

A Special Meeting of the Town of Avon was held on Thursday, April 17, 2008 at 6:00 P.M. at the Avon Town Hall with the following members present:

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

OTHERS: Water Superintendent Daniel McKeown, Supervisor Secretary/Water Clerk Mary Blye, Code Enforcement Officer Anthony Cappello and Town Clerk Sharon Knight

VISITORS: Marla Palmiter, Sheila Palmiter, Edward Adamczyk, Darrin Smith and Jeff Passarell

Supervisor LeFeber open the meeting by reading the following legal notice:

LEGAL NOTICE

RESOLVE to schedule a special meeting for Thursday, April 17, 2008 for the purpose of finalizing an application for a Small Cities Grant and any other business that may come before the Board, to be held at 6:00 P.M., at the Avon Town Hall, 27 Genesee Street, Avon, New York, 14414.

Sharon Knight, RMC, CMC, Avon Town Clerk

Pledge of Allegiance

Ed Adamczyk provided a petition to the Town Clerk to form a water district and sixteen letters of support for the formation of a water district.

Supervisor Secretary/Water Clerk Mary Blye also provided a letter of support.

Supervisor LeFeber stated the letters and petition are documentation for the small cities grant application.

The Board will be considering resolutions tonight prepared by Grantwriter Stuart Brown. Supervisor LeFeber read the resolution previously provided to the Board and the Board reviewed and took the action that follows. Supervisor LeFeber spoke of continuing to look at other grants and the worst-case cost would be \$687.86 per year.

Visitor Jeff Passarell stated the petitions that he witnessed were signed under the assumption that the cost is \$330.00 per year for the capital cost. The people that signed the petition do not know the cost to known be \$687.86.

Supervisor LeFeber stated the difference in numbers is the cost of water and that the cost maybe even be lower. The dollar amounts used were high as we may not spend more than the dollar amount in the resolution.

Councilman Blye stated a final decision is in the future, when the final cost is known and the Board's decision is based on the majority of the residents in the proposed district. This is simply a resolution for the application of the Small Cities Grant.

Visitor Jeff Passarell, was asked by Councilman Cook if the dollar amount recommended in the prepared resolution would be okay with those that signed the petition and he responded stating that he could not speak for the residents for an amount other than what was provided during the collection of signatures.

Supervisor LeFeber stated the first year figures also include the cost for hook-up and the transmission lines to the residents.

Visitor Sheila Palmiter asked "What are you obligated to if you do not want to hook-up?"

Supervisor LeFeber spoke of the maximum dollar amount stating the final dollar amount would not be known until after the grant application results are known and that would take place in July or August. Also, a public hearing will be held in the future and the right numbers would be known.

Supervisor LeFeber stated the original number was \$500,000.00 so Hogmire Road, just to the railroad tracks, was added.

Mrs. Palmiter stated she has a concern of the display gardens and would not be in favor of a big ditch going through that part of her business. They have great water and do not need water, but understand her neighbors concerns.

Water Superintendent McKeown stated running the line on the East side of the Road would require 6/7 long sides and running the line on the West side of the road would require 20 long sides. Therefore running on the East side would have a saving for the overall residents. Supervisor LeFeber stated this would be determined in the future.

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

RESOLUTION #67

ORDER SCHEDULING PUBLIC HEARING- ROUTE 39 WATER DISTRICT
EXTENSION

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

ADOPTED AYES 5 NAYS 0

**In the Matter of the Petition for the
Establishment of a Water District in the
Town of Avon, Livingston County, New
York, to be known as the Route 39 Water
District Extension.**

ORDER

RESOLUTION #67-continued
ORDER SCHEDULING PUBLIC HEARING-
ROUTE 39 WATER DISTRICT EXTENSION

WHEREAS, a written petition in due form and containing the signatures required by law having been presented to and filed with the Town Board of the Town of Avon, Livingston County, New York, in relation to the establishment of a proposed water district in said Town pursuant to Article 12 of the Town Law, to be known as the Route 39 Water District Extension, as described in said petition; and

WHEREAS, said petition, together with a map, plan and report, incorporating an estimate of the project costs, have been filed in the Office of the Town Clerk and are available for public inspection and review; and

WHEREAS, said map, plan and report, including an estimate of the project costs, were prepared by Larsen, competent engineers duly licensed by the State of New York; and

WHEREAS, the boundaries of said proposed water district shall be as set forth in Schedule A attached hereto and made a part hereof; and

WHEREAS, the improvements proposed in connection with the establishment of said water district consist of the purchase and construction of a water distribution system to serve said water district, including approximately 12,150 linear feet of 12" watermains and 3,000 linear feet of 8-inch watermains, together with original furnishings, valves, hydrants, equipment, machinery and apparatus required in connection therewith, and also including, if necessary, the acquisition of land or rights in land required in connection therewith, all as more fully described in the aforesaid map, plan and report accompanying said petition; and

