

A Regular Meeting of the Town of Avon was held on Thursday, February 14, 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, Youth Board Member Chairman Tami Snyder, Water Superintendent Daniel McKeown, 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 provided the following report:

A copy of a letter was provided to the Board and was sent to Attorney Presutti, Esq. who represents J & A Farm Market as they received a "Stop Work Order" asking the standing building be torn down or ask for variances to finish the building.. Supervisor LeFeber stated the property owner came before the Planning Board. The Planning Board is recommending the Zoning Board of Appeals approve several variances once J & A makes their application to them for a building on a different site than the partially completed building.

New York State has drafted legislation for regulations on outdoor wood boilers and it is unknown when there will be any action. If the draft legislation is adopted by the State it would provide the necessary legislation the Town would need. Supervisor LeFeber reported the County Planning Board would be reviewing a referral for wood stove legislation, for the Town of Groveland. Councilman Blye suggested waiting until June to review and the Board agreed to see if state had acted on regulations.

The Royal Springs Development extension will be sent to the County as a rezone for the extension to the PUD, lighting and drainage districts. Town Clerk Knight provided the Board with a draft of the *Livingston County Planning Board Zoning Referral Form*. Supervisor LeFeber stated he received a call from Developer Helge Heen and he requested a meeting to be held next week regarding common open spaced dedicated to the Town of Avon in his Planned Unit Development. Deputy Supervisor Cole agreed to meet next week.

DISCUSSION-continued  
ATTORNEY REPORT

Local Laws that will be considered in the future include:

1. Photometric (dark sky) information has been provided by Engineer Tim Rock.
2. Hotel and motel legislation as there is no current information in our Code and Attorney Ingersoll will research information for Board consideration. Placement may be in B1L1, PDD or General Business. Supervisor LeFeber will request the Planning Board review the Code and make a recommendation.
3. Definition of common open space information has been provided by Attorney Ingersoll.

The proposed intermunicipal agreement – Unified Town & Village Court Facility was provided to the Board and a revised draft was prepared by Deputy Supervisor Cole and then discussed. Attorney Ingersoll will review and provide feedback to the Board. There was discussion of the need to have arbitration procedures. The Center for Dispute is another viable option.

There was discussion of a property owned by Russell Barber and his request for the Town to replace water lines under the road to service his property at 2130 Avon-Geneseo Road. There are three apartments and a separate farm house that shares a common water line and pressure is a problem. Discussion included but was not limited to, why a one inch line would have been used. It was determined that when the line was installed it was to be used by a one family home.

Attorney Ingersoll reported he has represented a Russell Barber in the past.

The Board requested Water Superintendent McKeown inform the property owner on the Town's willingness to replace the line.

There was a request for Attorney Ingersoll to provide an opinion letter regarding the Opera Block. The request brought to our attention that the bank did not file the discharge papers; therefore, an abstract of title has been ordered at a cost of \$600.00.

There was discussion on proposals for an appraisal sought by the Supervisor's Secretary. A normal cost for residential appraisal is \$250.00 to \$300.00. Attorney Ingersoll suggested hiring Midland Appraisal as they have been used for many businesses. Karen Ferguson Representative from the State Historical Preservation Office (SHPO) reviewed the proposal as everything we do must be run through Karen. This is her first project. There are more cycles allowing the Town to re-apply for SHPO funding.

DISCUSSION  
YOUTH RECREATION

There was discussion on the two open positions on the Youth Recreation Board. Councilman Mairs stated he spoke with a Nunda resident and this resident spoke very highly of the family of William Stremouihits, Youth Recreation Board applicant. The Recreation Board is not recommending appointment due to Bill's availability. The Board continues to be short handed and this requires additional time of each Board member. Tami will provide a draft letter for the Supervisor to send to Mr. Stremouihits.

The Caledonia Youth Recreation is requested use of the pool at Avon Central School. The pool would then be used 5 days per week in the morning for Caledonia and in the afternoon for Avon. In the Town of Avon, ninety percent of swimmers pass the American Red Cross levels.

The Avon Athletic Director has concerns of increasing the grade levels Youth Recreation is offering for lacrosse. Due to low numbers the program may stay at grades three to six.

Winter programs will end after next week and registration for summer programs will begin.

Deputy Supervisor Cole stated the moving date from the Town Hall will be April 30<sup>th</sup> and work on the Opera Block will start in July.

The Town Board will not be participating in interviews for hiring of summer employees. Code of Conduct forms will be provided to all employees for their signature.

Registration fees are based on the cost of the program. Both soccer and lacrosse programs use umpires; therefore their programs require a higher cost to participants.

DISCUSSION  
HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

The shared equipment services roller has been delivered and the road widener should be here in a few weeks.

The "Dump Body" bids, have been advertised and will be opened February 28<sup>th</sup> at 3:00 P.M.

As the Highway Superintendent is responsible for inspecting storm sewers he reported Vitale Construction is working at Royal Springs on storm sewers. He also reported that it is expected that by the middle of next week water lines will begin to be installed.

