

A Regular Meeting of the Town of Avon was held on Thursday, August 28, 2008 at 6:00 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Councilmen James Blye, Thomas Mairs and Councilman Donald Cook

ABSENT: Deputy Supervisor Cole

OTHERS: Attorney Timothy Ingersoll, Highway Superintendent Robert Ayers, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, Hurricane Technology Employee Jeremiah Jordon, 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

HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

The Highway Department has been busy patching and wedging, 13.5 miles of roads have been striped with center lines including Dutch Hollow Road. Next week the plans are to have the brush ground, mow drainage districts and the road sides. Government Appreciation day is scheduled for Friday, August 29th at 10:30 A.M. in the Town of York in celebration of the shared equipment grant. In September, a new round of grant applications will be available and one additional Town will be added to the application.

Supervisor LeFeber reported three letters were mailed, to the owners of the property adjacent, requesting an increase to the letter of credit or completion of Starkey and Wolcott Drive.

DISCUSSION

ATTORNEY REPORT

Attorney Ingersoll provided the following report:

A recommendation to move forward with the easement with the Village for the geothermal wells was discussed. He stated that after reviewing the Bureau of Land Management he was not recommending to move forward with the any other agreements.

DISCUSSION

CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello reported on the following:

Attorney Ingersoll reviewed the letter to Richard Finocchiaro, dated August 27, 2008, and stated it was a good letter. The letter removes the fault from the Code Enforcement Officer to the owner of the property of the unsafe building.

DISCUSSION

OPEN PUBLIC HEARING – LOCAL LAW T-2A-2008 - ROYAL SPRINGS

DEVELOPMENT PLANNED UNIT DEVELOPMENT PHASE II

Supervisor LeFeber stated the Royal Springs Development continues to have two open public hearings. He attended a meeting with Councilman Blye and Developer Peter Kolokouris and there was agreement to increase lot sizes and a revised Site Plan would be developed decreasing the number of homes to approximately 150 homes. The current development has swimming pools, porches, decks and the sizes of properties appear to be meeting the needs of the home owners.

If the Board does not follow the recommendation of both the Town and County Planning Boards documenting the justification is an important part of the approval. It was recommended to have an “expert” review the proposal and provide written testimony that includes consideration of our comprehensive plan. Supervisor LeFeber stated Larsen Engineer Planner Ken Gordon is familiar with our Comprehensive Plan and could serve this role.

Attorney Ingersoll also recommended providing notice of the Public Hearing to current residents of the development to seek opinions of the proposal.

The revised site plan is expected to be delivered to the Clerk and the Clerk is requested to have the Supervisor review and then forward to the Town and County Planning Board for recommendation.

DISCUSSION

OPERA BLOCK – OPENING BIDS

Supervisor LeFeber reported that there were no bids to open at the scheduled Opera Block bid opening today at 3:00 P.M.. BERO did spread the word of the change in the date of the opening. Supervisor LeFeber stated that the Board should be the only authority to change the legal notice that includes the date of bid opening. If there is an addendum then the Board should be given the opportunity to consider. There was discussion on the bond requirements and the original text of the legal notice. We have been provided with a list of people that purchased the plan for bid from BERO.

RESOLUTION #144
OPERA BLOCK – ADDENDUM #2 LEGAL NOTICE

On motion of Councilman Cook, seconded by Councilman Mairs the following resolution was
ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

REQUEST the Town Clerk publish the following legal notice:

ADDENDUM #2 LEGAL NOTICE
TOWN OF AVON
SECTION 00020
ADDENDUM

INVITATION FOR BIDS

This project is in part funded by a grant from the NYS Office of Parks, Recreation and Historic Preservation through Title 9 of the Environmental Protection Act of 1993. The Town of Avon, NY has been and will continue to be an equal opportunity organization. All qualified Minority and Women-Owner Business Enterprises (M/WBE) suppliers, contractors and /or businesses will be afforded equal opportunity without discrimination because of race, color, religion, national origin, sex, age, disability, sexual preference or Vietnam Era Veterans status.

The Town of Avon, NY, herein known as “Owner”, will receive sealed bids for “Rehabilitation of 23 Genesee Street (Avon Opera Block) and Renovation of 27 Genesee Street, Avon, New York.

