported on the Opera Block. Bero is waiting for the report from Larsen regarding Green Practices, they should have the schedule of projects within one month, the BAN should be considered in January as it will take 40 to 50 days. A request for meeting space for the Zoning Board of Appeals, Planning Board, Town Board and Board of Assessment Review will be made to the Village. Town Clerk Knight suggested the use of a Guest Book and Deputy Supervisor Cole agreed.

RESOLUTION #206  
EXECUTIVE SESSION

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

RESOLVE to enter into 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 7:55 P.M.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #207  
CLOSE EXECUTIVE SESSION

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

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 8:13 P.M.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

On motion of Deputy Supervisor Cole, seconded by Councilman Cook, the meeting was adjourned at 8:14 P.M.

Respectfully submitted by \_\_\_\_\_ Sharon M. Knight, CMC Town Clerk