

A Regular Meeting of the Town of Avon was held on Thursday, April 9, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Councilmen Thomas Mairs and James Blye

ABSENT: Deputy Supervisor Kelly Cole and Councilman Donald Cook

OTHERS: Highway Superintendent Robert Ayers, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, Attorney James Campbell and Deputy Town Clerk Lisa Anderson

VISITORS: Tom Bartolini and Bill Shaw, Jeffrey Passarel and Edward Adamczyk

Supervisor LeFeber called the meeting to order at 6:05 P.M.

Pledge of Allegiance

DISCUSSION - VISITORS BILL SHAW AND TOM BARTOLINI

Visitor Bill Shaw informed the board that the Avon Ambulance has hired Tom Bartolini as its part-time business manager and that he has a lot of experience in financial services and will make a great addition to Avon Ambulance. Mr. Shaw discussed the need to maintain 24-hour service to the Avon Community and that many of the people who work the overnight shifts are traveling from other towns such as Greece and Bloomfield. Although there is a small room and there are showers available, it is not adequate space for the ambulance crew to sleep. Currently there is one reclining chair in the room that is being used and this is where they sleep.

Visitor Tom Bartolini asked the question as to whether the space in the new Town Hall that was originally offered to the Village for its use is still available. He has met with the Ambulance Board of Directors and requested a list of required items from them so as to present the Town Board with more information.

Supervisor LeFeber stated that he would certainly like to listen to any requests that they may have, but that any decisions would have to be made by the board and the matter would need to be discussed with the absent board members. Mr. Bartolini stated that he could be contacted anytime on his cell phone with questions and that if the board has questions for ambulance members, they are also available. He also stated that he would like the board to know that the space would not in any way be used for social gatherings, only for sleeping purposes. Councilman Blye stated that the board will probably have a list of questions. Mr. Bartolini stated that the Ambulance is putting together a list of pre-requisites and items they need and that he will have that available soon.

DISCUSSION - ATTORNEY REPORT

Attorney James Campbell addressed the board on the following issues:

1. Review of the Lighting Ordinance for Royal Springs is almost completed. Mostly it just needs a few modifications for “flow of reading.”
2. In regards to Michael Streb’s request that the town reimburse him for overpayment of water, the case has been reviewed and the following items have been determined:
 - Mr. Campbell has checked on the legal liability issues, and unless the water bills were “paid under protest,” there is no legal obligation for reimbursement.
 - If the board chooses not to reimburse Mr. Streb, there is no legal recourse that can be taken.
 - If the board chooses not to reimburse Mr. Streb, it should be done in writing because that will begin the Statute of Limitations. He asked if the board would like him to write the letter and everyone agreed that they would like Mr. Campbell to do so.

Supervisor LeFeber asked Water Superintendent McKeown what his thoughts were. He stated that if the board decided to reimburse Mr. Streb that they should only go back as far as when Mr. Streb actually took over the property in 2004. Mr. Streb noticed the discrepancy after he had received the final bill for the property after the sale and it had not been protested before that.

Councilman Mairs asked the question of what the new owners were being billed for, three units or four. Supervisor LeFeber stated that he would ask Water Clerk Mary Blye to look into it.

Councilman Blye stated that he didn’t see any advantage to reimbursing Mr. Streb.

DISCUSSION - HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

1. The zero-turn mowers that were ordered have been delivered.
2. Road salt was hauled in last week. The total usage for the highways this season was 2060 tons. He feels that the town should be done with salt for the year.

DISCUSSION - WATER REPORT

Water Superintendent Daniel McKeown reported that meter readings started this month.

He also reported that in regards to the 2005 Ford pick-up truck, an ad requesting bids will be in this week’s Penny Saver and that Teitsworth Auctions will accept the truck anytime up to the day of the auction if no acceptable bids are placed through advertising.

RESOLUTION #70 DECLARE AS SURPLUS 2005 FORD RANGER

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilman Cook and Deputy Supervisor Cole)

RESOLVE to declare as surplus 2005 Ford Ranger Pickup truck and to take it to the May 9th Palmyra Auction if there is not an acceptable bid received through advertising.

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Absent, Deputy Supervisor Cole – Absent, Supervisor LeFeber - Aye

DISCUSSION - CODE REPORT

Code Enforcement Officer Cappello asked if attorney Henehan in regards to a building permit had contacted anyone for his client, Mr. Green on Bronson Hill Road. Nobody has been contacted. Officer Cappello stated that Mr. Green has presented him with a second set of plans and that these ones are worse than the ones before. He stated that the owner had gotten an estimate to put an addition onto his manufactured home and then applied for the building permit. The next thing that happened, a garage was being built. Officer Cappello just wants to make everyone aware that it may become a problem. Town Attorney James Campbell suggested that maybe Attorney Henehan should contact Mr. Green and explain the process to him.

DISCUSSION - ENGINEERING REPORT

Engineer Tim Rock reported that the Engineer from Rural Development would be coming out on April 16th to look at the Route 39 Water Project with himself and Water Superintendent Daniel McKeown. The map has been revised to show an additional parcel on Hogmire Road.

He also reported that he attended the last Planning Board meeting regarding the Drive-in and the owner, Paul Dean's request to expand. Before the Planning Board can make its decision, more information will need to be given by the owner in regards to the drainage issues. The owner has indicated that it would be cleaned out, but Engineer Rock will investigate this further.

DISCUSSION - OPERA BLOCK

Supervisor LeFeber reported on the following:

Well drilling will resume next week and there is so much water in the ground that there are several dumpsters being used to hold the water.

