

A Regular Meeting of the Town of Avon was held on Thursday, October 23, 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, James Blye, and Thomas Mairs

OTHERS: Attorney Timothy Ingersoll, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, Assessor and Youth Director Tami Snyder (arrived at 7:15 P.M.), and Town Clerk Sharon Knight

VISITOR: Livingston County News Editor Mark Gillespie, Mark McKeown, Stephanie Dempsey, Mark Gingher and Kim McDowell

Supervisor LeFeber called the meeting to order at 6:05 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:

The Attorney discussed the addendum to the original contract provided by Nationwide Payment Solutions as well as a review of an article in the *Livingston County News*. It appears the Town cannot contract with Nationwide, as we cannot provide payments to Nationwide for disputes. Town Clerk Knight and Councilman Blye continue to work with the Bank of Castile for a lockbox specifically for tax collection.

Supervisor LeFeber provided the following information to Attorney Ingersoll regarding the prepared Opera Block contracts.

**From:** Cole, Kelly P [mailto:Kelly\_P\_Cole@bausch.com]

**Sent:** Thursday, October 02, 2008 12:08 PM

**To:** Dave LeFeber; Don Cook; Jim Blye; Tom Mairs

**Subject:** FW: OB Cash Flow projection

Tim McGill says that we can send the notice to proceed letters out. We can sign the contracts when the 30-day period is over.

Anyone have any issues.

Kelly

DISCUSSION-continued  
ATTORNEY REPORT

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**From:** Tim McGill [mailto:mcgill\_law@frontiernet.net]

**Sent:** Thursday, October 02, 2008 11:27 AM

**To:** Cole, Kelly P

**Subject:** Re: OB Cash Flow projection

The publication now is the permissive referendum notice. The estoppel notice will be published after the 30-day permissive referendum time period has run. I am indifferent as to whether you sign contracts on the 31st day--whatever you and Justin and the Town attorney decide is fine with me. I still would like to have the estoppel published after the 30 day period regardless of when you determine to sign contracts. You do not have to wait for the 20 day estoppel period to sign contracts on my behalf--but please consult with Justin and the Town Attorney. Tim McGill

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**From:** "Cole, Kelly P" <Kelly\_P\_Cole@bausch.com>

**Date:** Thu, 2 Oct 2008 11:00:35 -0400

**To:** <mcgill\_law@frontiernet.net>

**Subject:** RE: OB Cash Flow projection

Tim,

So even though we WON'T spend any \$\$ in that 20 day estoppel period, we can indeed sign the contracts, right? BTW, we DID publish the estoppel notice as you provided. If we can do this, then we can send out the notices to the contractors telling them that the town intends to sign on Oct 30th (See attachment listing Nov 3rd) If this is a correct assumption, please respond ASAP

Thanks for your help and guidance Tim.

Kelly

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**From:** Tim McGill [mailto:mcgill\_law@frontiernet.net]

**Sent:** Thursday, October 02, 2008 10:47 AM

**To:** Cole, Kelly P

**Subject:** Re: OB Cash Flow projection

Kelly, I prefer that the estoppel notice is published after the 30 day permissive referendum time period has passed. Whether you wait to sign contracts does not matter to me--you have an authorization to sign as soon as the 30 days permissive referendum runs. Tim

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**From:** "Cole, Kelly P" <Kelly\_P\_Cole@bausch.com>

**Date:** Wed, 1 Oct 2008 20:52:27 -0400

**To:** Kevin Ryan<kryan@HarrisBeach.com>; Justin S. Miller<jmiller@HarrisBeach.com>

**CC:** 'Joanne DeMarle'<jdemarle@beroarchitecture.com>; BPD<team@bpdinc.net>;

DISCUSSION-continued  
ATTORNEY REPORT

Timothy R. McGill<mcgill\_law@frontiernet.net>; <fpilawfirm@aol.com>; Dave LeFeber<Toawater@frontiernet.net>; Don Cook<Donald.cook@carestreamhealth.com>; Jim Blye<Jblye@rochester.rr.com>; Tom Mairs<tmairs@rochestercarpenters.org>

**Subject:** RE: OB Cash Flow projection

A letter that was written by the architects informing the contractors that the town intends to sign once the 30-days expires.