Bidding Documents may be obtained at Rotolite Elliott Corporation, 1 Grove Street, PO Box 97, Pittsford, New York 14534, Phone: 585-385-1463; Fax: 585-385-2190, beginning August 4, 2008 between 8:00 AM and 5:00 PM. Copies of the Bidding Documents and Addendum #1 may be obtained by depositing \$100.00 for each set of documents. Make checks payable to: Bero Architecture, P.C. Each deposit will be refunded to bidders submitting a complete bid if the Contract Documents are returned to the Rotolite Elliott office intact, clean and unaltered within 10 days of the bid opening.

Bidders requiring Bid Documents by mail should send a separate check made payable to Rotolite Elliott Corporation for \$25.00 for postage and handling. (Postage and handling will not be refunded.)

Bidding Documents and Addendum #1 will be available for viewing at the Builders Exchange of Rochester, 180 Linden Oaks, Suite 100, Rochester, NY 14625, Phone: 585-586-5460; and MHC/ReproMax Dataflow, Inc. 320 North Goodman Street Suite S-200, Rochester, NY 14607; Phone: 585-227-1250.

A Performance Bond (AIA Document 312) in the amount of 100% of the Bid must be completed by the successful Contractor and Contractor’s Surety as assurance that the

RESOLUTION #144-continued
OPERA BLOCK – ADDENDUM #2 LEGAL NOTICE

work will be performed and completed in accordance with the terms of the Construction Contract.

Bids will be received at the Avon Town Clerk's office 57 Genesee Street, Avon, NY until 3:00 PM local time on Tuesday, September 11th, 2008. Bids will be publically opened and read aloud. Bids received after this will not be accepted.

Bids must be submitted on the prescribed forms. Each bidder must submit a complete Form of Proposal. Experience with restoration of Historic Buildings is required. Contractor's Qualification Statement, AIA Document A305, must be completed and submitted with the Form of Proposal.

Bids may be held by the Owner for a period not to exceed forty-five (45) days from the date of the opening of bids for the purpose of reviewing the Bids and investigating the qualifications of the Bidders prior to awarding the Contract.

The Owner reserves the right to reject any or all bids or to waive any informalities in the Bidding.

The successful bidder will be required to comply with the State Affirmative Action requirements. Project goals for participation of State certified Minority and Women-Owner Business Enterprises (M/WBE's) are: MBE – 8 % of total contract dollar value, WBE 5% of total contract dollar value. Bidders must submit, with their Bid for State approval, a M/WBE Utilization Program. The successful Bidder will also be required to submit a Monthly Workforce Utilization Report and a Cumulative Monthly Payment Statement. The successful Bidder must also submit an Equal Opportunity policy statement no later than seven (7) days after being notified of the award. The successful Bidder must have all laborers, workers. And mechanics working on the site be certified as having successfully completed the OSHA 10 Hour Construction Safety and Health Course.

There will be a mandatory pre-bid conference at the site on Wednesday August 13, 2008 at 10:00AM. All bidders are required to visit the site and familiarize themselves with the project requirements. All Bidders are required to visit the site during a pre-bid conference or at a time pre-arranged with the Architect.

Each bid must be accompanied by cash, certified check, or a bid bond in an amount not less than 5% of his bid in the form and subject to the conditions set forth in the Contract Documents and Instructions for Bid. Upon acceptance of his bid, if the bidder fails to enter into a contract pursuant to the requirements of said agency, then the sum deposited as bid security shall be forfeited to the Town of Avon as liquidated damages, or the payment of the bond enforced for the benefit of the Town of Avon.

RESOLUTION #144
OPERA BLOCK – ADDENDUM #2 LEGAL NOTICE

The Town of Avon is exempt under Section 1116 of the Tax Law, and therefore, no sales tax shall be included in the bid.

By order of the Town Board, Town of Avon, Livingston County, New York

Sharon Knight, CMC/RMC Town Clerk
Town of Avon
57 Genesee Street
Avon, New York 14414

Date: August 28, 2008
Publish: September 4, 2008

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

RESOLUTION #145
ACCEPTED THE PROJECT MANUAL FOR THE REHABILITATION & RENOVATION OF THE OPERA BLOCK

On motion of Councilman Blye, second by Councilman Cook the following resolution was
ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to accept the documents prepared by BERO Architect identified as:

PROJECT MANUAL: GENERAL CONSTRUCTION – Rehabilitation of 23 Genesee Street (Avon Opera Block) & Renovation of 27 Genesee St. (State Street Bank of Avon), Avon, New York dated August 5, 2008, Identified as #1.

