

A Regular Meeting of the Town of Avon was held on Thursday, April 24, 2008 at 6:00 P.M. at the Avon Town Hall with the following members present:

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

OTHERS: Attorney Timothy Ingersoll, Highway Superintendent Robert Ayers, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, and Town Clerk Sharon Knight

VISITOR: None

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

Pledge of Allegiance

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

DISCUSSION

ATTORNEY REPORT

Attorney Ingersoll apologized for being absent at the Special Meeting called by the Board. He had discussions with Attorney David Henehan and was able to repay the favor with his partner providing a specialty service as an examiner to Mr. Henehan. He thought David Henehan provided sound advice.

Resolutions for Royal Springs are almost complete. Supervisor LeFeber stated the map, plan and reports have been sent to the Town Planning and County Planning for review.

A call was received from Livingston County News Reporter Howard Appell regarding a request to revive a senior housing project within the Village by Richard Martin. The Village Board is being told tax abatement was given to him by the Town.

Deputy Supervisor Cole recalled discussion of this board in 2004 and the minutes were reviewed. Also the minutes of 1997 were reviewed. There was discussion on a resolution that was adopted in 1997 as nothing has been done to the property.

Further discussion included current plans that included tearing down the house at 119 Genesee Street, purchase the municipal parking lot, and have an entrance on both South Avenue and Genesee Street.

It was recommended to rescind the 1997 resolution and the following justification was discussed, the project deserves a public hearing, the Board will treat Mr. Richard Martin without special favors and he is being treated as any other developer, inappropriate delegation of town taxing authority to another municipality, no fees have been incurred by Attorney Ingersoll on this project and any new terms would be negotiated with the Village and Town and Developer as a pilot.

RESOLUTION #69RECIND RESOLUTION ADOPTED FEBRUARY 24, 1997

On motion of Councilman Cook, second by Councilman Blye the following resolution was ADOPTED AYES 4 NAYS 1 (Councilman Mairs)

Resolution to rescind the following resolution adopted February 24, 1997:

“Resolve to accept whatever exemption the village decides upon for Mr. Martins proposed project as the property is located within the Village.”

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

DISCUSSION-continuedATTORNEY REPORT

There was discussion of the unpaid County Pilot for “Kids Club” and the need to re-bill with penalties.

Supervisor LeFeber reported he was asked to contact Barilla and demand them to use the services of a specific transportation service. He stated and the Board agreed this is not proper.

There was discussion on Local Law T-1A-2008 and what was included in the legal notice. Councilman Blye shared his concern of the legal notice not being what was discussed at the last meeting. Town Clerk Knight apologized for the notice’s wording; however, both she and the Supervisor reviewed the notice prior to submitting to the legal paper. There was discussion on the content of the proposed Local Law including there is a lot of interest and the purpose of the public hearing is to here from those that opposed and those that support. Town Clerk Knight stated it is a “feel good” law. Councilman Mairs stated if the local law is adopted we may be required to store guns for those that need to enter our buildings.

DISCUSSIONHIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

The final numbers are in for the CHIPS Funding and there will be a 22.73 percent increase for the 2008-2009 budget. The lobbying in Albany continues to be successful.

DISCUSSION-continued
HIGHWAY REPORT

The Highway Department has been busy with putting snow equipment away, working on road sides, cemeteries and even rolled the little league fields.

A message was received from a Cleary Road resident claiming the Town is liable for damage to three vehicles in the amount of \$1,700.00 to \$1,800.00. A written complaint has not been received and no other residents on the road have made a complaint. During one of the days there was poor condition of the road due to an equipment breakdown.

The dump body is being prepared for auction.

DISCUSSION
CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello reported a New State Regulation for swimming pools will be enforced. Advertisements in the Penny Saver, Livingston County News and the Genesee Sun to alert our residents will be run. It will also be posted on our Web Site.

A verbal complaint regarding an eighteen wheel trailer was received; however, no action is needed.

DISCUSSION
WATER REPORT

Water Superintendent McKeown was not in attendance.