Before this is sent out with that date (Oct 30th), do we have to wait an ADDITIONAL 20 days for an estopple period to expire? That would put the date of signing contracts out until Nov 20th?

Justin? Tim McGill?

Thanks,  
Kelly

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**From:** Cole, Kelly P  
**Sent:** Tuesday, September 30, 2008 9:18 AM  
**To:** 'Kevin Ryan'; 'Justin S. Miller'  
**Cc:** 'Joanne DeMarle'; 'BPD'; Timothy R. McGill; 'fpilawfirm@aol.com'; 'Dave LeFeber'; Don Cook; 'Jim Blye'; Tom Mairs  
**Subject:** RE: OB Cash Flow projection  
Kevin,

We rescinded the previous version that was adopted last week, and adopted this new one that is attached. We got into a discussion about the estopple period. I relayed the opinion of Charlie Schechter (?) of H/B who said one was not needed as we have already taken the action of taking the BAN for \$1,739,290. I spoke to Justin and then gave the phone to the Municipal Finance person, Chuck Bastian. I'll forward this message to Justin Miller, and to Tim McGill, and let them figure it out.

30 days after adopting this is October 29th. I hope we can sign contracts on the 30th. As Joanne develops these documents, I'll ask her send them over to you.

Kelly

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**From:** Kevin Ryan [mailto:kryan@HarrisBeach.com]  
**Sent:** Tuesday, September 30, 2008 9:01 AM  
**To:** Cole, Kelly P  
**Subject:** RE: OB Cash Flow projection  
what happened at the meeting?

DISCUSSION  
HIGHWAY REPORT

Highway Superintendent Ayers provided the following report:

The equipment for snow removal is ninety percent ready.

For the last 32 years the Avon Central School has used a turn around on Oak Openings Road and now a complaint has been made with the Highway Superintendent. A discussion on this issue was held with the Avon Central School Transportation Director and the turn around has been moved to another location.

There was a lengthy discussion of a deposit into the General Fund rather than the Highway Fund in the amount of \$16,985.00 for work performed by the Highway Department for the County Highway Department. Supervisor LeFeber will conduct a review of receipts and report back.

Councilman Cook discussed the re-occurring pothole on Route #15 near the Route #5/20 intersection. Highway Superintendent Ayers will forward the complaint to New York State.

A new County Snow & Ice Agreement was received and if it is accepted the Town would continue to subsidize the service provided to the County. The County Roads are Triphammer, Fowlerville, Rochester, Oak Openings and Bronson Hill and includes a total of 11 miles. The contract amount did increase by \$200.00; however, this still does not cover the cost to perform the upkeep of the roads. An information sheet was provided showing what other Counties are providing their towns and they are much higher than Livingston County. Highway Superintendent Ayers stated he is not in favor of the contract and if he was voting he would vote no. All Highway Superintendents are in agreement with him but their Boards support the contract anyway.

If neighboring towns need help or if the Town of Avon needed help with snow removal due to equipment issues our Highway Department would be there to assist just as other neighboring Towns would assist us. It is believed other Towns would not provide that assistance if the County does not providing the needed dollars to provide the service. The majority of the Board accepted the recommendation of the Highway Superintendent and took with following action:

RESOLUTON #184  
NOT ACCEPT THE LVINGSTON COUNTY SNOW AND ICE AGREEMENT  
CONTRACT

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

ADOPTED AYES 4 NAYS 1 (Supervisor LeFeber)

RESOLUTON #184-continued  
NOT ACCEPT THE LVINGSTON COUNTY SNOW AND ICE AGREEMENT  
CONTRACT

RESOLVE to not accept the proposed contract from the County Highway Department for Snow Removal.

