

A Regular Meeting of the Town of Avon was held on Thursday, September 25, 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, and Town Clerk Sharon Knight

VISITOR: Jill Reed, Carol Kozlowski, Dave Nesbitt, Ed Adamczyk, Marla Palmiter, Cory Fitzsimmons, Jeff Herberger, Larry Stella, Walter Bailor, Steve Bailor, Gary Safran, and Darrin Smith

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:

Contact was made with the New York State Comptroller's Office but they have not gotten back to me. The safest way to continue is to not accept bids and to start the process over and clearly the Board does not want to do this because it's expected the bids would be larger. You may amend the resolution and an amended resolution has been prepared that has blanks for you to fill-in, BERO will then work with the bidders and they will discuss the need of the Board for additional time to award the bids. He cautioned that by adopting this resolution other bidders could file an article 78 regarding the procedure that is being followed.

He continued to report that if the amended resolution is challenged and does not stand, the previously approved resolution would still stand thus allowing spending the 2.4 million. The Board could move forward, although re-bidding would be needed due to a change in the scope of the project.

Attorney Ingersoll stated for the record that Bond Counsel should be here as you have hired them specifically to address these concerns and that he has been hired to act as the Attorney for the Town and should not be rendering the direction and advice on these precise issues to the Board. He has concerns amending the resolution and not re-bidding, as he has not heard back from the Comptroller.

Deputy Supervisor Cole stated the Attorneys at Harris Beach agree with what you are saying. Thinking of the financial perspective it is clear amending the resolution is the way to go. The lowest risk is to re-bid but the financially sound way to move forward while thinking of savings taxpayers' dollars is to amend the resolution. The BAN has been taken out and is currently invested.

There was discussion on the percentage that should be assigned to contingency items and possible change orders for unforeseen items. Additional grants could bring in an additional \$868,000.00 to be divided by fifty percent, as it is a shared grant.

#### DISCUSSION CREDIT CARDS

Town Clerk Knight introduced Bob McLean from Nationwide Payment Solutions to address the Board regarding the acceptance of credit cards. Mr. McLean provided the Board with information on the history of offering credit cards with municipalities, including previous costs associated and the changes the credit card companies have adopted. Allowing the office to use credit cards provides another option of payment and efficiencies of the office.

There are also third party providers that spend their profits to write software. Nationwide is the only company to provide separate transaction costs. Nationwide would have the Town's fees directly deposited in their specified account and the user (convenience) fee would not go to the Town account therefore no record keeping of the user fees would be necessary. The system is a secure terminal and the user fee would be 2.6 percent and would be reviewed annually. There is a zero cost to the Town. Two signatures would be required one for the Town's fee and the second for the user fee. If the user tries to later stop payment with the credit card provider the signed receipt is proof of service. The Towns of Bloomfield, Conesus and Livonia have accepted the service. Reports are provided in excel. The time frame for start-up is two weeks. Mr. McLean stated few providers have no cost and no one else has separately listed transactions. The contract is for three years and the cost to cancel is \$250 to \$1,000. Attorney Ingersoll stated that if it is not working do not cancel just do not use the service.

#### RESOLUTION #163 AUTHORIZE TOWN SUPERVISOR TO NEGOTIATE AND ENTER INTO A CONTRACT TO ACCEPT CREDIT CARD PAYMENTS AT TOWN OFFICES

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

ADOPTED AYES 5 NAYS 0

WHEREAS, the acceptance of credit cards for payment offers a high level of security and convenience and is in best interest of all concerned to expand the use of this type of payment option; now, therefore, be it

RESOLVED, that the Town Supervisor be authorized to negotiate and sign a contract, in accordance with General Municipal Law section 5 and 5b, to accept credit card payments at no fee to the town; however, there is a convenience fee charged back to the consumer, in all town departments that receive funds; and

RESOLVED, that a copy of this resolution be forwarded to St. John & Baldwin.

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

RESOLUTION #164  
AMENDMENT OF JANUARY 11, 2007 BOND RESOLUTION

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

ADOPTED BY A ROLL CALL VOTE AYES 5 NAYS 0

RESOLVED to amend the minutes of June 28, 2007 to add the following resolution to those minute the placement to be determined by Supervisor LeFeber.