WHEREAS, the maximum amount proposed to be expended for such improvements in connection with the establishment of said water district is \$700,000; and

WHEREAS, the method of financing the cost of said improvements, shall, in the first instance, be derived from an application by the Town of Avon to secure a Community Development Block Grant through the Small Cities Grant Program in the amount of \$600,000, and the balance of the costs of said improvements shall be derived from and secured by the issuance of serial bonds (and bond anticipation notes in anticipation thereof) of said Town in an amount not exceeding \$100,000 and maturing in annual installments over a period not exceeding twenty years, payable in the first instance from a levy upon the several lots and parcels of land situate the Town of Avon Route 39 Water District Extension, and assessed on an ad valorem basis upon all of the real property situate within said proposed water district at the same time and in the same

RESOLUTION #67-continued
ORDER SCHEDULING PUBLIC HEARING- ROUTE 39 WATER DISTRICT
EXTENSION

manner as other Town charges, and in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not so paid from such source, then all of the taxable real property in said Town shall be subject to the levy of ad valorem taxes, without limitation as to rate or amount, sufficient to pay the principal of and the interest on said bonds as the same shall become due and payable; and

WHEREAS, the Town Board will make a determination of significance in accord with the State Environmental Quality Review Act (SEQRA) before taking action to establish said water district, and

WHEREAS, the estimated cost of the proposed improvements to the typical property therein is \$2,187.86 in the first year in which operation, maintenance, purchased water supply costs, debt service and other charges and expenses are to be paid; second year costs would be reduced to approximately \$687.86; and

WHEREAS, a detailed explanation of the manner by which said estimated costs were computed for first year costs to the typical property and typical one or two family homes in said proposed water district has been filed in the Office of the Town Clerk where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, and

WHEREAS, it is now desired to call a public hearing to consider the petition for and the establishment of said proposed water district in the manner aforesaid pursuant to Section 193 of the Town Law.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Town Board of the Town of Avon, Livingston County, New York, as follows:

Section 1. A Public Hearing shall be held at the Town Hall at 27 Genesee Street, Avon, New York, in said Town on the 22nd day of May, 2008 at 7:00 P.M., Prevailing Time, to consider the establishment of a proposed water district as described in the preambles hereto, to be known as the Route 39 Water District Extension and to consider the map, plan and report including the estimated project costs filed in relation thereto, and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be published in the official newspaper of the Town and posted in the time and manner prescribed by law.

Section 3. This Order shall take effect immediately.

RESOLUTION #67-continued
ORDER SCHEDULING PUBLIC HEARING- ROUTE 39 WATER DISTRICT
EXTENSION

The question of the adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Publish: April 24th and May 15th, 2008

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
SMALL CITIES GRANT APPLICATION – COMMITMENT OF FUNDS

Supervisor LeFeber read the proposed resolution that had been previously provided to the Board. Supervisor LeFeber asked for any public comments and there were none.

RESOLUTION #68
SMALL CITIES GRANT APPLICATION – COMMITMENT OF FUNDS

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

ADOPTED AYES 5 NAYS 0

WHEREAS, the Town has commissioned a preliminary engineering evaluation to define the extent of improvements and cost associated with the installation of public water improvements to serve the Town of Avon Route 39 Water District Extension; and

WHEREAS, the cost of undertaking these improvements is estimated at \$700,000 including construction, legal, engineering and administrative costs; and

WHEREAS, the Town Board has previously authorized the Supervisor to file a Small Cities application in the amount of \$600,000 for the installation of the needed water system improvements.

NOW, THEREFORE BE IT RESOLVED, that the Town Board commits that it will provide \$100,000 in funds plus any overruns that may be incurred to build the proposed improvements recommended in the preliminary engineering analysis referenced herein, to address the concerns and eliminate the problems facing residents in this area due to inadequate private water supplies. THIS COMMITMENT IS CONDITIONED ON THE TOWN RECEIVING THE \$600,000 SMALL CITIES GRANT REFERRED TO ABOVE. THE TOWN’S FUNDS ARE TO BE PROVIDED BY GENERAL

RESOLUTION #68-continued

SMALL CITIES GRANT APPLICATION – COMMITMENT OF FUNDS

OBLIGATION BONDS TO BE ISSUED BY THIS BOARD CONSISTENT WITH APPLICABLE LAWS OF THE STATE OF NEW YORK.

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

Supervisor LeFeber thanked everyone for their work including the residents that assisted with the collection of the income survey and letters of support, Grantsman Stuart Brown and the Town staff members.

Supervisor LeFeber asked for any other questions or concerns and again there were none.

Supervisor LeFeber thanked the Palmiter's for their donations to the Town with planting trees in Paper Mill Park. The Board echoed their appreciation.

On motion of Councilman Cook, seconded by Deputy Supervisor Cole, the meeting adjourned at 6:40 P.M.

Respectfully submitted, _____ by
Sharon M. Knight, RMC, CMC, Town Clerk