

A Regular Meeting of the Town of Avon was held on Thursday, May 22, 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 Thomas Mairs, and James Blye

ABSENT: Councilman Don Cook and Highway Superintendent Bob Ayers

OTHERS: Attorney Timothy Ingersoll, Town Engineer Timothy Rock, Water Superintendent Dan McKeown, Enforcement Officer Anthony Cappello, and Minute Taker Mary Blye

VISITORS: Joseph Montesano and Marc Osypian

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 reported on the following:

A letter was prepared regarding the Blanke lease with attention to the following:

1. It's an apartment lease.
2. You may want to talk to the Village about any pending Code issues associated with the building and to be sure that your intended use will be allowed.
3. Be careful when you get ready to terminate the lease. You have to give 30 days notice at the end of the term or you could get hooked for another month's rent.

Tim also expressed concern about the wording in the lease regarding access by the landlord. Wording was added for additional protection. The Board then gave the approval for the Supervisor to sign the lease with Richard and Karen Blanke.

Councilman Cole said that additional information is needed from the insurance company for protection during construction. We will contact Gary Wilkins and ask him to meet with us for a review of what will be needed for the next year.

Supervisor LeFeber spoke about communication received again from the Attorney General's office with regard to their ongoing investigation involving public professional employees. The required paperwork has been sent twice to the Attorney General's office and Tim Ingersoll responded that this should be all that is required at this point.

DISCUSSION-continued
ATTORNEY REPORT

Supervisor LeFeber asked Attorney Ingersoll for his recommendation as to what, if any action should be taken in response to communications received from the person involved in the accident on Cleary Road. Tim Ingersoll recommended that the Board address a response to the person indicating that the matter has been turned over to our insurance company. He also suggested that the Board remind the Highway Superintendent to communicate only with our insurance company with regard to the incident.

Tim Ingersoll made the recommendation that the Town Board write a letter to the Village thanking them for permission to drill the test well on the piece of property owned by the Village which is located to the south west of our current building.

DISCUSSION
JOSEPH MONTESANO

Joseph Montesano addressed the Board relative to a water line installed on his property in 1992. The line has not been used since it was installed and it was recently discovered that the line is not entirely within the right of way but in fact partly on Mr. Montesano's property. As it is unclear as to the history of the installation of the line, it was agreed that the Town's engineer and attorney would write the description necessary for an easement on Mr. Montesano's property and then the Town will split the cost of the filing fees necessary to file the easement with the County. After the easement is filed, Mr. Montesano will then offer dedication of the water line to the Town and he will be responsible for any tap fees required to provide service to the property.

DISCUSSION
LITTLEVILLE ROAD WATER LINE

Deputy Supervisor Cole brought up the issue of concerns over a water line on Littleville Road. This line was put in by a private citizen prior to the establishment of a water district in the area and neither the Town nor Village has ever taken dedication of this line. Tim Rock explained that when the Town extended the Consolidated Water District and the area included the line in question that the line becomes the Town's responsibility. This particular line feeds off of the Village's main with no master meter, the reads being provided to the Village by the Town Water Department based on individual water meter reads. In most cases the D.E.C. would have required that the line be brought up to standards but this did not take place when the district was in fact expanded. The Town will work with the Village to make repairs to the line after the property owner grants an easement to the Town as parts of the line in question are believed to run on private property.

RESOLUTION #84CLOSE PUBLIC HEARING – LOCAL LAW T-1A-2008

On the motion of Deputy Supervisor Cole, seconded by Councilman Blye the following resolution was ADOPTED AYES 4 (Councilman Cook absent)

Resolve to close the public hearing on Local Law T-1A-2008 with no action taken.

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

DISCUSSIONROUTE 39 WATER DISTRICT EXTENSIONPUBLIC HEARING

Supervisor LeFeber opened the Public Hearing by reading the published legal notice.