At a regular meeting of the Town Board of the Town of Avon, Livingston County, New York, held at the Town Hall, 27 Genesee Street, Avon, New York, on the 28<sup>th</sup> day of June, 2007:

PRESENT: David LeFeber, Kelly Cole, Donald Cook. James Blye and Thomas Mairs

ABSENT: None

\_\_\_\_\_ presented the following resolution and duly moved that it be adopted and was seconded by

\_\_\_\_\_:

AMENDED BOND RESOLUTION DATED SEPTEMBER 25, 2008 OF THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE CERTAIN CAPITAL IMPROVEMENTS, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on January 11, 2007, has duly issued a negative declaration and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; and

WHEREAS, the Town having previously adopted a bond resolution containing a projected estimated maximum aggregate cost of \$2,419,290. The plan set forth in the said previous resolution for financing of said purpose was to provide up to \$1,739,290 of such maximum cost by the issuance of obligations as herein authorized, with the balance to be provided from grants received, presently estimated to be up to \$680,000, with such grant funds to be expended for the Opera Block Building improvements; and

WHEREAS, the Town having determined that the total project costs will exceed the previous estimate by approximately \$660,710 due to the inclusion of geo-thermal heating and increased cost of materials and labor as part of the project but that the amount to be financed by the Town and paid for by the taxpayers will be substantially less due to grants received from other sources; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, that the terms of previous bonding resolution adopted by the Board on January 11, 2007 are hereby amended as follows:

Section 1. The Town of Avon shall undertake certain capital improvements consisting of reconstruction of the Opera Block Building and the Town Hall Building at 17-27 Genesee Street in the Town of Avon, New York, site and other incidental improvements in connection therewith and the acquisition of original furnishings, equipment, machinery or apparatus that may be required in connection therewith for such construction and Town use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$1,200,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$3,080,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide up to \$1,400,000 of such maximum cost by the issuance of obligations as herein authorized, with the balance to be provided from grants received, presently estimated to be up to \$1,680,000 with such grant funds to be expended for the Opera Block Building improvements.

Section 3. It is hereby determined and declared that (a) such building being a class “B” (fire-resistant) building as defined in Subdivision 11 of Paragraph a of Section 11.00 of the Local Finance Law, and said purpose is one of the class of objects or purposes described in Subdivision 12(a)(2) of Paragraph (a) of Section 11.00 of the Local

Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Avon.

Section 7. The faith and credit of the Town of Avon, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Town Clerk of the Town of Avon together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an

object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution, before becoming effective, shall be approved at a special referendum of said Town to be held on August 16, 2007.

The motion having been duly seconded, it was adopted and the following votes were cast :

Roll Call Vote

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

Dated: September 25, 2008

Publish: October 2, 2008

DISCUSSION  
HIGHWAY REPORT

Highway Superintendent Ayers was not in attendance as he was at conference.

DISCUSSION  
ENGINEER REPORT

Engineer Rock provided the following report:

The one-year inspection of the water tank was performed and there are raised pieces of metal with 1/8 inch rust spots in the paint in approximately 30 places. The tank was drained for the inspection and the tank will be drained again to fix the spots and undergo a second inspection. The warranty period was for one year. Coordination with the Water Superintendent will happen within the next two weeks. The County Health Department and Avon Fire Department will be notified when the tank will be off line for one week.

DISCUSSION  
WATER DISCUSSION

Supervisor LeFeber shared with those in attendance an update of the Town's efforts of expanding water service to residents on Route #39 as follows:

September 25, 2008

Re: Route 39 Water update

Dear Residents,

As you know, we were unsuccessful in securing Small Cities grant money for the Route 39 water project. Grantsman Stu Brown has requested information from the State as to the reasons the grant was not awarded. We have as of yet had no response to this request. I am traveling to Buffalo on October 15<sup>th</sup> to attend a conference on the next cycle of the Small Cities grant program. I have also requested a one on one conference to go over the previous application and see what improvements could be made for the next round's submission.

I also met with Micky Sergent of the Rural Development office of the USDA to discuss with her the possible options for funding through their office. We can easily submit a pre-application and get a determination of probable costs for a 38 year loan. The income survey and health department testing that has already been done will help us in securing this financing. The purpose of this meeting is for residents to let the Town Board know how you would like us to proceed.

Yours truly,

David LeFeber  
Town Supervisor

Supervisor LeFeber stated one option is to apply for the grant again by strengthening the previous application. A second option is to work with rural development by completing a pre-application and/or apply for the Small Cities Grant. Supervisor LeFeber will be attending a meeting in October to determine why the grant was not awarded.