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

DISCUSSION- continued  
ATTORNEY REPORT

The following information was discussed:

**Town of Avon**

57 Genesee Street  
Avon, New York 14414  
Phone: (585) 226-2425  
Fax: (585) 226-9299  
Web Site: avon-ny.org

David LeFeber, Supervisor  
Donald Cook, Jr., Councilman  
Daniel McKeown, Water Superintendent  
Anthony Cappello, Code Enforcement Officer  
Robert Ayers, Highway Superintendent

Kelly Cole, Deputy Supervisor  
James Blye, Councilman  
Thomas Mairs, Councilman  
Maureen Kingston, Historian  
Sharon M. Knight, CMC/RMC, Town Clerk

August 27, 2008

Mr. Richard Finocchario  
2939 Lakeville Road  
Avon, NY 14414

RE: Unsafe Structure  
2921 Lakeville Road, Avon

Dear Mr. Finocchario:

As you are aware, there remains a Stop Work Order in effect for the partially completed storage structure located on the northwest corner of your property at 2921 Lakeville Road. Due to high winds this past spring, the structure is now leaning and creating a risk to public safety. I would ask that you remove this structure within 30 days of the date of this letter.

Avon Town Code Chapter 41 provides the Town Board with a means for the removal of buildings that are now, or will become, dangerous or unsafe to the public. If you fail to

DISCUSSION- continued  
ATTORNEY REPORT

do so, I will have no choice but to begin the necessary process to affect its removal. The cost and expense of the removal can be assessed against your land as a lien. Please be advised that you can also be subject to a maximum fine of \$250 or a maximum term of imprisonment of 15 days, or both, for each offense.

Additionally, no new building permits will be issued until this matter is resolved. If you have any questions or concerns, please do not hesitate to contact me at 747-0735.

Sincerely,

Anthony J. Cappello  
Code Enforcement Officer

Enclosure

cc: Avon Town Board  
Town Attorney

## **Town of Avon**

**57 Genesee Street**

Avon, New York 14414

Phone: (585) 226-2425

Fax: (585) 226-9299

Web Site: [avon-ny.org](http://avon-ny.org)

David LeFeber, Supervisor  
Donald Cook, Jr., Councilman  
Daniel McKeown, Water Superintendent  
Anthony Cappello, Code Enforcement Officer  
Robert Ayers, Highway Superintendent

Kelly Cole, Deputy Supervisor  
James Blye, Councilman  
Thomas Mairs, Councilman  
Maureen Kingston, Historian  
Sharon M. Knight, CMC/RMC, Town Clerk

October 23, 2008

David LeFeber, Town Supervisor  
57 Genesee Street  
Avon, NY 14414

RE: Unsafe Structure  
2921 Lakeville Road, Avon

Dear Supervisor LeFeber:

Enclosed please find a copy of a letter I sent to Richard Finocchiaro, owner of J & A Farm Market at 2921 Lakeville Road, asking him to remove the partially completed pole barn that is currently under a Stop Work Order. This structure, which has only framed

DISCUSSION- continued  
ATTORNEY REPORT

sides with a full roof, is leaning noticeably to the east and is currently in danger of collapse. My letter, dated August 27, 2008, gave Mr. Finocchario 30 days to comply, however the barn remains in place and he has not contacted the Code Enforcement Department to discuss the matter.

Due to the significant safety risk this poses to the public, I recommend that the Avon Town Board begin the process outlined in Avon Town Code Chapter 41 to declare the building unsafe, to have it removed immediately, and to have the cost and expense of said removal assessed against the property owner as a lien.

If you have any questions or concerns, please do not hesitate to contact me at 747-0735.