DISCUSSION  
WATER REPORT

Water Superintendent McKeown reported on the following:

It will cost approximately \$40,000.00 for materials and \$40,000.00 for the installation of water lines to complete Darby Road. Supervisor LeFeber stated we still have not heard from Verizon regarding their installation of additional space on the water tower. Also, the Water Works Committee needs to meet and set a cost of water.

Barilla is currently using thirty thousand gallons of water per day and planning to double their production lines. When complete their usage of water is expected to double. The Town of Avon is selling all but 8.5 percent of water that is purchased from the Village. A part of the 8.5 percent includes flushing fire hydrants and draining the tank for painting.

A letter was received from Laurie Russo requesting the 3<sup>rd</sup> quarter water bill of \$1,636.88 and the 4<sup>th</sup> quarter water bill of \$441.55 be adjusted to the normal usage charge. This customer was previously taken over from the Village and at that time, back payment was collected by the Town and paid to the Village. There was no action by the Board.

There are three other customers that have a higher than normal water usage and they are being monitored.

DISCUSSION  
CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello did not have anything to report.

DISCUSSION  
ENGINEERING REPORT

There was discussion on the request of the property of the East Avon Flea Market expanding his business and the need for a storm water drainage district to be established. Supervisor LeFeber stated he would be drafting a letter to National Grid regarding the need for improved drainage maintenance of their infrastructure.

RESOLUTION #27  
ACCEPT MONTHLY BUDGET REPORTS

On motion of Councilman Blye, seconded by Councilman Mairs the following resolution was  
ADOPTED AYES 5 NAYS 0

RESOLVE to accept the monthly reports for January from the Supervisor and the following summary of the Town Clerk Report as provided:

RESOLUTION #27-continued  
ACCEPT MONTHLY BUDGET REPORTS

<u>Total Local Shares Remitted:</u>	<u>\$429.94</u>
<u>County Treasurer for Dog Licenses</u>	<u>\$59.92</u>
<u>New York State Department of Health</u>	<u>\$45.00</u>
<u>NYS Ag. &amp; Markets for spay/neuter program</u>	<u>\$12.00</u>
<u>NYS Environmental Conservation</u>	<u>\$9.44</u>
<u>TOTAL</u>	<u>\$556.30</u>

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 #28  
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 2008-2A in the follow amounts:

<b>General Fund</b>	Vouchers #37 through #56 in amounts totaling \$40,703.39
<b>Highway Fund</b>	Voucher #21 through #30 in amounts totaling \$5,372.94
<b>Cemetery Fund</b>	No Voucher
<b>Water Capital Improvement</b>	No Voucher
<b>Water Fund</b>	Voucher #14 through #20 in amounts totaling \$21,464.75
<b>Royal Springs Lighting</b>	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 #29  
PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLUTION #29-continued  
PAYMENT OF BILLS

RESOLVE to accept for payment Abstract 2008-3 in the follow amounts:

<b>General Fund</b>	Vouchers #57 through #130 in amounts totaling \$45,013.37
<b>Highway Fund</b>	Voucher #31 through #42 in amounts totaling \$3,636.96
<b>Water Fund</b>	Voucher #21 through #33 in amounts totaling \$48,094.29
<b>Cemetery Fund</b>	No Voucher
<b>Water Capital Improvement</b>	No Voucher
<b>Royal Springs Lighting</b>	No Voucher
<b>Town Of Avon Fire Protection</b>	Voucher #1 through #1 in amounts totaling \$373,527.00
<b>Cross Roads Drainage District</b>	No Voucher
<b>Bruckel Drainage District</b>	No Voucher
<b>Royal Springs Drainage</b>	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 #30  
APPOINTMENT BOARD OF ASSESSMENT REVIEW MEMBER

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

ADOPTED AYES 5 NAYS 0

**RESOLVED**, to appoint Peter Burke to serve on the Board of Assessment Review, term to expire 9/30/2011.

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  
PROPOSALS FOR APPRAISING THE OPERA BLOCK

Supervisor LeFeber provided the Town Clerk with three written proposals to appraise the Opera Block as required by the SHPO Grant. The Board reviewed the three proposals and took the following action.

RESOLUTION #31  
AUTHORIZE SUPERVISOR TO SIGN

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

RESOLVE to authorize the Supervisor to sign the letter of engagement with Rynne, Murphy & Associates, Inc. to appraise the Opera Block.

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 #32  
APPROVAL OF MINUTES

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

RESOLVE to approve the minutes of January 24, 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 #33  
APPROVAL OF MINUTES

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

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

RESOLUTION #33-continued  
APPROVAL OF MINUTES

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  
APPROVAL OF MINUTES

There was discussion on the minutes of November 8, 2007 with no Board action.