Engineer Rock stated that a Small Cities Grant would keep the local costs down and that Rural Development offers a low cost loan that would be more expensive. Grant writer Stuart Brown could do the application and Micky Sergent of Rural Development would be able to provide concrete information for the application.

Those in attendance shared the following:

A visitor stated that three additional people requested their interest be shared with the Board of providing public water to them as they could not attend tonight's meeting.

One resident stated they currently pay over \$300.00 per month to have water trucked in for a one month period.

Please keep working to be able to supply water.

A resident stated that he currently used 1200 gallons of water per week and it's being hauled and he is requested that the Town provide public water.

The water situation has continued to get worse since we last met.

A new home owner has dug two ponds and has drilled three well. They have dug to a depth of 200 feet and bring up a half pail of water and a half pail of salt.

What is the timeline for Rural Development? Two years before digging begins.

Can you start preparing reports now? To start the studies ahead of time the Board would have to pre-approve knowing the expense would then be charge back only if the project moved forward.

Has there been discussion on which side of the road the line would be placed? Consideration on the sides of the road at specific points was discussed and the line would not be intrusive of Palmiter's Gardens.

A request for continued communications was made and not everyone is receiving the notification by mail. Both e-mail and the United States Post Office will be used to communicate in the future.

Are there grants available from fire protection? There are none that are known about to be applied for, although resident may receive a reduction in their homeowners insurance. In New York State 66 grants were awarded and even our Grant Writer believed we had a strong application. The year before \$400,000 was given and last year \$600,000 was given.

Supervisor LeFeber thanked those in attendance for coming and will keep them updated with any progress the Town makes.

#### DISCUSSION

#### CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello reported on the following:

A summons is being issued to J&A Market to tear down the building. They will be requested to come into Court and the Court will solve this issue.

A request to put containers for clothing collection has been received and there have been issues with private businesses not picking up the clothing on a regular basis and the site became unsafe. Supervisor LeFeber questioned the Town Clerk regarding any laws that would prevent the approval of the collection boxes and none are known that would allow denial of their placing containers on private property, therefore their request will be approved.

There was discussion on what constitutes a farm versus an agricultural business. New York State Ag & Markets will be contact for determining this issue.

DISCUSSION  
WATER REPORT

Water Superintendent McKeown reported on the following:

The new water line on Darby Road is in and the health test samples have been good. A meter pit on Darby Road and Jones Lane will be eliminated. The County Health Department still needs to sign off and then the tie-ins are expected to begin next Friday. While working in this area two spots on Darby Road have been identified as having code problems by residents. Supervisor LeFeber requested they be referred to the Code Department.

There was discussion on the hydrant meter being used at the Avon Central School that has not been read since 2002. The Village reads the meter for the school and the hydrant meter is now going to be read by the Water Department. The last bill tells how much water was used but not the water meter read.

RESOLUTION #165  
OPERA BLOCK LEGAL NOTICE

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

RESOLVE the following be used as a legal notice:

LEGAL NOTICE  
TOWN OF AVON

Since the approval of the Bond Resolution on August 16, 2007, the Town has been awarded \$1,000,000 in additional grants for the Opera Block Project. To that end, the Town increased the scope of the project to include environmental friendly geothermal heating and cooling, as well as other measurers to project the Town of Avon throughout the construction period. In addition, since the original estimates were received, the cost of energy, labor and materials has risen dramatically. The total amount of grants received is \$1,680,000. This will be applied to the project costs, thus reducing the need for borrowing by \$339,290 to 1.4 million. In summary, the project now includes items that will lower the annual operational cost to the town while also lowering the cost to the taxpayers. Additionally, the Town has another grant application in to the State Environmental protection agency for \$868,000. The third floor restoration, which was removed from the initial bond resolution of January 11, 2007 is still not included in this project.

RESOLVED to amend the minutes of June 28, 2007 to add the following resolution to those minute the placement to be determined by Supervisor LeFeber.