Sincerely,

Anthony J. Cappello  
Code Enforcement Officer

Enclosure

cc: Avon Town Board  
Town Attorney

The Board approved Attorney Ingersoll to work with the Zoning Board of Appeals on this issue including a correspondence dated October 7, 2008 addressed to the Avon Village Office, ATTN. Zoning Board of Appeals from Richard Finocchario, Attorney. There was discussion of Attorney Skivington serving the notice. The legal notice will be prepared and provided to the Town Clerk. The Board took the following action:

RESOLUTION #185  
AUTHORIZING REMOVAL OF UNSAFE STRUCTURE LOCATED AT 2921  
LAKEVILLE ROAD, AVON, NEW YORK

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

ADOPTED AYES 5 NAYS 0

WHEREAS, Chapter 41 of the Avon Town Code authorizes the removal of unsafe structures in the Town of Avon; and

WHEREAS, the Town Board having received the report of Anthony J. Cappello, Code Enforcement Officer dated October 23, 2008 containing his findings that the partially completed warehouse structure located at 2921 Lakeville Road in the Town of Avon is dangerous and unsafe to the public; and

RESOLUTION #185-continued  
AUTHORIZING REMOVAL OF UNSAFE STRUCTURE LOCATED AT 2921 LAKEVILLE ROAD, AVON, NEW YORK

WHEREAS, the Board having determined that there is reason to believe that the said structure is unsafe or dangerous to the public; and

Now therefore be it RESOLVED that the partially completed warehouse located at 2921 Lakeville Road in the Town of Avon be removed; and be it further

RESOLVED and ORDERED that a notice of the determination of the Town Board be served on the record owner of the property in the manner provided by law; and it is further

RESOLVED and ORDERED, that the contents of the notice shall provide as follows:

1. A description of the premises;
2. A statement of the particulars by which the Board has determined that the structure is unsafe;
3. An Order requiring the removal of the structure;
4. A statement that the removal of the property is to commence within thirty days of the service of the notice and shall be completed within sixty days thereafter; and it is further

RESOLVED and ORDERED, that such notice shall further provide that in the event that the owner wishes to contest the Order of removal they must appear at a hearing to be held before the Town Board on the 6<sup>th</sup> day of November, 2008 at 6:30 P.M. and in the event that the owner shall fail to contest such removal order then in that event the Town Board will order the removal of the structure by the Town and the Town will assess all costs and expenses incurred by the Town in the removal of said building against the land on which the structure is located; and it is further

RESOLVED and ORDERED, that a copy of the notice served shall be filed in the Livingston County Clerk's Office.

|                              |        |     |
|------------------------------|--------|-----|
| 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  
ASHANTEE DEVELOPMENT

Supervisor LeFeber reported he had contact with Developer Helge Heen who will be contacting an Attorney for forward movement on his development.

DISCUSSION

ROYAL SPRINGS DEVELOPMENT

Supervisor LeFeber reported the Public Hearing remains open for Phase II of the Royal Springs Development. He conducted two interviews and recommended the Board contract with Naetzker Urban Works to make a recommendation on the proposal of Royal Springs Development Phase II. The Board took the following action:

RESOLUTION #186

APPROVAL OF NAETZKER URBAN WORKS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the Supervisor’s recommendation to approve Naetzker Urban Works to provide a recommendation on the proposal of the Royal Springs Development Phase II.

|                              |        |     |
|------------------------------|--------|-----|
| 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

VISITOR MARK MCKEOWN

Visitor Mark McKeown addressed the Board stating he is in attendance as a resident and has read the legal notice and formulated questions while considering our State’s economy and funding future grants as our Governor is chopping money. The following written questions were provided:

Town of Avon Board Members:

Thanks for looking over and answering my questions. I understand and can appreciate the time and effort required to manage projects and work on issues that affect all of us. The intent of my questions is not to rehash the project decisions but to understand the real anticipated costs of the project and what borrowing or bonding is being contemplated. My concern is from what I have read in the Board minutes the project has been under funded and that the permissive referendum process is being used to bond almost as much as the original amount. I understand material cost increases and the Geo Thermal project, however I believe in any project that there is usually a contingency of some percentage to cover some of the material costs.

