

A Regular Meeting of the Town of Avon was held on Thursday, June 26, 2008 at 5:30 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 Officer Anthony Cappello, Water Superintendent Daniel McKeown, Hurricane Technology Employee Jeremiah Jordan, Planning Board Chairman Dr. Robert Tugel, Planning Board Member Jeffrey Mulligan and Board of Assessment Review Member Gerald Coyne, and Town Clerk Sharon Knight

VISITORS: Assessor Candidates Bob Schwartz and Dan Stanford and Royal Springs Developer Peter Kolokouris.

Supervisor LeFeber called the meeting to order at 5:30 P.M.

RESOLUTION #111
EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

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 5:35 P.M. inviting Assessor Candidates Bob Schwartz (left at 5:50 P.M.) and Dan Stanford (left at 6:10 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

RESOLUTION #112
CLOSE EXECUTIVE SESSION

On motion of Councilman Blye, 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 6:15 P.M.

RESOLUTION #112-continued
CLOSE EXECUTIVE SESSION

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

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

DISCUSSION
TOWN ATTORNEY

Attorney Ingersoll reported on the following:

He prepared the requested proposed legislation on both Outdoor Lighting and an amending to Section 113-7 regarding District Formation. The Board appeared to be in favor of requesting the Town Clerk to send both to the Town Planning Board for recommendation.

Supervisor LeFeber discussed the new proposal from Helge Heen dated June 25, 2008. Engineer Rock will review the description and make recommendation to the Board and Attorney Ingersoll will prepare a draft of restrictive language to be included on the map as discussed and requested by Board.

Deputy Supervisor Cole questioned Attorney Ingersoll for the process of how the Town would receive easements to cross properties for both digging and drilling for geothermal. This is assuming the geothermal test well comes back with positive results, which are expected. Fourteen wells can fit on property owned by the Town and we may need sixteen wells.

Attorney Ingersoll stated the following steps would need to be taken:

1. A list of the affected homeowners.
2. A legal description of the properties that should be completed by a surveyor.
3. A letter should be prepared by the Board requesting the easement.
4. Easements would be prepared by the Attorney.

DISCUSSION
HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent report on the following:

Dutch Hollow Road paving has been completed and a thank you was extended to Councilman Blye for the water provided to the employees.

DISCUSSION-continued
HIGHWAY SUPERINTENDENT REPORT

Sealing Cleary Road will be completed.

The new equipment trailer is in service and the dump body is back in service.

Mowing roadsides continue and many employees are taking vacation next week and the following week they will be assisting the Town of Leicester with paving Craig Road.

A Board member questioned if Highway Superintendent Ayers had been contacted about moving the recreation equipment and he responded that he had not been contacted.

DISCUSSION
CODE ENFORCMENT REPORT

Code Enforcement Officer Cappello questioned the Board if they were aware of any other code violations on the Balconi property other than the lights not being completed as requested on the approved site plan review. Supervisor LeFeber stated he was aware of two parallel gas lines on the property.

Councilman Cook, as well as the entire Board, thanked Mr. Cappello for all of his hard work preparing and overseeing the move to the new offices to 57 Genesee Street.

DISCUSSION
VISITOR - PAUL TAGLIAFERRI - ZION HOUSE

Visitor Paul Tagliaferri addressed the Board by thanking them for their time to consider supporting the Zion House that is being proposed in the Village of Avon by the Episcopal Church. He stated he was there representing American Legion Post 294. Zion House would be the first in the nation designed for women. There are houses for men but not women. Zion House would be a place where women can go after they have gone through the exit program from their military service and have become homeless. Today one quarter of the population of homeless people are Veterans.

A grant application was submitted twice and has not been successful. A third application is being prepared and Deputy Supervisor Cole offered his services to review. The grant is a split grant in the amount of \$140,000. The money will be used to refurbish the Zion Episcopal Church Rectory. Veterans Outreach will be sought to provide financial assistance. The home would allow women to stay for six months to one year.

Petitions will be prepared and sent to U.S. Senators Charles Schumer and Hillary Clinton, and Congressman Thomas Reynolds. American Legions from Canandaigua and Bath will be participating in the collection of signatures on petitions. Neighbors of the rectory have been contacted and are in support of the Zion House. Mr. Tagliaferri then asked for a letter of support and a sample letter was provided. The Board appeared to be in support

DISCUSSION-continued
VISITOR - PAUL TAGLIAFERRI - ZION HOUSE

of the Supervisor writing a letter on behalf of the Town. Visitor Paul Tagliaferri again thanked the Board for their support.