BERO Architecture PC maps identified as Project Title” Rehabilitation of 23 Genesee Street (Avon Opera Block) & Renovation of 27 Genesee Street, dated August 5, 2008. Sheet Number/Date: T-10, C-10, C-11, D-10, D-11, A-10, A-11, A-12, A-13, A-14, A-15, A-20, A-21, A-22, A-30, A-31, A-32, A-33, A-40, A-41, A-42, A-43, A-44, A-45, A-46, A-47, A-50, A-51, A-60, A61, DEM-10, H-20, DEM-30, P-10, P-11, P-20, P-21, P-30, P-31, P-40, P-50, RPZ-10, SP-10, SP-20, SP-30, SP-40, H-10, H-11, H-20, H-30, H-40, H-50, H-60, E-10, E-11, E-20, E-21, E-30, E-31, E-40, and E-50.

RESOLUTION #145-continued
ACCEPTED THE PROJECT MANUAL FOR THE REHABILITATION & RENOVATION OF THE OPERA BLOCK

PROJECT MANUAL: Plumbing, HVAC, & Electrical – Rehabilitation of 23 Genesee Street (Avon Opera Block) & Renovation of 27 Genesee St. (State Street Bank of Avon), Avon, New York dated August 5, 2008, Identified as #1.

BERO Architecture PC maps identified as Project Title” Rehabilitation of 23 Genesee Street (Avon Opera Block) & Renovation of 27 Genesee Street, dated August 5, 2008. Sheet Number/Date: T-10, C-10, D-10, D-11, A-10, A-11, A-12, A-13,A-14, A-15, H-20, DEM-30, P-10, P-11, P-20, P-21, P-30, P-31, P-40, P-50, RPZ-10, SP-10, SP-20, SP-30, SP-40, H-10, H-11, H-20, H-30, H-40, H-50, H-60, E-10, E-11, E-20, E-21, E-30, E-31, E-40, and E-50.

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

DISCUSSION

OPEN POSITION – OPERA BLOCK - CLERK OF THE WORKS

Supervisor LeFeber reported three applications for the position of Clerk of the Works have been received and the following action was taken.

RESOLUTION #146

CHANGE START TIME OF SEPTEMBER 11, 2008 TOWN BOARD MEETING

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE that the regular meeting time for the September 11, 2008 meeting is changed to begin at 5:00 P.M. and the purpose is to interview candidates for the position of “Clerk of the Works”. The meeting place will be held at the Avon Village Hall, 74 Genesee Street, Avon, New York 14414.

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

DISCUSSION
WATER REPORT

Water Superintendent McKeown reported on the following:

He is painting fire hydrants and the fence at the water tank.

The contractor will begin the Darby Road Project next Thursday or Friday. On Monday residents will be notified by mail or in person.

We sold a load of water to a resident on Route #39 and then questioned the long term liability of the Town. The customer takes all responsibility once they take the load; however, the recommendation is for them to purchase water from the coin operated distribution center in Geneseo.

Darby Road water customer Mr. Reitz purchased the water filtering system and put in a micro-filter and he is happy with the quality of the water he is now receiving.

We have two new water customers one on Henty Road and the second on Sutton Road.

DISCUSSION
CODE ENFORCEMENT

Code Enforcement Officer Cappello provided the following report.

Mr. Wolfanger will not be selling his home and his application has been approved to have a home occupancy permit for a coffee business.

A call was received from resident Joseph Tuchrello regarding highly contagious stream of water coming from the Stokoe Farm. The New York State Department of Conservation (NYSDEC) was on site.

The first outside wood burning stove permit was issued.

There was discussion on the need to establish protocol for the Zoning Board of Appeals. Supervisor LeFeber will make a list that will include name plates and having prepared agendas, etc.

DISCUSSION
ENGINEERING REPORT

Engineer Rock reported that he will not be in attendance at the September 11th meeting due to vacation.

RESOLUTION #147
APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to approve the minutes of July 24, 2008 as presented.

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

DISCUSSION
MINUTES OF AUGUST 14, 2008

Councilman Blye provided corrections/changes to the prepared minutes. A majority of the Board was not in attendance from the August 14th meeting to approve the minutes so they will be considered at the next meeting.