|  | 8/16/2007          | 9/29/2008          | difference         | 9/29/2008   |   |
|--|--------------------|--------------------|--------------------|-------------|---|
| Maximum aggregate cost:                | <u>\$2,419,290</u> | <u>\$3,080,000</u> | \$660,710          | \$3,800,000 | comment in<br>9/25/08<br>Board<br>minutes |
| Bonded:                                | \$1,739,290        | \$1,739,290        |                    |             |   |
| Grants:                                | <u>\$680,000</u>   | <u>\$1,680,000</u> | <u>\$1,000,000</u> |             |   |
| Total:                                 | \$2,419,290        | \$3,419,290        | \$1,660,710        |             |   |
|  |                    | \$3,080,000        |                    |             |   |
|  |                    | or                 |                    |             |   |
| 1. What is the total project cost?     | \$2,419,290        | \$3,419,290        |                    | \$3,800,000 |   |
| Geo Thermal & increased material costs |                    | \$660,710          |                    |             |   |

2. What was the contingency % in the project plan?
3. What is the current cost estimate for the Geo Thermal project?
4. What grants have been awarded so far?
5. What grants have been signed over to deliver?
6. In light of NYS budget crisis what grants do you reasonably expect to receive in 2008 & 2009?
7. Were the 9/25/08 minutes amended to include the \$1,200,000 BAN?
8. Based on the 9/25/08 minutes and the legal notice is the intent to bond an additional \$1,400,000 for the project? If so, this is almost as much as the original special referendum amount. Should this also be presented to the public to understand the increase borrowing or is the plan to just use the permissive referendum for the extra money?
9. Can past resolutions (1/11/07) be updated to reflect current (9/25/08 - R164) \$\$ values after being approved by the special referendum on 8/16/07?
10. If this is additional money to be bonded what will the impact be on the tax rate and when will the rate be affected?

Deputy Supervisor Cole provided the following:



|              |                    |                        |                    |                        |            |
|--------------|--------------------|------------------------|--------------------|------------------------|------------|
| <b>Total</b> | <b>\$2,419,290</b> | <b>Funds available</b> | <b>\$3,419,290</b> | <b>Funds available</b> | <b>\$-</b> |
|--------------|--------------------|------------------------|--------------------|------------------------|------------|

Supervisor LeFeber and the Board provided responses to each of the questions.

DISCUSSION  
OPERA BLOCK

Supervisor’s Secretary Mary Blye will be asked to contact Surveyor Kevin O’Donoghue to complete the necessary surveys for the proposed easement to dig the wells for the geothermal practice of heating and cooling the Opera Block.

There was discussion on all three of our Attorneys, our Town Attorney, Harris Beach Attorneys and Bond Attorney Tim McGill all agreeing that the Board does not need to wait for the 20 day Estoppel period before signing contracts. The Board took the following action:

RESOLUTION #187  
CONTIGENT UPON THE APPROVAL OF THE TOWN ATTORNEY AND  
ENGINEER AUTHORIZE THE SUPERVISOR TO SIGN THE OPERA BLOCK  
CONTRACTS

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

RESOLVE to authorize the Supervisor to sign the Opera Block contracts as provided to the Town Board and Clerk awarding the four lowest bidders subject to the approval of the Town Attorney and Engineer.

|                              |        |     |
|------------------------------|--------|-----|
| 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  
CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello reported on the following:

A contractor would like to start work on the Opera Block on Friday, October 24, 2008 and the Board did not approve his request.

In response to a neighbor complaint the new fence on Pole Bridge Road now has two good sides.

Also, on Pole Bridge Road the home that was torn down has received approval to re-built on the same location.

DISCUSSION  
ENGINEER REPORT

Engineer Rock reported he is working on a pre-application with Rural Development for Route #39 water line.

