

A Regular Meeting of the Town of Avon was held on Thursday, July 10, 2008 at 6:00 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, and Councilman James Blye

ABSENT: Councilmen Donald Cook, Jr. and Thomas Mairs

OTHERS: Attorney Timothy Ingersoll, Highway Superintendent Robert Ayers, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, Town Historian Maureen Kingston, Information Technology Support Jeremiah Jordon and Town Clerk Sharon Knight

VISITOR: Avon Bicentennial Committee Chairman Richard Burke

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

Pledge of Allegiance

Supervisor LeFeber asked for any public comments and Avon Bicentennial Committee Chairman Richard Burke addressed the Board regarding the recent weekend celebration of Avon's Bicentennial. He stated financial support was provided through advertisements, contributions, Avon Preservation & Historical Society, in-kind services from the Village and Avon Central School; however, there is still a shortfall. An itemized list of expenditures was provided that include approximately \$800.00 of costs. There were a lot of advertisement costs informing the public of the many planned events. Supervisor LeFeber stated that Councilman Mairs told him he was supportive of providing financial assistance. Avon Bicentennial Committee Chairman Richard Burke will be requesting financial assistance from the Chamber of Commerce and additional support from the Village. He stated it's awkward to make the request do to the events having been completed. Supervisor LeFeber thanked Mr. Burke and those involved by stating the weekend was well done and well attended.

Avon Bicentennial Committee Chairman Richard Burke stated there is discussion of holding additional events including a parade next year, passenger train rides (the last passenger train was in 1978), and a reenactment of the Civil War in the Village Park. He stated that the Village has been very supportive and its expected they will continue to support these events. There was discussion of available dollars in the budget. The Board thanked Mr. Burke for his efforts on behalf of the Town and took the following action:

RESOLUTION #121

APPROVAL OF EXPENDITURE TO THE AVON BICENTENNIAL COMMITTEE CELEBRATION WEEKEND

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLUTION #121-continued
APPROVAL OF EXPENDITURE TO THE AVON BICENTENNIAL COMMITTEE
CELEBRATION WEEKEND

RESOLVE to approve providing \$400.00 to the Avon Bicentennial Committee for expenses accrued during the celebration weekend.

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

DISCUSSION

ATTORNEY REPORT

Attorney Ingersoll provided the following report:

There was a review of the proposed Dark Sky Ordinance for Local Law T-4A-2008 discussion including but was not limited to Section 4, Exemptions and Exceptions. The proposed law is from Sandy, Colorado. Engineer Rock stated usually the Planning Board would determine the needs of the Town and make recommendation. Councilman Blye shared that the height of the light plays a role in the distance the light will travel and it maybe necessary to include. The Town Planning Board will be reviewing and will be making recommendation.

Attorney Ingersoll provided, for discussion, a declaration of restrictive covenant and stated it would need to be attached to Schedule A along with a legal description if it were to become a part of the approval for the PUD extension proposed by Developer Helge Heen. Attorney Ingersoll recommended sending to the Planning Board for review and sending a copy to Mr. Heen. Engineer Rock provided a letter regarding the proposed Stormwater District Map and Developer Heen provided revisions to his plan. Engineer Rock will once again review and respond.

Attorney Ingersoll presented the Geo-Thermal Transmission Line Easement for Board review.

Attorney Ingersoll discussed the Petition Small Claims Assessment Review as the Town does not have an Assessor at this time. The complaint is for residential property. Also, Town Clerk Knight stated a question came from Kristen Murphy, Avon Central School Business Manager for information that is needed to be filed with New York State. Supervisor LeFeber will talk with Assessor Clerk Tami Snyder regarding these two issues.

DISCUSSION-continued
ATTORNEY REPORT

A request was received from the Avon Preservation & Historical Society for preservation and restoration of head stones at the South Avon Cemetery. Attorney Ingersoll stated that the Local Law 1-2007 required application was complete and he recommended that a public hearing would not be necessary. On the recommendation of the Attorney the Board took the following action.

RESOLUTION #122
AUTHORIZE THE AVON PRESERVATION & HISTORICAL SOCIETY

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to find that a public hearing is not necessary to approve the request of the Avon Preservation & Historical Society for work at the South Avon Cemetery for preservation and restoration of head stones.

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

DISCUSSION
HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

The Highway Department has been working on touching up with the shoulder machine and they worked for the County for two days. All shoulders were completed today and mowing on the County road sides has taken place.

There were questions on the storage of the shoulder machine and Highway Superintendent Ayers responded stating the Town of Avon stores the machine.

