

A Meeting of the Town of Avon was held on Monday, September 22, 2008 at 4:30 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, and Councilmen Donald Cook, James Blye and Thomas Mairs

OTHERS: Attorney Timothy Ingersoll, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Supervisor Secretary Mary Blye, Harris Beach Attorney Kevin Ryan, BERO Owner John Bero and Architect Joanne DeMarte and Town Clerk Sharon Knight

VISITORS: None

Supervisor LeFeber called the meeting to order at 4:40 P.M. by reading the following legal notice:

TOWN OF AVON  
LEGAL NOTICE

**LEGAL NOTICE**

A special meeting has been scheduled for Monday, September 22, 2008 at 4:30 P.M., at the Village Hall, 74 Genesee Street, Avon, New York, 14414 for the purpose of discussion of the bids received for the Opera Block and any other business that may come before the Board.

By order of the Town Supervisor of the Town of Avon, Livingston County, New York  
Sharon M. Knight, CMC/RMC, Avon Town Clerk

Dated: September 19, 2008

Pledge

Supervisor LeFeber opened the discussion of receiving bids that total higher than the maximum amount of the bonding resolution and approved by the voters.

Attorney Ingersoll stated from his research, discussions with the Association of Towns and Tim McGill that he found that the bids can not be accepted, the Board can not amend the resolution; however, the Board can adopt a new resolution. Although the Board has adopted a prior resolution requiring a vote that does not require any future resolution to require a vote. This decision is at the discretion of the Board. Attorney Ingersoll suggested changing the bond resolution at a public hearing.

Discussion included the need for clarification of what needs to be included in the total project costs and if prior expenses can be eliminated as they have already been paid for and the costs would not be borrowed. After this is determined a maximum cost could be identified.

John Bero stated we have very good bids and contractors and the prices are not going to go down. He recommended doing whatever we can legally to not require new bids.

The Board requested Attorney Ingersoll prepare a new bond resolution and wait for the required days to see if a vote is requested by petition. Attorney Ingersoll will also investigate with the Comptrollers' Office.

Deputy Supervisor Cole stated the new amount would not cost the tax payers additional money as we have received grants and a cash flow chart will be completed to be used to educate our tax payers and for the preparation of the 2009 Town Budget. Also, the addition of geothermal technology has been added to the project.

On motion of Deputy Supervisor Cole, seconded by Councilman Mairs, the meeting adjourned at 5:48 P.M.

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