DISCUSSION
WATER SUPERINTENDENT REPORT

Water Superintendent McKeown reported on the following:

On Monday bids for materials for the Darby Road project will be opened and three quotes are expected.

There was a small water leak on North Littleville Road just south of Antonio Drive.

DISCUSSION
ENGINEER REPORT

Engineer Rock reported there was nothing to report.

RESOLUTION #113
APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Cook)

RESOLVE to approve the minutes dated May 22, 2008 as presented.

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

RESOLUTION #114
APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Mairs)

RESOLVE to approve the minutes dated May 29, 2008 as presented.

RESOLUTION #114-continued
APPROVAL OF MINUTES

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

RESOLUTION #115
APPROVAL OF MINUTES

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

ADOPTED AYES 3 NAYS 0 ABSTAIN 2 (Deputy Supervisor Cole and Councilman Mairs)

RESOLVE to approve the minutes dated June 12, 2008 as presented.

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

DISCUSSION
MINUTES OF JUNE 23, 2008

Supervisor LeFeber requested the minutes of June 23, 2008 be held for a future meeting.

DISCUSSION-continued from June 12, 2008
OPEN PUBLIC HEARINGS – LOCAL LAW ROYAL SPRINGS SUBDIVISION

Planning Board Chairman Dr. Robert Tugel, Planning Board Member Jeffrey Mulligan and Board of Assessment Review Member Gerald Coyne addressed the Board with concerns stating they are not in favor of the proposed Local Law. Board Members had spoken with Planning Board Member Thomas Moran as well.

Board of Assessment Review Member Gerald Coyne spoke about the number of people that came in requesting a reduction in their assessments. The residents stated there were fixtures falling out of the walls in the bathrooms, siding falling off, basement issues and overall poor quality homes. The homes were selling for several thousand dollars less than their purchase amounts and this is not good for the Town of Avon. He suggested to send a survey to the residents. Supervisor LeFeber stated the first few homes had drainage issues and basement blocks did shift. Planning Board Member Jeffrey Mulligan

DISCUSSION-continued from June 12, 2008-continuedOPEN PUBLIC HEARINGS – LOCAL LAW ROYAL SPRINGS SUBDIVISION

questioned if those issues were relevant to the proposed local law and Councilman Blye stated they were not relevant to this Public Hearing. Board of Assessment Review Member Gerald Coyne agreed but the residents were not finding help with the poor building conditions. Supervisor LeFeber stated that all homes were inspected by the Code Department and at that time there were no code violations.

Code Enforcement Officer Cappello stated the homes are built well and there are companies putting in electric and other specialists. There is no one building a better home than the Developer.

A request was made to Planning Board Chairman Dr. Tugel and he agreed to continue discussions at the Planning Board meeting, scheduled for Tuesday, July 1, 2008 to determine what the Planning Board would support. Dr. Tugel suggested closing the public hearing as a new proposal would require a new hearing. The Board chose to leave the public hearing open to allow for further discussion at the Planning Board Meeting.

RESOLUTION #116APPROVAL OF PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0 as follows:

RESOLVE to accept Abstract 2003-12 in the following amounts:

Concerning ABSTRACT of Claims Number 2008-12 including claims as follows:

General Fund	Voucher #356 through #383 in amounts totaling \$20,387.22
Highway Fund	Voucher #140 through #148 in amounts totaling \$138,128.68
Water Fund	Voucher #103 through #108 in amounts totaling \$657.56
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
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher

RESOLUTION #116-continued
APPROVAL OF PAYMENT OF BILLS

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

Councilman Cook will call Xerox to include the additional option of a fax machine to our copier.

RESOLUTION #117
ADD POSITION TO YOUTH RECREATION DEPARTMENT

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

RESOLVE to add a position to the Youth Recreation Department for an additional counselor.

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
OPERA BLOCK

Deputy Supervisor Cole reported a response was received from SHIPO regarding proposed additions/deletions to the submitted report. All of their proposals appear to be good ideas and items will be discussed with BERO at a meeting on July 7th. Bid packages will go out right after the meeting and we expect to begin receiving bids in mid August. Discussions were held with Bausch & Lomb's corporate security and the maps of the buildings were reviewed. A few names of companies that maybe good to complete the work for the Town were provided.