Historian Maureen Kingston stated that she has reviewed the storage at the Highway Garage and that she has 15 cubic feet of records that need to go somewhere. After reviewing the site she found it to be a neat spot and that table and chairs could be moved there as long as they were covered.

Historian Maureen Kingston addressed the Board stating that her computer is not set-up and her phone does not work and she needs to be able to communicate with the outside world. She thanked Tony for doing a great job with the move. Hurricane Technology

DISCUSSION-continued
HIGHWAY REPORT

Employee Jeremiah Jordan reported the computers were set up just today and that he believes that the Supervisor's Secretary Mary Blye called Avaya and her phone is also working. He also worked with Town Clerk Knight to leave a written message regarding the Historian's needs for printer usage. Mr. Jordan also told the Historian that she would need to provide him with her password.

Deputy Supervisor Cole and Mr. Jordan shared a conversation regarding the three tapes and hard drives as there were problems with the tape drive that has not been corrected. Many options are available such as back-up on the internet and they will be discussed prior to any action by Hurricane Technology.

DISCUSSION
CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello provided the following written report:

DEPARTMENTAL REPORT- July 2008
BUILDING & ZONING

Fifty-three building permits have been issued so far this calendar year. See the list attached.

PROJECTS currently under Planning Board consideration:

- ❑ At the July 2008 meeting, site plan approval for the East Avon Indoor Flea Market was granted.
- ❑ There are no other items pending.

PROJECTS under Zoning Board of Appeals consideration:

- ❑ ZBA will be whole a series of four public hearings on Monday, July 21, 2008 for variances.

PROJECTS/PERMITS being monitored by Code Enforcement/Zoning:

- The move to the new building was completed last month. Thanks to Tony Cappello, the transition was achieved with a minimum amount of difficulty.

DISCUSSION-continued
CODE ENFORCEMENT REPORT

- The Code Office prepared a PennySaver notice to Avon residents informing them of the new state regulations regarding temporary or inflatable swimming pools. All pools capable of containing 24 inches of water or more now requires a building permit, barrier fencing, pool alarms, and dedicated electric service. This ad will run for three weeks in July and the cost will be split with the Village of Avon Code Office.
- Several phone complaints have been received concerning a homeowner in Rolling Ridge that repeatedly fails to mow the lawn and allows her many dogs to roam the neighborhood unleashed. Lee Rodamaker has talked with the owner and taken photos. The clerk will prepare Notices of Violation and progress will be monitored. Appearance tickets will be issued if there is not substantial improvement quickly.
- Our new office assistant, Gina Colangelo, began work this week. She will be working 20-25 hours per week and has already been tremendously helpful.

DISCUSSION
WATER REPORT

Water Superintendent McKeown reported on the following:

He is currently reading water meters; he fixed a couple of patches on Darby Road and completed a water repair on North Littleville Road. The Town may have a water leak in the East Avon Plaza. Investigation continues regarding if it belongs to the property owner or the Town of Avon. Engineer Rock stated it more than likely that it is a Town leak.

The Water Department has been selling water to a company called "H2O Joe". The water is being meter and comes off a hydrant on Sutton Road. The first bill was sent and payment has been received.

A call was received from the Sheriff's Department as a resident on Route #15 had phoned in due to low water pressure. An investigation found all three pumps were tripped and the dialer did not restart. The computer had been turned off and then restarted. Nothing else appeared to be out of line. Engineer Rock suggested having an electrician inspect the panel.

One bid was received and quotes were provided four months ago and the bid was lower. July 1st there was another price increase. Three quotes were sent to Morsch, Cratsley and Johnson Brothers. Contact will be made with resident Mr. Anderson on Darby Road to store the materials on his property. Supervisor LeFeber stated this is the last major

DISCUSSION-continued
WATER REPORT

component of upgrades to the Water System. A future project is to paint the water tower. Engineer Rock stated that painting every ten years should reduce the cost as sand blasting should not be required. Supervisor LeFeber stated the fund balance will be lower than usual for a short time. The project includes three fire hydrants. Water Superintendent McKeown recommendation was to accept the bid and the Board took the following action.

RESOLUTION #123
AWARD THE BID – DARBY ROAD IMPROVEMENTS

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to accept the bid of Blair Supply Corporation in the amount of \$36,256.81 for the equipment for the Darby Road Improvement Project.

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

DISCUSSION
ENGINEERING REPORT

Engineer Rock did not have anything to report that was not already covered.