DISCUSSION  
WATER REPORT

Water Superintendent McKeown reported on the following:

The Darby Road project has been completed and a thank you was received from Kerri Kramer. The Board thanked Dan McKeown for doing a good job.

The property owners should contact their insurance companies as they now have fire hydrants and may see a reduction in their insurance costs.

The Fire Department has been notified of the new working hydrants.

The repair of last year's painting of the tank is completed. The tank was taken down and is now back in service.

The final quarter of meter reading has begun.

For the first time within a quarter ten million gallons of water were used.

DISCUSSION  
COUNTY EXEMPTION INCOME LIMITS

Supervisor LeFeber reported he has provided the Board with the exemption income limits increases and the County has raised the income limits for the Senior Citizens Exemption and for Persons with Disabilities and Limited Incomes. He wanted to be sure all Board members are aware of the increases just in case they wanted to take any further action.

DISCUSSION  
COLD WAR VETERAN EXEMPTION

Assessor Tami Snyder addressed the Board with information on the recently adopted Local Law offering a Cold War Veteran Exemption and the Board requested Attorney Ingersoll to prepare the necessary documents to set a public hearing for consideration of the proposed Local Laws. Assessor Tami Snyder also discussed the need for an amendment to the Town Code for the Persons with Disability and Limited Income Exemption.

The Cold War Veteran Exemption follows:

DISCUSSION-continued  
COLD WAR VETERAN EXEMPTION

Section 1. This local law is adopted pursuant to the authorization granted by Real Property Tax Law Section 458-b. All definitions, terms and conditions of such stature shall apply to this local law.

Section 2. Qualifying residential real property owned by a Cold War Veteran, or other qualified owner, shall be entitled to a partial exemption from taxation to the extent of 15% of the assessed valuation, not to exceed \$12,000.00 or the product of \$12,000.00 multiplied by the latest State equalization rate. Additionally, where the Cold War Veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War Veteran disability rating, not to exceed Forty Thousand Dollars or the product of Forty Thousand Dollars multiplied by the latest State equalization rate.

Section 3. This local law shall take effect immediately upon its filing in the Office of Secretary of State and be effective with the 2009 assessment roll.

RESOLUTION #188  
PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2008-20 in the following amounts:

|                               |   |
|-------------------------------|---|
| General Fund                  | Voucher #649 through #674 in amounts totaling \$17,749.04 |
| Highway Fund                  | Voucher #228 through #231 in amounts totaling \$2,257.87  |
| Water Fund                    | Voucher #172through #178 in amounts totaling \$51,203.49  |
| Cemetery Fund                 | No Voucher  |
| Royal Springs Lighting        | No Voucher  |
| Cross Roads Drainage District | No Voucher  |

|                              |            |
|------------------------------|------------|
| Bruckel Drainage District    | No Voucher |
| Royal Springs Drainage       | No Voucher |
| Town Of Avon Fire Protection | No Voucher |
| Water Capital Improvement    | No Voucher |

|                        |     |
|------------------------|-----|
| Supervisor LeFeber     | AYE |
| Deputy Supervisor Cole | AYE |
| Councilman Cook        | AYE |
| Councilman Blye        | AYE |
| Councilman Mairs       | AYE |

DISCUSSION

BUDGET

Supervisor LeFeber stated the Preliminary Budget will be provided to the Town Clerk on Friday and the Board took the following action:

RESOLUTION #189

SET PUBLIC HEARING 2009 BUDGET

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt the following legal notice:

TOWN OF AVON  
 NOTICE OF PUBLIC HEARING ON THE  
 PRELIMINARY BUDGET OF THE TOWN OF AVON  
 for the year 2009

NOTICE IS HEREBY GIVEN that the preliminary budget of the town of Avon for the fiscal year beginning January 1, 2009, including general town funds, drainage and light district funds, has been completed and filed in the Office of the Town Clerk of the Town of Avon, 57 Genesee Street, Avon, New York 14414, both the tentative budget and the preliminary budget are available for inspection by any interested person during office hours. The Town Board of the Town of Avon shall hold a public hearing on said preliminary budget on November 6, 2008, at 7:30 P.M., at the Avon Village Hall, 74 Genesee Street, Avon, New York 14414, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Avon. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained. The following are the proposed 2009 salaries of Town Of Avon