Code Enforcement Officer Cappello suggested allowing a salvage person to come into the Opera Block at no cost and strip the building. He stated that it is a good way to get rid of the items left such as a wire, cooper, stoves, boiler, anything that is metal. Approval will be sought with both SHIPO Representative Karen Furgerson and BERO Architect Joanne DeMarle.

DISCUSSION-continued
OPERA BLOCK

Code Enforcement Office Cappello will be attending the meeting on July 7th and discussion will include “pullouts” from their designs that can be accomplished in-house such as network drops under the table and those types of things.

DISCUSSION
CHANGING LOCKS

Deputy Supervisor Cole reported to the board that he was not happy with the Town Clerk changing the locks as he had spoken to everyone prior to the meeting. He continues to believe the procedure for purchasing services and products is backwards. He recommended that during the duration of renovations of the opera block that all items be pre-approved by him and that he provide a report to the Board at each meeting. Supervisor LeFeber would also like to add an Assessor Report to the agenda from the new Assessor. The Board took the following action:

RESOLUTION #118
EXPENDITURES FOR THE OPERA BLOCK

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

RESOLVE to appoint Deputy Supervisor Cole to approve all expenditures prior to purchase for service or product in regards to the Opera Block and temporary facilities for building contractual with the exception of the bills normally incurred.

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

Deputy Supervisor Cole reported he has been working on a grant with the Supervisor’s Secretary Mary Blye and it will be mailed on Monday. Items that will be included are the windows and other natural resources. The application will be close to the maximum allowed, \$600,000.00.

DISCUSSION
SUPERVISOR REPORT

Supervisor LeFeber was contacted by Unisen and they are interested in purchasing the leases on the water tower. The Board was not interested in pursuing their request.

There was discussion on the Chamber of Commerce awards to Barbara Herman and Sean Donegan.

Deputy Supervisor Cole agreed to prepare an advertisement for the position of Youth Representative and a Clerk of the Works for the Opera Block. The duties of the Clerk of the Works would include being on site on a daily bases.

Deputy Supervisor Cole stated he had been working with the Supervisor's Secretary Mary Blye to dispose of five computers from storage. If they do not have value they could be smashed. They were talking specifically about the computers upstairs. Highway Superintendent Ayers reported there are three others at the Town Barns.

Deputy Supervisor Cole then questioned the Town Clerk regarding her request to Hurricane Technology Employee Jeremiah Jordan to prepare a Court computer for the Historian and to remove the hard drive of a second court computer. Town Clerk Knight stated that yes she had made the request and then phoned Court Clerk Janis Cole to confirm that nothing had changed from their last conversation, that the court was no longer in need of the computers. The Court Clerk then stated that she did in fact need the information from the oldest computer and a call to Hurricane was made immediately and the information was not destroyed.

The result of the discussion was the development of the following procedure:

1. The Department determines the computer(s) are no longer of value to their department.
2. The Board Member assigned to the committee appointed by the Supervisor to serve the Facilities – Opera Block, Evaluate Current and Future Technology and Facilities (currently Deputy Supervisor Cole & Councilman Cook) will determine with our Information Technology Support (currently Hurricane Technology) if the computer has value to the Town of Avon. If the computer does have value the committee will determine its best use for the Town.
3. If it is recommended to the Board by the committee that the computer does not have any further value the Town Board will consider declaring it surplus and requesting it be destroyed by resolution. Information Technology will not destroy any hard drives without an adopted resolution of the Board.

Supervisor LeFeber stated the Clerk to the Zoning Board of Appeals Patricia Brede will be in need of a computer until the end of the year as she has only resigned from the position of Assessor.

DISCUSSION-continued
OPEN ITEMS

Deputy Supervisor Cole reported he had assisted ACE to submit a grant and the grant was approved.

DISCUSSION
VISITOR'S COMMENTS

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

RESOLUTION #119
EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

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 8:05 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 #120
CLOSE EXECUTIVE SESSION

On motion of Councilman Blye, 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 8:45 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

On motion of Councilman Cook, seconded by Councilman Mairs, the meeting adjourned at 8:46 P.M.

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