DISCUSSION  
HEALTH CARE BENEFITS FOR EMPLOYEES

Supervisor LeFeber spoke of the employees interest in HSA and Community Health Care and the Board must say what the policy would be if the change does occur. Currently we have a policy in place with percentages being paid by employees for health care. There was also discussion of the option of providing a dollar amount for those not taking health care. HSA allows for putting in pre-taxed dollars for future health benefits. Supervisor LeFeber has an interest in a payment and would continue to recognize that payment as an employee benefit. The County recently received a grant to study employee benefits and they have contracted with the Siegel Group, to study opportunities. A bigger pool might include the Town, Villages and County employees. Supervisor LeFeber stated we will be asked to provide information regarding our employee benefits including workmen's compensation.

The Board reviewed documentation provided by William Combs and discussion included FSA's and HSA's, united health and preferred care. According to Mr. Combs there is a possibility to save several thousand dollars with the HSA's and United Health.

Board members shared the feelings on offering or not offering dollars for not taking health care, levels of care including single, self and spouse, parent and children or family.

In the Highway Department employees with longevity have family health care and retirement. All employees have the same pay rate, vacation time and sick time.

The Board requested Supervisor LeFeber contact the County Personnel Department for information regarding health care and other benefits that are offered to County Employees.

DISCUSSION  
SUPERVISOR REPORT

Supervisor LeFeber reported the Board of Supervisors is considering a no smoking law on any County property. They are also collecting census information.

Supervisor LeFeber received a letter from a Geneseo Group traveling to Biloxi, Mississippi.

An update was given on the request for water on Route #39 including discussions with Stu Brown and a possible Small Cities Grant, and Livingston County's sampling will be soon.

There are three leaks in the Opera Block roof, one on the West side and two on the South side. Elmer Davis was here and they fixed the cooper down spout leak. Code Enforcement Officer Cappello stated the leak was material failure and we should not be required to pay. Supervisor LeFeber stated we have not paid yet. Elmer Davis will be requested to fix the additional leaks prior to discussion on payment. Code Enforcement Officer Cappello stated the leaks should be taken care of right away. Also, the hatch blew off and the bottom part is broken and needs to be replaced.

A meeting was held with Avon Central School Superintendent Bruce Amey, Village Mayor Tom Vonglis and Supervisor LeFeber. Discussions included monies that are paid for lunches and other fees the school collects and how new technology or on line payment could be efficient for both school and parents.

Supervisor LeFeber reported Councilman Blye will be reviewing possible ways for efficiencies such as check readers for water bills, online payments and credit card fees. He will investigate incentives for Local Governments to be efficient in money collection.

DISCUSSION  
OPEN ITEMS

Councilman Mairs reported he spoke with Joe Shanks and the dates for Dump Days are the second Saturday of May, June, and September and first Saturday in October. Also, an Ethics Committee meeting will be held on Wednesday, February 20<sup>th</sup> at 7:00 P.M. and it's expected they will have recommendations at the next meeting.

Councilman Blye reported he and Mayor Vonglis will be putting together a splash in the Genesee Valley Penny Saver regarding the Village and Town Web sites. There have been 2700 total hits and 1800 for the Town. The site is well used and it would be great to inform the community members that do not now about it.

Councilman Cook reported on our planned move to the Village for 3 to 6 months. A separate network will be set-up at the Village for the Town and we will be sharing the village printer and fax machine if approved by both Boards, there are desks available so

DISCUSSION-continued  
OPEN ITEMS

that we do not need to move ours. A excel spreadsheet was presented to the Town Clerk that was put together by Councilman Cook and he will be forwarding to all Departments for listings of items that will need to be moved, etc. Meeting dates for Planning Board, Board of Assessment Review, Zoning Board and Town Board have been reserved at the Village Hall. Outstanding items include phone lines and notification to insurance companies. Also, a Water Works Meeting is schedule for Tuesday night.

Deputy Supervisor Cole led a discussion on a report of Larry Smith from BERO regarding providing heating and air conditioning for the Opera Block and Town Hall by using a geo-exchange system with polyethylene piping to transfer heat between water in pipes and the earth. The system would use a circulatory pump to move water into the building to deliver cooling and heat. Also, the system would improve air quality. Where the wells would be dug was a part of the discussion. For the dollars spent we would see a pay back within a seven year period, using today's prices. Supervisor LeFeber will make initial contacts regarding placement of drilling.

Supervisor LeFeber called for any visitor comments and there were none.

DISCUSSION  
TOWN CLERK VACATION

Town Clerk Knight reported she will be out of Town March 2<sup>nd</sup> thought March 6<sup>th</sup>, using 3.5 days of vacation.

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

- L.State of New York Office of the Attorney General
- L.Daniel Burling – The Assembly State of New York, Albany
- L.Senator Dale Volker
- L.William Hallahan
- L.Time Warner Cable
- L.RG&E
- Notification of Intent to Act of Lead Agency
- E-mailJanet Smith
- E-mail.PRountree

On motion of Councilman Cook, seconded by Councilman Blye, the meeting adjourned at 9:35 P.M.

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