DISCUSSION
YOUTH RECREATION BOARD INTERVIEW – HEATHER BURKE

Supervisor LeFeber welcomed Heather Burke to the meeting stating she had sent in a letter of interest to serve on the Youth Recreation Board. Supervisor LeFeber asked Heather why she is interested in the position. Mrs. Burke responded, stating she has two daughters and she signed-up her oldest daughter for a program offered in another Town and Avon does not have programs in this age group. She attended a meeting of the Youth Recreation Board and found the programs are for K-12 and it would be nice for adults or younger children to be involved.

Mrs. Burke asked how the budgeting works and Supervisor LeFeber answered her question stating the bulk of the budget comes from local taxpayers and the budget is \$62,000.00. He also stated Councilman Cook is the representative to the Board.

Councilman Cook explained his involvement including location of programs and offering of additional programs such as lacrosse. The Board is still in a learning stage of the Youth Recreation as it was changed from the Village to the Town in 2007.

DISCUSSION-continuedYOUTH RECREATION BOARD INTERVIEW – HEATHER BURKE

Supervisor LeFeber stated salaries are very low and a lot of high school students are employed and they are offered great experiences to work with children. Some choose to follow career paths due to their experiences, while others choose not to.

Mrs. Burke stated a lot of the programs are paid for by the Town and why not charge for the programs? Supervisor LeFeber stated the quality of life is an important component to what makes it nice to live in Avon. If there was uproar from the residents for the costs then the Board would need to reconsider. The YMCA has shown some interest during recent conversation with the Supervisor. There are a lot of kids participating and that speaks well for the program. The Board thanked Heather for attending.

DISCUSSIONENGINEERING REPORT

Engineer Tim Rock reported on the following:

Larry Heininger gave a new plan for the Flea Market and it is approvable.

He will be meeting with Supervisor LeFeber and Livingston County Director of Industrial Development Patrick Rountree for a group meeting at the Crossroads Industrial Park in East Avon. Discussion will include the storm water management.

RESOLUTION #70PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2008-8 in the follow amounts:

General Fund	Vouchers #232 through #246 in amounts totaling \$3,396.70
Highway Fund	Voucher #91 through #99 in amounts totaling \$14,009.75
Water Fund	Voucher #69 through #72 in amounts totaling \$451.35
Cemetery Fund	No Voucher
Water Capital Improvement	No Voucher
Royal Springs Lighting	No Voucher
Town Of Avon Fire Protection	No Voucher
Cross Roads Drainage District	No Voucher

RESOLUTION #70-continued
PAYMENT OF BILLS

Bruckel Drainage District No Voucher
 Royal Springs Drainage 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

RESOLUTION #71
APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of April 10, 2008 as presented.

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 #72
APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of April 17, 2008 as presented.

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 SPACE

Councilmen Cook and Mairs reported on the proposals. A visit to the properties will be made and a recommendation will be brought to the Board at the next meeting. There was discussion of a proposal received after the deadline with the following Board action.

RESOLUTION #73
OFFICE SPACE PROPOSALS

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

Resolve that the fourth proposal that did not meet the deadline will not be considered and if none of three met our needs then a re-advertisement would be conducted.

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
EMPLOYEE HANDBOOK

Supervisor LeFeber asked the Highway Superintendent if his employees were in favor of the new preferred care product that goes along with the HSA and Highway Superintendent stated it was not received. There was discussion on the product being a savings to the Town. It may be a good plan for the first of the year of 2009. The savings maybe great enough to not have the employees pay the percentage previously discussed. It may be a good idea to put references in the Employee Handbook rather than making all portions a part of the handbook. Further discussion will continue at the May 22nd Town Board Meeting.

DISCUSSION
OPEN ITEMS

Councilman Mairs reported two employees will not be able to attend Dump Days and Shanks will have a couple guys there helping. He also asked fellow board members to assist with pickup on Friday night.

Councilman Blye reported he will look at the cost for managing the web site and that number will be provided at the next meeting. He continues to looking at how we handle our money.

DISCUSSION-continued
OPEN ITEMS

Deputy Supervisor Cole stated Ken Glazer, LEED AP NYSERDA Outreach Project Consultant is interested in reviewing our project to offer substantial incentives for sustainable energy. BERO will be reviewing ideas with Mr. Glazer. A copy of the e-mail, dated April 23rd was provided to the Town Clerk.