DISCUSSION
OPERA BLOCK

Deputy Supervisor Cole provided the following report:

There was discussion on the Geothermal Test Bore and Geological Thermal Properties Report dated June 27th, 2008. Deputy Supervisor Cole stated there was no conclusion in the report, simply numbers. Supervisor LeFeber stated they came up with a high number and then said to discount the number. Engineer Rock stated the numbers are high enough to have a designer review the numbers and make a recommendation. A survey will need to be done. By the next meeting the Board will determine the forward movement on the geothermal wells.

Deputy Supervisor Cole and Code Enforcement Officer Cappello canceled the meeting for July 7th and re-scheduled for July 10th. Discussions will include pull-outs, computer

DISCUSSION-continued
OPERA BLOCK

land drops, and mark-up a drawing for emergency switches for the Town Clerk's Office, Water Clerk and Court Clerk. Other questions have been identified such as fire code rated dry wall and other small changes.

BERO addressed the ten items that were identified by BERO to be deficient and responded back to SHIPO. We are waiting to here back from SHIPO and expect to here something on Monday.

Deputy Supervisor Cole questioned the e-mail from the Don Allen Agency, Inc. Representative Tim Anderson and Supervisor LeFeber responded stating a meeting was held with Tim Anderson and he provided a list of suggestions in regards to bids for the Opera Block and bid requirements. He would be reviewing documentation for insurance and he discussed self funding. He will help to protect the town. The General Contractor's insurance could cover those working under him.

DISCUSSION
OPEN PUBLIC HEARING – ROYAL SPRINGS DEVELOPMENT

A meeting was held with Planning Board Chairman Robert Tugel, Planning Board Member Kathy Cole, Supervisor LeFeber, Councilman Blye and Developer Peter Kolokouris to discuss Local Law T-2A-2008. Discussion included square foot lot sizes, road frontage and the cost of the homes. The Planning Board would like 1500 square foot lots with 125 feet of road frontage, and Peter is at 1200 square foot lots and 70 feet of road frontage. If the Board does not approve the Developer may end the project. Councilman Blye spoke of the declining population in both the Village (61 people) and the Town (20 people), he referred to today's Democrat & Chronicle newspaper. He spoke of the Developers comments of continuing housing development in the Town of Victor. Kindergarten enrollments are down in all Towns in Livingston County except for Livonia. In the Town Code, the Board has a limited time to take action once the hearing is closed. The time clock does not start until the developer requests the Board to make a decision. Supervisor LeFeber stated that in Phase I, there are only nine lots that have not been sold. Deputy Supervisor Cole suggested a variety of lot sizes and to make changes to the plans to not have the project look like they have stamped out of cookie cutters. Deputy Supervisor Cole stated he is against the Planning Board but would like to see a variety of lot sizes. Councilman Blye spoke of the number of opportunities of housing developments in Avon. Town Historian Kingston would like to review the statistician's information. Supervisor LeFeber stated the people per house are shrinking as family sizes are smaller. Supervisor LeFeber stated there has not been any new census information in the last four or five months.

RESOLUTION #124
WATER WORKS COMMITTEE MEMBER

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

ADOPTED AYES 2 NAYS 1 (Deputy Supervisor Cole) ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to appoint Ronald Jennings to the open position that expired on April 26, 2008.

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

RESOLUTION #125
CONTRACT FOR CLEANING – JOSE ALVARADO

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to authorize Supervisor to enter into a contract with Jose Alvarado for cleaning at 57 Genesee Street.

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

RESOLUTION #126
ACCEPT MONTHLY BUDGET REPORTS

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

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

| | |
|-------------------------------------|------------|
| Total Local Shares Remitted: | \$2,092.99 |
| County Treasurer for Dog Licenses | \$66.97 |
| New York State Department of Health | \$67.50 |

RESOLUTION #126-continued
ACCEPT MONTHLY BUDGET REPORTS

| | |
|---|------------|
| NYS Ag. & Markets for spay/neuter program | \$27.00 |
| NYS Environmental Conservation | \$760.60 |
| TOTAL | \$3,015.06 |

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

RESOLUTION #127
BUDGET TRANSFERS

On motion of Deputy Supervisor Cole, seconded by Councilman Blye the following resolution was
 ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to approve the following budget transfers:

PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 7/10/08 MEETING:

