

A Regular Meeting of the Town of Avon was held on Thursday, January 24, 2008 at 6:00 P.M. at the Avon Village 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 Officers Anthony Cappello and Lee Rodamaker, Youth Board Member Chairman Tami Snyder, Water Superintendent Daniel McKeown, Joanne Demarle and Richard Osgood with BERO Architects, Livingston County Department of Health Representative Jim Mazurowski, and Town Clerk Sharon Knight

VISITOR: Sharon Halpin, Ed & Candi Adamczyk, Steve Bailor, Mike Sotak, Betty Hanna, Walter Bailor, Jan Davin, Mike Davin, Kerry Kramer, Greg Safran, Dave Nesbitt (sp.), Mike Jerds (sp.), Matt & Sue Lemmon, Cory Fitzsimmons, Nicole Sheehan, Bill Combs, Jeff Passarell, Scott Rozanski, Jill and Mike Reed, Darlene LaVilla, Darrin Smith, Robert Docherty and Carol Kosowski

Supervisor LeFeber called the meeting to order at 6:03 P.M. by reading the following legal notice.

LEGAL NOTICE

The regular meeting place for the January 24, 2008 Town Board Meeting has been changed. The meeting place will be held at the Avon Village Hall, 74 Genesee Street, Avon, New York 14414, at 6:00 P.M. for the purpose of a signed statement of interest.

Dated: January 14, 2008

Publish: January 17 and 24, 2008

By order of the Town Board

Sharon M. Knight, CMC, RMC,
Avon Town Clerk

Pledge of Allegiance

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

DISCUSSION

ATTORNEY REPORT

Attorney Ingersoll provided the following report:

Code Enforcement Officer Rodamaker reported on a meeting that was held with property owner Richard Finocchario of J & A Farm Markets. Supervisor LeFeber read the following memo from the Zoning Board of Appeals:

DISCUSSION-continued
ATTORNEY REPORT

January 23, 2008

MEMO

To: Avon Town Board

From: The Zoning Board of Appeals

Re: J & A Farm Market

As you know, three complainants came before the Zoning Board of Appeals on 11/26/07 to state their opposition to the construction of the pole barn on the J & A property on Lakeville Rd.

After examination, the Board concluded to follow the complaint procedure as written in our town code. The complainants were instructed to file a formal complaint with the Code Enforcement office. The ZBA Clerk gave a copy to the Town Clerk, and the original was sent to the Code office. The Code Enforcement officer, Lee Rodamaker then responded in writing to the Town Board.

In response to the complainants' formal complaint, dated Dec. 5, 2007, the Code Office's report was presented at the Dec. 27, 2007, meeting of the Town Board. Copies were also sent to the ZBA, the complainants, Richard Finocchiaro, the Planning Board.

The Zoning Board of Appeals needs to know what action should be taken at this time. Does J & A plan to come before the ZBA for an area variance? Is there a plan for the building to be removed or taken down as a result of the stop construction order?

Given that there may be time requirements that need to be met when addressing issues involving the Zoning Board of Appeals, we do not believe this issue should be set aside. In fairness to all parties involved, this matter needs to be resolved expeditiously.

As soon as possible, please advise the ZBA of the intentions of the Town Board in this matter. In light of the seriousness of this situation, the ZBA is also requesting the opinion of the Town Attorney with regard to the proper procedures for handling this matter. Thank you for your consideration.

Sincerely,

Sandy Morris, Chairperson

Norm Barrett

Pat Moran

Sam Price

Sharon Ryan

DISCUSSION-continued
ATTORNEY REPORT

Code Enforcement Officer Lee Rodamaker does not see a problem with the building continuing to stand, until a resolution is found. Ms. Sloan maybe selling property to J & A and that would put an end to the problem.

Attorney Ingersoll stated in the future when a stop work order is issued to a property owner, according to code, the owner must apply for a variance or remove the building. Code Enforcement Officer Rodamaker stated in this case the owner would like to move the building to the back of his property and this would be an acceptable solution to the complaint. Attorney Ingersoll will send a letter to the property owner's attorney Chip Presutti.

The next legal issue is Royal Springs. There was discussion of the proposed extension to the Royal Springs Development. Councilman Mairs requested another sidewalk entrance into the Open Space located in the North East corner of the property. The Board will be requesting the project be forwarded to the Town Planning Board and County Planning Board for a rezone. Engineer Tim Rock will be contacting Fraser-Willey & Associates to prepare letters of intent for both a lighting district and a drainage district. Supervisor LeFeber will provide an update to Developer Peter Kolokouris.

Code Enforcement Officer Rodamaker also reported on the need of the Town to have local legislation regarding outside boilers. Currently there are two within the Town. A copy of the Town of Queensberry legislation was provided to the Attorney by Code Enforcement Officer Rodamaker. Councilman Blye reported New York State maybe regulating in the future.

Visitor Jamie Newton provided the Town Clerk with a petition to the Town of Avon and Livingston County for the extension of sewer lines on Lakeville Road south of Routes 5 and 20. The Board appeared to be in favor of the extension; however, the service would come from Livingston County Water & Sewer Authority. A copy of the petition will be provided to Jamie Newton by Town Clerk Knight.