Supervisor LeFeber said that he has spoken with Congressman Reynolds' office and that the Congressman will be writing a letter to the Grant Administrator in support of our Small Cities Grant application. The grant application is a strong application as it stands and the district formation would add additionally to the strength of the application. Supervisor LeFeber spoke to the problems with e-coli and bacterial contamination of the wells in the area and the efforts that the residents of the area have to take to provide safe water to their homes. Many residents need to have water delivered and most of them purchase bottled water for drinking. The extension of public water to this area would alleviate the problems these residents are currently experiencing with their wells. Billing to the residents for district formation charges will be deferred until December of 2008. The Town Clerk will need to file the application with the County and the State Comptroller.

RESOLUTION #85ACCEPT NEGATIVE SEQR DECLARATION

On the motion of Supervisor LeFeber, seconded by Councilman Mairs the following resolution was ADOPTED AYES 4 (Councilman Cook absent)

Resolve to accept the negative declaration of the State Environmental Quality Review (SEQR) for the Route 39 Water District Extension.

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

RESOLUTION #86
CLOSE PUBLIC HEARING

On the motion of Deputy Supervisor Cole, seconded by Councilman Blye the following resolution was ADOPTED AYES 4 (Councilman Cook absent)

Resolve to close the Route 39 Water District Extension Public Hearing.

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

RESOLUTION #87
FORMATION OF WATER DISTRICT EXTENSION

On the motion of Deputy Supervisor Cole, seconded by Supervisor LeFeber the following resolution was ADOPTED AYES 4 (Councilman Cook absent)

**At a Meeting of the Town Board of
the
Town of Avon, Livingston County,
New York
held at the Town Hall in said
Town, on the 22nd
day of May, 2008 at 7:00 P.M.**

Present:

Supervisor LeFeber
Deputy Supervisor Cole
Councilman Blye
Councilman Mairs

In the Matter of the Petition for the
Establishment of a Water District in the Town of
Avon, Livingston County, New York, to be known
as the Route 39 Water District Extension.

ORDER

RESOLUTION #87-continued
FORMATION OF WATER DISTRICT EXTENSION

WHEREAS, it is the intent of the Town of Avon to extend the Route 39 Water District to include all of the real property indicated in the map plan and report filed herein, said real property located in the Town of Avon, County of Livingston and State of New York; and

WHEREAS, the real property that will be included in the district is more particularly described in the said map. plan and report filed in the Avon Town Clerk's Office; and

WHEREAS, the Town of Avon Town Board, acting on behalf of the Route 39 Water District having directed that the Town Engineer prepare a map, plan and report with respect to the proposed extension; and

WHEREAS, the Town of Avon Town Board thereafter directed that the charges incurred for the preliminary map, plan and report shall be a Town charge until such time as the district formation shall take place at which time they shall become a district charge; and

WHEREAS, the map, plan and report have been filed in the office of the Avon Town Clerk;

WHEREAS, the Board having previously complied with the relevant provisions of SEQR;

WHEREAS, a public hearing having been held on the 22nd day of May, 2008 at 7:00 P.M. at the Avon Town Hall located at 27 Genesee Street, Avon, New York, with respect to the extension of the Route 39 Water District to include the property noted in the map, plan and report filed in the Avon Town Clerk's Office and as more particularly described in the map, plan and report on file the Avon Town Clerk's Office, in the Town of Avon, County of Livingston and State of New York; and

WHEREAS, the Board having given due consideration to the testimony and evidence given thereat; and

WHEREAS, a copy of the map, plan and report describing the proposed district boundaries and the improvements to be constructed therein as well as the boundaries of the entire Route 39 Water District was available for the public inspection at the Avon Town Clerk's Office;

NOW THEREFORE, be it

ORDERED by the Town Board of the Town of Avon as follows:

1. That the notice of hearing was published and posted as required by law;
2. That all of the property and property owners within the proposed district are benefited thereby.

RESOLUTION #87-continued
FORMATION OF WATER DISTRICT EXTENSION

- 3. That all of the property and property owners benefited by the district are included within the limits of the proposed district.
- 4. That it is in the public interest to form the district as set forth; and it is further

ORDERED, that the Town Clerk is directed to file a certified copy of this Order in the Livingston County Clerk’s Office and a certified copy of the Petition and Orders in the Office of the Comptroller

Dated: May 22, 2008
Avon, New York

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the Avon Town Board on Thursday, May 22, 2008 recorded as follows:

Supervisor LeFeber	AYE
Deputy Supervisor Cole	AYE
Councilman Blye	AYE
Councilman Mairs	AYE

RESOLUTION #88
APPROVAL OF MINUTES

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

Resolve to approve the minutes of May 8, 2008 as corrected.