Deputy Supervisor Cole provided the Town Clerk with the e-mail, dated April 22, 2008, with a list of well drilling contractors and construction standards for closed-loop heat pump wells and a Test Well Plan from BERO Architecture P.C. When the alley way/path, is closed for five days to drill, on our property, notice will be given to neighbors and the Village Fire Department. Deputy Supervisor Cole will provide the proposal for well drilling to the Board.

There was discussion of an integrated voice system and data communication being used by the Village of Geneseo and the City of Batavia.

Deputy Supervisor Cole invited Code Enforcement Office Anthony Cappello to attend a meeting to be held Thursday, May 1st with BERO. Richard Osgood will be here all day on Friday for an invasive examination.

Supervisor LeFeber stated two letters were received from the Village one for advertising for the Water Works Committee Meeting and one allowing the Village/Town Courts together. The Chairman of the Committee is unhappy that we are advertising for the position. The Board agreed this is the practice of the Board and if a mistake was made by not advertising it was an error.

Deputy Supervisor Cole addressed the Board regarding an event sponsored by the Chamber of Commerce, on May 1st at the Charleton Bed & Breakfast. Deputy Supervisor Cole stated he interviewed Tony Pusateri and while talking to Tony he turned on the machine, and the machine needed a kick prior to starting, of course only Tony would know where to kick. Mr. Pusateri stated he has never had an unhappy customer and they talked about how he got started.

Supervisor LeFeber stated there is an open invoice from the Village for the Youth Recreation Program. It appears the Village has doubled billed on October of 2006 and August of 2007. The Board requested Supervisor LeFeber talk with the Village to settle with no more than one-half of the invoice.

Supervisor LeFeber reported the funds awarded by Congressman Reynolds expired the end of March; however, an extension was approved until the end of 2009. The money secured by Assemblyman Burling has been received. The SHIPPO money comes as the claims are submitted. The Congressman Reynolds money could be claimed with an inspection regiment with a lot of procedural compliance and this route was not taken. Karen Ferguson would like to know all of our moves along the way.

DISCUSSION-continuedOPEN ITEMS

Supervisor LeFeber asked the Board if they would like to participate in the celebration of the Town's name changing from Hartford to Avon. Deputy Supervisor Cole stated he would be out of Town. Councilman Mairs is interested in the Civil War reenactment of the ferry crossing.

Town Clerk Knight informed the Board of the desire of both the Town Clerk and the Deputy Town Clerk taking time off at the same time. Town Clerk Knight contacted Patty Baker the Avon Village Clerk to act as Registrar on May 21st and 22nd for the Town and to take the minutes of the Town Board on May 22nd with a positive response. The Supervisor was in support of the Town and Village working cooperatively. The Town of Caledonia was contacted for their formal notification policy as they are closing to allow both the Clerk and the Deputy Clerk to attend the New York State Conference on April 27th through April 30th in Saratoga. Notification will be made by two weeks of advertisement in the Penny Saver and a Legal Notice in the Livingston County News, and by contacting the local Funeral Home.

There was a lengthy discussion of why the Village Clerk was asked as she is not an employee of the Town and if the Town Clerk had considered a second Deputy Town Clerk. Councilman Blye stated the office is service oriented and this is not the best image.

Town Clerk Knight informed the Board of an invitation to take part in the Avon Little League Parade on May 3rd; start time is 10:00 A.M. in the Milex Parking Lot (Fitness Center). Cars are provided and the Village Board is always invited and has not participated. Rev. Taylor rides and if more than one car is needed the Town Clerk will inform the President, Brian Read.

The following information was provided in the Board packet by the Town Clerk:

L.Village of Avon – Water Works Committee Advertisement
L.Village of Avon – Town Court Office to use the Village Court Facility
Proposals for the Town Board – Office Space – Recommendation & Richard Martin
Flyer Chamber of Commerce – Honoring Tony Pusateri – Pusateri's Shoe Service
The Buffalo News – State Commission says mergers are key to any tax relief

On motion of Councilman Blye, seconded by Councilman Cook, the meeting adjourned at 8:30 P.M.

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