ELECTED OFFICIALS:

|                |             |
|----------------|-------------|
| Supervisor     | \$12,000.00 |
| Councilman (4) | \$ 4,700.00 |

|                        |             |
|------------------------|-------------|
| Town Justice (2)       | \$10,743.00 |
| Town Clerk             | \$32,251.00 |
| Highway Superintendent | \$63,324.00 |

By Order of the Town Board  
 Sharon M. Knight, CMC/RMC  
 Avon Town Clerk

Dated: October 23, 2008  
 Publication Date: October 30, 2008  
 & November 6, 2008

RESOLUTION #189-continued  
SET PUBLIC HEARING 2009 BUDGET

|                        |     |
|------------------------|-----|
| Supervisor LeFeber     | AYE |
| Deputy Supervisor Cole | AYE |
| Councilman Cook        | AYE |
| Councilman Blye        | AYE |
| Councilman Mairs       | AYE |

RESOLUTION #190  
RESCINDING RESOLUTION #183 APPOINTING JAMES BIONDOLILLO

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Mairs)

RESOLVE to rescind Resolution #183, adopted October 9, 2008

|                               |        |         |
|-------------------------------|--------|---------|
| David LeFeber, Supervisor     | voting | AYE     |
| Kelly Cole, Deputy Supervisor | voting | AYE     |
| Donald Cook Jr., Councilman   | voting | AYE     |
| Thomas Mairs, Councilman      | voting | ABSTAIN |
| James Blye, Councilman        | voting | AYE     |

RESOLUTION #191  
APPOINTMENT OF JAMES BIONDOLILLO

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

ADOPTED AYES 5 NAYS 0

RESOLVE to create a position to fill the need for a construction project coordinator. This position is created pending the approval of Livingston County Personnel.

|                           |        |     |
|---------------------------|--------|-----|
| David LeFeber, Supervisor | voting | AYE |
|---------------------------|--------|-----|

|                               |        |     |
|-------------------------------|--------|-----|
| Kelly Cole, Deputy Supervisor | voting | AYE |
| Donald Cook Jr., Councilman   | voting | AYE |
| Thomas Mairs, Councilman      | voting | AYE |
| James Blye, Councilman        | voting | AYE |

RESOLUTION #192  
APPOINTMENT OF JAMES BIONDOLILLO

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

RESOLUTION #192-continued  
APPOINTMENT OF JAMES BIONDOLILLO

ADOPTED AYES 5 NAYS 0

RESOLVE to amend the 2008 Compensation Schedule adding the following:

| Name              | Position/Duties                     | Status | 2007 Rate | 2008 Rate    |
|-------------------|-------------------------------------|--------|-----------|--------------|
| James Biondolillo | Construction Project Coordinator PT |        | .00       | \$35.00/hour |

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

RESOLUTION #193  
APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of October 6, 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 #194  
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 of October 9, 2008 as presented.

|                              |        |         |
|------------------------------|--------|---------|
| 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 #195  
EXECUTIVE SESSION

On motion of Councilman Mairs, seconded 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 8:00 P.M. inviting Youth Board Director Tami Snyder and Stephanie Dempsey, Stephanie Dempsey left and Mark Gingher entered executive session at 8:15 P.M., Mark Gingher left and Kim McDowell entered executive session at 8:30 P.M., Kim McDowell left at 8:45 P.M. and Tami Snyder left at 8:50 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 #196  
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 8:55 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 Blye, seconded by Councilman Mairs, the meeting adjourned at 9:56 P.M.

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