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

RESOLUTION #89
PAYMENT OF BILLS

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

ADOPTED AYES 4 (Councilman Cook absent)

Resolve to accept for payment Abstract 2008-10 in the follow amounts:

General Fund Vouchers #284 through #310 in amounts totaling \$11,221.16

RESOLUTION #89-continued
PAYMENT OF BILLS

Highway Fund Voucher #113 through #120 in amounts totaling \$8,863.32
 Water Fund Voucher #82 through #86 in amounts totaling \$54,025.03

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

DISCUSSION
WATER REPORT

Dan McKeown reported that he is finishing up with hydrant flushing. He plans to deliver the application to the County tomorrow for repairs on Darby Road. Depending on how bids are received and the timing of the work, repairs on Darby Road could start in June. Residents will be notified when the timing of the repairs is finalized..

DISCUSSION
CODE ENFORCEMENT REPORT

Tony Cappello reported that he has met with representatives from two moving companies that have been asked to provide quotes for moving the Town Hall offices. He has asked that they provide a breakdown of the quotes to show costs involved with each phase of the move. Supervisor LeFeber stated that the J&A issue which was before the ZBA this week seems to have been resolved with all requested variances being approved by the ZBA.

DISCUSSION
OPEN ITEMS

The Board discussed the physical move of the offices and set June 30th as the target date.

RESOLUTION #90
SET SPECIAL MEETING

On the motion of Councilman Blye, seconded by Deputy Supervisor Cole the following resolution was ADOPTED AYES 4 (Councilman Cook absent)

Resolve to hold a special meeting on Thursday, May 29, 2008 at 4:30 for the purpose of meeting with the office staff to look at the rental facilities.

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

DISCUSSION
OPEN ITEMS

Councilman Mairs thanked all of the workers that participated for their help at clean up days. He complimented Shanks on the level of service that their additional employees offered for the day.

Councilman Blye stated that he and Deputy Supervisor Cole traveled to Auburn with Joanne DeMarle and Engineer Larry Smith to look at the geo-thermal application that the City of Auburn has installed in their municipal building.

Deputy Supervisor Cole then continued on with additional information gathered from the trip to Auburn. Deputy Supervisor Cole also met with Mark McGuire and Ken Glazer with regard to NYSERDA. It was determined from his discussions with them that it would not be beneficial at this time to apply for LEED certification. Ken Glaser has forwarded to Joanne DeMarle of Bero the necessary paperwork for NYSERDA. There was additional discussion about the geo-thermal test well. If the test well comes back with negative results, the existing plans that Bero is designing for heating and cooling will still be usable as only the heat source will change. The plans should be sent for SHPO review by June 6th.

RESOLUTION #91
EXECUTIVE SESSION

On the motion of Councilman Mairs, seconded by Councilman Blye the following resolution was ADOPTED AYES 4 (Councilman Cook absent)

On motion of Councilman Blye, seconded by Deputy Supervisor Cole the following resolution was ADOPTED AYES 4 (Councilman Cook absent)

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 8:20 P.M. inviting Assessor Patricia Brede and requesting that Personnel Clerk Mary Blye remain.

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

RESOLUTION #92
CLOSE EXECUTIVE SESSION

On motion of Councilman Mairs, seconded by Supervisor LeFeber the following resolution was
ADOPTED AYES 4 (Councilman Cook absent)

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 8:50 P.M.

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

Anticipating the receipt of a letter of resignation from Assessor Pat Brede the Board will advertise for the position of Town Assessor.

On motion of Councilman Mairs, seconded by Supervisor LeFeber, the meeting was adjourned at 9:00 P.M.

Respectfully submitted, _____ by
Mary Blye, Secretary to the Supervisor
and Minute Taker