Mrs. Blanke continues to be concerned about parking for her tenants. Supervisor LeFeber feels that there is a need for better communication with her to keep things friendly.

The following are requests for proposals for the Opera Block security system:

West Fire Systems, Inc. \$22, 470.00

Day Automation Systems: \$31, 222.00

Graybar: No Bid

The System will also require labor and minimal materials to facilitate running the wire for the system:

New Way Equipment: \$50.00 per hour
(approx. \$5000)

O'Connell Electric: \$14,800.00

Both sets of quotes fit the criteria of compliance with requesting quotes.

RESOLUTION #71 ACCEPT QUOTES FROM NEW WAY EQUIPMENT AND WEST FIRE

On motion of Councilman Blye, seconded by Supervisor LeFeber the following resolution was
ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Cook)

RESOLVE to accept bids from West Fire and New way Equipment for installing the security system at The Opera Block.

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Absent, Deputy Supervisor Cole – Absent, Supervisor LeFeber - Aye

DISCUSSION - VISITORS JEFFREY PASSARELL AND EDWARD ADAMCZYK

Mr. Passarell and Mr. Adamczyk arrived at 7:04 P.M. and presented the board with a petition containing 22 signatures requesting that “The Route 39 Water Extension District” be added to the existing Avon Consolidated Water District.

Town Attorney Jim Campbell suggested that all information contained in the petition be verified with the assessor as the cost of establishing the new district will be based on

establishment of all parcels in the district. He feels that adding to the district will certainly benefit by increasing home values, providing fire safety and also for insurance purposes.

Town Engineer Timothy Rock stated that if the properties are in the Agricultural District, there might have to be a public notice issued stating that the addition to the district is being requested.

Mr. Passarell asked what the next steps would be and Attorney James Campbell informed him that there will be a public hearing set and that public opinion will be very helpful. Any records of support that can show the need for service will be beneficial. Supervisor LeFeber stated that he would like to aim for May 14th for the public hearing, providing that it can be verified ahead of time that it is a valid petition. Attorney James Campbell suggested that they get as many letters as possible, either typed or handwritten, to submit to the Comptroller, as they will be very compelling upon review.

DISCUSSION - MONTHLY BUDGET REPORT

Supervisor LeFeber stated that the budget for the water fund reports under the new accounting from GASB 43 shows more money in receivables than what is actually there.

RESOLUTION #72 SUPERVISOR'S AND TOWN CLERK'S BUDGET REPORTS

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Cook)

RESOLVE to accept the Supervisor's and the Town Clerk's monthly budget reports as follows:

Total Local Shares Remitted:	\$1,023.71
County Treasurer for Dog Licenses	\$39.95
New York State Department of Health	\$22.50
NYS Ag. & Markets for spay/neuter program	\$9.00
NYS Environmental Conservation	\$103.91
TOTAL	\$1,199.07

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Absent, Deputy Supervisor Cole – Absent, Supervisor LeFeber - Aye

RESOLUTION #73 PAYMENT OF BILLS

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Cook)

RESOLVE to accept for payment Abstract 2009-7 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-7 including claims as follows:

General Fund	Voucher #152 through #176 in amounts totaling \$9,251.81
Highway Fund	Voucher #67 through #77 in amounts totaling \$48,693.74
Water Fund	Voucher #46 through #52 in amounts totaling \$2431.94
Opera Block Capital Improvement	Voucher #20 through #26 in amounts totaling \$234,425.16
Cemetery Fund	No Voucher
Royal Springs Lighting	Voucher #5 through #5 in amounts totaling \$770.45
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire Protection	NoVoucher
Water Capital Improvement	No Voucher

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Absent, Deputy Supervisor Cole – Absent, Supervisor LeFeber - Aye

RESOLUTION #74 APPROVAL OF MINUTES

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Cook)

RESOLVE to approve the minutes from March 12 as presented.

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Absent, Deputy Supervisor Cole – Absent, Supervisor LeFeber - Aye

RESOLUTION #75 APPROVAL OF MINUTES

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Cook)

RESOLVE to approve the minutes from March 26 as presented.

Vote of the Board: Councilman Blye – Aye, Councilman Mairs – Aye, Councilman Cook – Absent, Deputy Supervisor Cole – Absent, Supervisor LeFeber - Aye

**DISCUSSION – FORMER ZBA MEMBER
SHARON RYAN**

Supervisor LeFeber stated that he would like to have a letter sent to former ZBA Member Sharon Ryan thanking her for her years of service. Sharon still has a copy of the Town code and the training CD in her possession. In the letter it could be asked that she return the items. If she does not return the items in 30 days she will be billed.

**DISCUSSION - OPEN RECREATION
POSITION**

Supervisor LeFeber suggested that this be discussed at the next meeting.

DISCUSSION - RICHARD STEEN/EXIT 9

Supervisor LeFeber stated that he spoke with Dick Steen and Austin Wadsworth this past week and that Mr. Steen is unhappy about the lack of communication regarding the waterline and road completion of the Empire Zone designated property. He feels that the work should be completed.

DISCUSSION - DUMP DAYS

Councilman Mairs reported that the advertisement with the dates for dump days will be in this week's Penney Saver and he asked Highway Superintendant Ayers to let him know who will be working those dates.

On motion of Councilman Mairs, seconded by Councilman Blye, the meeting adjourned at 7:19 P.M.

Respectfully submitted, _____
Lisa Anderson, Deputy Town Clerk

And

Sharon Knight, CMC/RMC Town Clerk