DISCUSSION
BERO ARCH UPDATE OF OPERA BLOCK

Richard Osgood and Joanne Demarle from BERO Architect reviewed updated drawings of the Opera Block.

The Board appeared to be in favor of authorizing a proposal of \$2,200 to allow for a geothermal study to be overseen by BERO.

An updated time line was provided and the Town Clerk will be providing copies to the Town Board.

DISCUSSIONPROPOSED EXTENSION TO SERVICE ROUTE #39 WITH WATER

Livingston County Department of Health, Director of Environmental Health Jim Mazurowski, addressed the Board and those in attendance regarding a proposal to extend water service to residents on Route #39.

Keri Kramer resident of Darby Road shared her concerns of the poor quality of water she gets at her home and the length of time the quality has been poor. She questioned the Board extending water service when she continues to get poor quality water.

There was discussion on the possibility of grants, the quality of water the residents are getting from their wells and how the quality has changed over time, the cost of the infrastructure, connection charge and usage costs, water pressures that are needed, extensions on Hogmire Road and South Avon Road, and the possible length of time the project could take.

Mr. Mazurowski stated the County would like a raw water sampling of the area if residents are willing to have their well water tested. Both names and phone numbers were collected on the attendance sheet and will be forwarded by the Town Clerk to Mr. Mazurowski.

The project must be paid for by the area that will be served and benefited.

Grant writing would be completed by Livingston County Grant Writer Stu Brown. Seventy percent of the resident's within the proposed district must provide income information to Mr. Brown for a grant application.

Supervisor LeFeber thanked Mr. Mazurowski and all in attendance.

DISCUSSIONOPEN POSITION – YOUTH RECREATION BOARD

Youth Board Chairman Tami Snyder provided an overview of the responsibilities of the Youth Recreation Board.

An interview of Mr. Bill Stremouihits was conducted by the Board and a back ground check will be conducted.

RESOLUTION #21EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

RESOLUTION #21-continued
EXECUTIVE SESSION

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 9:00 P.M. inviting Assessor Patricia Brede (Mrs. Brede left at 9:05 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 #22
CLOSE EXECUTIVE SESSION

On motion of Councilman Mairs, 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 9:10 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

DISCUSSION
HIGHWAY REPORT

Highway Superintendent Ayers reported he received a call from Shanks regarding Dump Days and Councilman Mairs will request the second Saturdays of May, June, September and October.

There was discussion on storing up to 1000 tires at the Town Barns; however, there is a concern of others adding to the piles. Since the beginning of the Town allowing residents to drop off brush, snow fences and posts have come up missing.

DISCUSSION
WATER REPORT

Water Superintendent McKeown reported on the following:

DISCUSSION-continued
WATER REPORT

Meter reading will be done on Friday, there have been two breaks on Darby Road and this is the first time hearing of Mrs. Kramer's concern. Joe Reitz across from Kramers has had air in his line and they have been flushed.

Mr. McKeown made the recommendation to replace the line this year stating this is the weakest part of the water system.

DISCUSSION
CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello did not have a report.

DISCUSSION
SUPERVISOR REPORT

Supervisor LeFeber read a letter received from James Murphy of 50 Maple Street as follows:

I am writing this e-mail to express my appreciation for the exemplary service performed for me by the Avon Town Clerk, Sharon Knight. On Monday January 7th 2008, I stopped at the Town Office and inquired as to how one could get "certified" copies of a birth certificate and a marriage certificate. I wasn't sure whether I had to go to the original issuer or since I had the originals, they could be seen by a Notary Public or other official, copied and "certified" that these are indeed copies of originals. Mrs. Knight stopped what she was doing and informed me that she is a Notary Public and that she would be happy to copy these documents and certify that they were copies of originals, but I should check with the people that need them to see if that would be acceptable. Upon receiving permission, I returned later that day with the originals and she not only copied (for a small fee) and notarized them (free of charge), but also informed me that a cover letter should accompany these forms and instructed me as to what it should contain. It was very obvious that both times I was there, she was very busy, yet put aside what she was doing and helped me in a very professional and cheerful manner. It is a joy to know that we still have public servants of this caliber! Please read this at the next Town Board meeting. Yours truly, James Murphy, 50 Maple Street, Avon, New York

DISCUSSION
SARA GRANT

Town Clerk Knight stated for the record she is disappointed a SARA Grant will be considered for Records Storage in the basement of the Opera Block. A letter from Regional Director Gail Fisher was provided to the Board. It appeared at the last meeting a grant was not going to be prepared for storage; therefore, a grant application that was not awarded, in 2007, regarding electronic records was begun that weekend. It's

DISCUSSION-continued
SARA GRANT

unfortunate time was spent preparing the application by the Records Management Officer when the Board was planning on authorizing the Supervisor to sign a grant for basement storage for the Town and Village. This information was shared to make the Board aware of the efforts of the Town Clerk, Historian and others.