GENERAL FUND-TOWNWIDE

| | | UNANTICIPATED REVENUE | |
|-----------------------|----------|---------------------------|----------------------------|
| <i>Transfer From:</i> | A1081 | RR Pymt Ion Lieu of Taxes | \$ 1,272.00 |
| | A5730 | BAN | \$ 70,000.00 |
| | | | TOTAL: \$ 71,272.00 |
| | | | |
| <i>Transfer To:</i> | A1330.1a | Tax Collection Contr. | \$ 172.00 |
| | A1355.4 | Assessor Cont. | \$ 300.00 |
| | A1620.4a | Town Hall Contr. | \$ 70,000.00 |
| | A9060.8 | HRA Account | \$ 800.00 |
| | | | TOTAL: \$ 71,272.00 |

RESOLUTION #127-continued
BUDGET TRANSFERS

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

RESOLUTION #128
PAYMENT OF BILLS

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to accept for payment Abstract 2008-13 in the follow amounts:

Concerning ABSTRACT of Claims Number 2008-13 including claims as follows:

| | |
|-------------------|---|
| General Fund | Voucher #384 through #427 in amounts totaling \$63,608.98 |
| Highway Fund | Voucher #149 through #162 in amounts totaling \$27,933.59 |
| Water Fund | Voucher #109 through #119 in amounts totaling \$8,189.64 |
| Cemetery Fund | No Voucher |
| Water Capital | No Voucher |
| Improvement | |
| Royal Springs | |
| Lighting | Voucher #4 through #4 in amounts of \$763.19 |
| Town Of Avon Fire | |
| Protection | No Voucher |
| Cross Roads | |
| Drainage District | No Voucher |
| 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 | ABSENT |
| Councilman Thomas Mairs | voting | ABSENT |
| Councilman James Blye | voting | AYE |

DISCUSSION
APPROVAL OF MINUTES

The minutes of June 23 will be considered at the next meeting.

RESOLUTION #129
APPROVAL OF MINUTES

On motion of Deputy Supervisor Cole, second by Supervisor LeFeber the following resolution was

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to approve the minutes of June 26, 2008 as presented.

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

DISCUSSION
SUPERVISOR REPORT

Supervisor LeFeber discussed the proposed Empire Zoning stating there is a timeframe to make comments he suggested that several responses be made. He stated maybe the Town needs to change its focus if the work that is being done is not the right type of work. He believes many things the Town of Avon does is not recorded in the report. A letter would be prepared for Board consideration.

DISCUSSION
TOWN CLERK REQUEST

A request was made by Town Clerk Knight to attend the Cornell Master Municipal Institute. A list of instructors that include Cornell Professors, class schedules and general information was provided. Annually Cornell holds educational opportunities for government agencies. I have attended their conference for Town/Village/County/City Clerks for the last three years and have earned the International Institute of Municipal Clerks Certification. The next step is to continue to the next level of Master Municipal Clerk. The program cost is \$725.00 and includes lodging, food, educational materials for five days and four nights.

Our very own Livingston County Administrator Dominic F. Mazza will be instructing a class.

This year the Board has approved both the Highway and Assessor to attend classes at Cornell.

Councilman Blye questioned if this was budgeted and Town Clerk Knight stated it was not in the budget. Town Clerk Knight stated the classes will begin on July 20 and there is not another Board meeting prior to that date.

RESOLUTION #130
EXECUTIVE SESSION

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

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 8:10 P.M. inviting

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

RESOLUTION #131
CLOSE EXECUTIVE SESSION

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 9:00 P.M.

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

RESOLUTION #132
APPOINTMENTS – ASSESSOR AND ASSESSOR CLERK

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to appoint Tami Snyder to the position of Assessor and Robert Schwartz to the position of Assessor Clerk. Their compensations will be negotiated in the future, terms will expire December 31, 2008.

RESOLUTION #132-continued
APPOINTMENTS – ASSESSOR AND ASSESSOR CLERK

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

DISCUSSION-continued
TOWN CLERK REQUEST

Supervisor LeFeber will speak with the other Board Members that are not in attendance and will respond prior to the July 20th date to the Town Clerk regarding attendance at the Cornell Master Municipal Institute.

DISCUSSION
OPEN ITEMS

There were no open items.

The following information was provided in the Board packet by the Town Clerk:
 State of New York Department of Transportation NEWS
 E-mail Town Insurance Information from Tim Anderson
 Tower/Structure Removal Bond
 Letter from Chances & Changes, Inc.
Pathfinder Newsletter of the Pioneer Library System
 Letter - Rotary International Kevin Tompsett, Chairperson, Avon Rotary Corn Festival

On motion of Deputy Supervisor Cole, seconded by Supervisor LeFeber, the meeting adjourned at 9:02 P.M.

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