RESOLUTION #148
PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to accept for payment Abstract 2008-15A in the follow amounts:

Concerning ABSTRACT of Claims Number 2008-15A including claims as follows:

General Fund	Voucher #451 through #495 in amounts totaling \$27,821.23
Highway Fund	Voucher #171 through #187 in amounts totaling \$22,826.83
Water Fund	Voucher #128 through #139 in amounts totaling \$27,757.21
Cemetery Fund	Voucher #3through #3 in amounts totaling \$230.00
Royal Springs	
Lighting	Voucher #5 through #5 in amounts totaling \$772.17
Cross Roads	
Drainage District	No Voucher
Bruckel	
Drainage District	No Voucher
Royal Springs	
Drainage	No Voucher

RESOLUTION #148-continued
PAYMENT OF BILLS

Town Of Avon

Fire Protection No Voucher
Water Capital No Voucher
Improvement

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

RESOLUTION #149
PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

Concerning ABSTRACT of Claims Number 2008-16 including claims as follows:

General Fund	Voucher #496 through #517 in amounts totaling \$7,558.54
Highway Fund	Voucher #188 through #194 in amounts totaling \$4,605.45
Water Fund	Voucher #140 through #144 in amounts totaling \$5,755.82
Cemetery Fund	Voucher #4through #4 in amounts totaling \$230.00
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
Water Capital Improvement	No Voucher

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

DISCUSSION
DISPOSITION OF SURPLUS COMPUTERS

Supervisor LeFeber reported on the computers that are not currently in use and the Board took the following action.

RESOLUTION #150
COMPUTERS NOT IN USE

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to approve the old Court computer be given to the Historian’s Office and to keep three additional computers without wiping them clean in anticipation of projected needs of the Zoning Board of Appeals Clerk, Recreation Director, and any other use. The remaining surplus computers will not be wiped clean and the Code Enforcement Officer will destroy them.

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

RESOLUTION #151
OPPOSING THE PROPOSED CHANGES TO THE PUBLIC HEALTH LAW,
CONSOLIDATING LOCAL REGISTRARS OF VITAL STATISTICS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

WHEREAS, The New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments, and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner, and

WHEREAS, the NYS Department of Health has developed a program bill that would allow the Commissioner to consolidate the function of the local registrars of vital statistics, and

RESOLUTION #151-continued
OPPOSING THE PROPOSED CHANGES TO THE PUBLIC HEALTH LAW,
CONSOLIDATING LOCAL REGISTRARS OF VITAL STATISTICS

WHEREAS, New York State Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to the "Pandemic Flu and Public Health Emergency Preparedness Law", and

WHEREAS, the Commissioner could consolidate these services without county legislative approval, and

WHEREAS, the local city, town and village Clerks have provided this service professionally and efficiently over the years, and

WHEREAS, losing this business would have a financial impact on the local governments, and

WHEREAS, many citizens are under financial stress due to high fuel costs, and

WHEREAS, the County's geography would increase this burden since services would be located further from the residents,

WHEREAS, the local Registrars presently charge \$10.00 per certified copy and the State proposes that the County will charge \$30.00 per certified copy, and

NOW, THEREFORE, BE IT RESOLVED that in the interest of good government, the Avon Town Board opposes the consolidation of the function of local registrars of vital statistics, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to our Governor and State Elected Officials to encourage their support.

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

DISCUSSION
SUPERVISOR REPORT

Supervisor LeFeber reported he received a letter from Patrick Rountree, Zone Certifying Officer of the Livingston County Empire Zone Administrative Board dated August 14, 2008 acknowledging receipt of comments he prepared regarding the Livingston County Empire Zone Performance Evaluation Report. There was discussion on the needed balance of assistance the Town Board should provide to one developer over another.

DISCUSSION-continued
SUPERVISOR REPORT

Plaques have been ordered and received for the Chamber of Commerce Citizen of the Year and the Chuck McFadden Award.

September 9th is our schedule meeting with St. John & Baldwin for a budget workshop.

An update of the discussion on the last Board meeting was provided by Supervisor LeFeber regarding the Avon Central School Resource Officer and the contributions of the Town, Village and School. The discussion included a letter sent to the Mayor on April 10th and a response dated April 17th. Further discussion will take place at a future meeting.

Supervisor LeFeber made a request to the Board Members to begin thinking about the budget items such as Employee health care, HAS, buy-outs for insurance and an employee handbook as the budget season is approaching and decisions will need to be made:

DISCUSSION
OPEN ITEMS

Councilman Mairs stated assistance is needed for Dump Days scheduled for September 13th.

Councilman Blye questioned the Town Clerk Knight asking if she would be willing to work with him regarding taking in money. Town Clerk Knight stated she would be more than happy to provide assistance. She continued stating the current Town Hall does not provide a safe environment for the collection of money. Discussion included lock boxes and other ways to accept payments such as credit cards.

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 8:10 P.M.

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