At a regular meeting of the Town Board of the Town of Avon, Livingston County, New York, held at the Town Hall, 27 Genesee Street, Avon, New York, on the 28<sup>th</sup> day of June, 2007:

PRESENT: David LeFeber, Kelly Cole, Donald Cook. James Blye and Thomas Mairs

ABSENT: None

\_\_\_\_\_ presented the following resolution and duly moved that it be adopted and was seconded by \_\_\_\_\_:

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WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on January 11, 2007, has duly issued a negative declaration and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; and

WHEREAS, the Town having previously adopted a bond resolution containing a projected estimated maximum aggregate cost of \$2,419,290. The plan set forth in the said previous resolution for financing of said purpose was to provide up to \$1,739,290 of such maximum cost by the issuance of obligations as herein authorized, with the balance to be provided from grants received, presently estimated to be up to \$680,000, with such grant funds to be expended for the Opera Block Building improvements; and

WHEREAS, the Town having determined that the total project costs will exceed the previous estimate by approximately \$660,710 due to the inclusion of geo-thermal heating and increased cost of materials and labor as part of the project but that the amount to be financed by the Town and paid for by the taxpayers will be substantially less due to grants received from other sources; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-

thirds of all of the members of such Board, that the terms of previous bonding resolution adopted by the Board on January 11, 2007 are hereby amended as follows:

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Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$3,080,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide up to \$1,400,000 of such maximum cost by the issuance of obligations as herein authorized, with the balance to be provided from grants received, presently estimated to be up to \$1,680,000 with such grant funds to be expended for the Opera Block Building improvements.

Section 3. It is hereby determined and declared that (a) such building being a class "B" (fire-resistant) building as defined in Subdivision 11 of Paragraph a of Section 11.00 of the Local Finance Law, and said purpose is one of the class of objects or purposes described in Subdivision 12(a)(2) of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Avon.

Section 7. The faith and credit of the Town of Avon, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Town Clerk of the Town of Avon together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution, before becoming effective, shall be approved at a special referendum of said Town to be held on August 16, 2007.

The motion having been duly seconded, it was adopted and the following votes were cast :

#### Roll Call Vote

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

Dated: September 25, 2008

Publish: October 2, 2008

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

RESOLUTION #166  
PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2008-18 in the following amounts:

Concerning ABSTRACT of Claims Number 2008-18 including claims as follows:

General Fund	Voucher #590 through #607 in amounts totaling \$14,632.74
Highway Fund	Voucher #211 through #216 in amounts totaling \$4,565.55
Water Fund	Voucher #152 through #158 in amounts totaling \$50,784.86
Cemetery Fund	Voucher #5 through #5 in amounts totaling \$230.00
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  
2009 TENTATIVE BUDGET

Supervisor LeFeber present the tentative budget to the Clerk for distribution to all Departments for the budget meeting to be scheduled.

RESOLUTION #167  
APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of September 11, 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 #168  
APPROVAL OF MINUTES

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

RESOLVE to approve the minutes of September 22, 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 #169  
SCHEDULE BUDGET MEETING

On motion of Supervisor LeFeber, second by Deputy Supervisor Cole the following resolution was  
ADOPTED AYES 5 NAYS 0

RESOLVE to schedule a 2008 Budget working session that will include discussion of employee benefits on Monday October 6, 2008 at 3:30 P.M. at the Highway Department, 5390 Agar Road, Avon, New York.

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  
LIVINGSTON COUNTY EMPIRE ZONE

Supervisor LeFeber stated he received a response from his written comments of the Empire Zone Report prepared by Livingston County. Councilman Mairs stated his response was taken seriously and a revised report will be prepared.

DISCUSSION

PUBLIC HEARING - ROYAL SPRINGS DEVELOPMENT

Supervisor LeFeber reported letters have been mailed to potential Professional Planners that could provide the Town of Avon with an unbiased opinion of the proposed expansion of the Royal Spring Development.

DISCUSSION

DARK SKY

Supervisor LeFeber stated in the Board packet there is information from the Planning Board regarding the proposed local law for Dark-Sky/Outdoor Lighting. The Planning Board did not like the Town's proposal and has provided one from the Town of Riverhead. Engineer Rock stated that is the one included in a prepared packet given to the Board some time ago. Town Clerk Knight stated while looking for an electronic copy of the Town of Riverhead she found what appears to be an updated law and the update was e-mailed to the Planning Board Members. Supervisor LeFeber stated they have not met since they received the revised law. No action was taken.

RESOLUTION #170

AUTHORIZE SUPERVISOR TO SIGN BERO AGREEMENT

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the Supervisor to sign the following agreement from BERO Architecture PC:

September 8, 2008

Kelly Cole, Deputy Supervisor  
Town of Avon  
27 Genesee Street  
Avon, NY 14414

Re: Agreement for Architectural Services  
Opera Block & 27 Genesee Street  
Renovation & Restoration

Dear Kelly,

As we discussed on the phone this morning, John Bero is selling his architectural practice to Virginia Searl and John Page, effective October 1, 2008. John is planning to retire in 2011.