RESOLUTION #23
AUTHORIZE THE SUPERVISOR TO SIGN A GRANT APPLICATION

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

RESOLVE to authorize the Supervisor to sign the letter for the joint grant with the village.

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
END OF YEAR BUDGET REPORT

Supervisor LeFeber provided the 2007 Budget End of Year Report to the Board and Clerk. He asked for any questions either tonight or in the future. He stated his Secretary completed the report. An annual report will be provided by St John & Baldwin for the State.

RESOLUTION #24
ACCEPT SUPERVISOR'S 2007 BUDGET REPORT

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

RESOLVE to accept the 2007 Budget Report as provided by Supervisor LeFeber.

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;

February 13th bids will be sought for BAN rates for the Opera Block project. Rates are under 3% and are expected to go down.

A meeting was held with the employees regarding health care. The Board would like the employees to look at the United Healthcare HSA Choice Plus *Plan 168*.

A meeting was held with Karen Furgerson Representative from SHIPO, Deputy Supervisor Cole, Supervisor's Secretary Mary Blye and Supervisor LeFeber to discuss the Environmental Protection Fund (EPF) Grant requirements. Karen will be involved in the pre bid meeting, bid openings. We can apply for funds two more times and Opera Block continues to have priority for funding.

A letter will be sent to Senator Dale Volker, asking for member money.

There are other grants that could be applied for, some that offer matching funds and funds that are specific for architect services.

Additional areas for applying for grants include the foot bridge at Paper Mill Park.

There was discussion of the prepared minutes of January 10th

DISCUSSION
MINUTES OF JANUARY 10, 2008

There was discussion of the minutes of January 10th and they will be considered at a future meeting.

DISCUSSION
APPROVED MINUTES OF JUNE 28, 2007

Supervisor LeFeber informed the Board of the legal notice for the resolution that was in the legal notice in the paper but not in the approved minutes of June 28, 2007. Tim McGill suggested the Board amend the June 28th meeting minutes to include the full text. The actual vote on that evening according to the affidavit is full in content. Supervisor LeFeber also reported that Attorney Ingersoll was in favor of the amendment.

RESOLUTION #25
AMENDMENT OF JUNE 28, 2007 MINUTES

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

RESOLUTION #25-continued
AMENDMENT OF JUNE 28, 2007 MINUTES

RESOLVE to amend the minutes of June 28, 2007 to add the following resolution to those minute the placement to be determined by Supervisor LeFeber.

At a regular meeting of the Town Board of the Town of Avon, Livingston County, New York, held at the Town Hall, 27 Genesee Street, Avon, New York, on the 28th day of June, 2007:

PRESENT: David LeFeber, Kelly Cole, Donald Cook. James Blye and Thomas Mairs

ABSENT: None

Councilman Thomas Mairs presented the following resolution and duly moved that it be adopted and was seconded by Councilman James Blye:

BOND RESOLUTION DATED JUNE 28, 2007 OF THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE CERTAIN CAPITAL IMPROVEMENTS, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on January 11, 2007, has duly issued a negative declaration and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Avon shall undertake certain capital improvements consisting of reconstruction of the Opera Block Building and the Town Hall Building at

17-27 Genesee Street in the Town of Avon, New York, site and other incidental improvements in connection therewith and the acquisition of original furnishings, equipment, machinery or apparatus that may be required in connection therewith for such construction and Town use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$1,739,290 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$2,419,290 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide up to \$1,739,290 of such maximum cost by the issuance of obligations as herein authorized, with the balance to be provided from grants received, presently estimated to be up to \$680,000, with such grant funds to be expended for the Opera Block Building improvements.

Section 3. It is hereby determined and declared that (a) such building being a class "B" (fire-resistant) building as defined in Subdivision 11 of Paragraph a of Section 11.00 of the Local Finance Law, and said purpose is one of the class of objects or purposes described in Subdivision 12(a)(2) of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for,

I, the undersigned Supervisor of the Town of Avon, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Avon, Livingston County, State of New York, was held on June 28, 2007.

2. The foregoing bond resolution was duly adopted by a vote of 5 AYES to 0 NAYS.

3. Said Minutes correctly state the time and place when said Meeting was convened and the place where such meeting was held and the members of said Board who attended said Meeting.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Town Board of Trustees had due notice of said Meetings and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Avon this 24 day of January, 2008.

_____ signature included _____
Town Supervisor
Town of Avon

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 #26
PAYMENT OF BILLS

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

RESOLVE to accept for payment Abstract 2008-2 in the follow amounts:

RESOLUTION #26-continued
PAYMENT OF BILLS

General Fund	Vouchers #37 through #56 in amounts totaling \$40,703.39
Highway Fund	Voucher #21 through #30 in amounts totaling \$5,372.94
Cemetery Fund	No Voucher
Water Capital Improvement	No Voucher
Water Fund	Voucher #14 through #20 in amounts totaling \$21,464.75
Royal Springs Lighting	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
OPEN ITEMS

The Court Municipal Agreement is almost complete.

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

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

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