Selling the business, and continuing his architectural work as an employee, is an initial step in John’s retirement plan. We will continue the practice under the name Bero Architecture PLLC. Virginia Searl and John Page have combined experience of 38 years at Bero Architecture and the new firm will continue with the same personnel, policies, and services you have received in the past. Our professional liability and other insurances will continue without interruption.

In order to simplify administration of the change we are asking you to allow the agreement between the Town of Avon and the old professional corporation to be assigned to the new firm, Bero Architecture PLLC. If this is agreeable to the Town of Avon, please sign and return one copy of this letter. Attention to this by September 22<sup>nd</sup> would be greatly appreciated.

Thank you for your continued support of Bero Architecture. If you have questions or need additional information please don’t hesitate to call John Bero, Virginia Searl, or John Page.

Very truly yours,

Joanne DeMarle, Architect  
Bero Architecture PLLC

Encl: Copy of letter for signature

\_\_\_\_\_  
John Bero

\_\_\_\_\_  
Virginia G. Searl

\_\_\_\_\_  
John Page

I (we) consent to assignment of our Contract for Architectural Services, dated October 11, 2007 to be assigned from Bero Architecture PC to Bero Architecture PLLC.

(Name and title)		(Date)
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

2009 TENTATIVE BUDGET

Supervisor LeFeber reported he would be meeting with Chuck Bastin to review the 2009 tentative budget and that some changes may be necessary.

RESOLUTION #171

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT – WALTER A. McDERMOTT

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

RESOLVE to authorize Supervisor LeFeber to sign the following agreement:

The following are the terms of the agreement between Walter A. McDermott, a telephone auditing service and Town of Avon.

McDermott will audit the monthly service and equipment portion of client’s telephone bills. The objective of the audit is as follows:

To obtain credits or refunds for the entire period of time that the overcharges have been in existence.

The fee for obtaining credits or refunds is fifty percent of the credit or refund. This fee is payable when you receive the credit or refund. If McDermott is not successful in obtaining a credit or refund, then McDermott will not ear a fee.

The enclosed letter of authorization is a standard requirement of all telephone carriers. It must be retyped on your letterhead and returned to me along with a sign copy of this agreement.

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 #172  
OPPOSING THE PROPOSED CHANGES TO THE PUBLIC HEALTH LAW,  
CONSOLIDATING LOCAL REGISTRARS OF VITAL STATISTICS

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

WHEREAS, The New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments, and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner, and

WHEREAS, the NYS Department of Health has developed a program bill that would allow the Commissioner to consolidate the function of the local registrars of vital statistics, and

WHEREAS, New York State Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to the "Pandemic Flu and Public Health Emergency Preparedness Law", and

WHEREAS, the Commissioner could consolidate these services without county legislative approval, and

WHEREAS, the local city, town and village Clerks have provided this service professionally and efficiently over the years, and

WHEREAS, losing this business would have a financial impact on the local governments, and

WHEREAS, many citizens are under financial stress due to high fuel costs, and

WHEREAS, the County's geography would increase this burden since services would be located further from the residents,

WHEREAS, the local Registrars presently charge \$10.00 per certified copy and the State proposes that the County will charge \$30.00 per certified copy, and

NOW, THEREFORE, BE IT RESOLVED that in the interest of good government, the Avon Town Board opposes the consolidation of the function of local registrars of vital statistics, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to our Governor and State Elected Officials to encourage their support.

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 #173  
COMBINE ELECTION DISTRICT FOR LOCAL REGISTRATION

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

ADOPTED AYES 5 NAYS 0

RESOLVE to combine Election Districts for Local Registration only for the year 2008. Registration will be held on the following days:

Monday, October 6, 2008 from 9AM to 12:30 PM at the Town Hall at 57 Genesee Street and

Saturday, October 11, 2008 from 2PM to 9PM at the Village Hall at 74 Genesee Street.

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 Mairs stated the Board may need to increase the tire charge per tire and have an additional cost if the tires are still on the rim. Also, we need to consider a change in offering the service to only residential properties versus businesses.

Deputy Supervisor Cole questioned if the contracts should be prepared by Joan DeMarle, and the Board agreed; however, they will need to be approved by Karen Ferguson through the Supervisor's Office.

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 9:50 P.M.

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