

A Regular Meeting of the Town of Avon was held on Thursday, April 23, 2009 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, Thomas Mairs and James Blye

OTHERS: Highway Superintendent Robert Ayers, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, Attorney James Campbell and Town Clerk Sharon Knight (left at 8:35 P.M.)

VISITORS: Lori Cruz - Avon Walk for Hunger

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

Pledge of Allegiance

DISCUSSION- HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

An update to the request for a speed limit in Royal Springs was provided. New York State is not requiring a traffic study yet, they continue to ask for Board resolutions and the old form to be used. Both Engineer Rock and Highway Superintendent Ayers concern is Royal Springs Development still only has one entrance and until additional entrances become a part of the Development it is not their recommendation to restrict a speed limit. The difficulty to enforcement the speed limit was discussed. Supervisor LeFeber will be sending a letter to Mr. Chris Jordan letting him know the decision of the Board to take no action at this time.

In response to a request from Councilman Mairs it was reported that both Highway Employees Tom Crye and Richard Rumfola would be available to work on Dump Days. Councilman Mairs will request additional help from Shanks.

Supervisor LeFeber reported a County meeting will be held to look at highway costs for snow removal for Town's within the County. The meeting will be held on Monday afternoon. The Town of Avon gained road mileage, thus increasing County's funding. This year was an average record of snow removal.

DISCUSSION – ENGINEER REPORT

A New York State Engineer for Rural Development visited Avon and he likes the project. A letter was sent from the State with a request for a response for detailed cost breakdowns. SPECS for this project will be required and the cost for the Town would be \$1,000.00; however, Larsen Engineer can purchase for \$500.00 and will share the cost with the Town reducing the Town share to \$250.00.

DISCUSSION – ENGINEER REPORT -continued

Supervisor LeFeber reported the project will require a Town audit and it will be budgeted in next year's budget.

DISCUSSION – ATTORNEY REPORT

Attorney James Campbell provided the following report

The Royal Springs Development Escrow that is jointly held by the Town and Developer was discussed. This review found the procedure to be specific to require both party's approval prior to the release of funds. Royal Springs Developer Peter Kolokouris's Attorney David Henehan was contacted and he will be contacting his client regarding the removal of funds. The Town did not give an authorization to release funds and the lender should have followed the agreement. Follow-up is needed and further reports will be provided.

Changes to the proposed Local Law Entitled Outdoor Lighting have been finalized and should be posted on the web site along with the legal notice once adopted by the Board.

A letter was written to Mr. Streb informing him of the Board decision regarding his request for refunds of payments for water.

A recommendation to accept the Route #39 Water District Petition is the Board next step in considering the water extension.

RESOLUTION #76 ACCEPTING ROUTE #39 WATER DISTRICT PETITION

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

ADOPTED AYES 5 NAYS 0

RESOLVE pursuant to New York State Town Law Section 193 that the Board acknowledges receipt and filing of the petition seeking the creation of the Route #39 Water District. The petition included a map and plan and that map and plan including the description would be accepted by the Board. The maximum amount is identified at a cost not to exceed \$700,000.00. The cost to the typical household would be \$745.32 including purchasing water.

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

DISCUSSION – FURTHER REQUIRED ACTION AFTER NEW YORK STATE COMPTROLLER APPROVES EXTENSION

Attorney James Campbell stated that action would be needed after approval is received from the New York State Comptroller's Office. Engineer Rock and Supervisor LeFeber agreed that there would be a list of additional items required to be completed. Attorney James Campbell suggested the Board think about policies to determine how to charge parcels that do not want to use water but will be benefited by the water going past there properties. There was discussion on those types of property owners not wanting to pay as much as the typical resident water user. All properties including residential would benefit by fire prevention and higher assessments.

RESOLUTION #77 - SCHEDULE A PUBLIC HEARING TO CONSIDER THE FORMATION OF THE ROUTE 39 WATER DISTRICT

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

ADOPTED AYES 5 NAYS 0

RESOLVE to hold a public hearing on the Establishment of the Route #39 Water District to be held on May 14th at 7:00 P.M., at 74 Genesee Street, Avon, New York.

FURTHER RESOLVE to publish the Legal Notice on April 30, 2009.

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

DISCUSSION - LOCAL LAW T-1A-2009 ENTITLED OUTDOOR LIGHTING

Attorney James Campbell has prepared a final draft of the Outdoor Lighting District that was reviewed with Planning Board Member Tom McGovern. Attorney James Campbell will e-mail the final version to Town Clerk Knight and Board Supervisor LeFeber requested the Town Clerk forward the proposed Local Law to the County Planning Board for review.

RESOLUTION #78 SCHEDULE A PUBLIC HEARING ON LOCAL LAW T-1A-2009 ENTITLED OUTDOOR LIGHTING

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

ADOPTED AYES 5 NAYS 0

RESOLVE to schedule a public hearing on Local Law T-1A-2009 Entitled Outdoor Lighting on May 28th at 7:00 P.M., 74 Genesee Street, Avon, New York

RESOLUTION #78 SCHEDULE A PUBLIC HEARING ON LOCAL LAW T-1A-2009 ENTITLED OUTDOOR LIGHTING-continued

FURTHER RESOLVE to publish the legal notice on May 14, 2009.

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

VISITOR - LORI CRUZ

Visitor Lori Cruz addressed the Board sharing the following information:

The Avon Crop Walk has been sponsored by the Avon Interfaith Council for 29 years and the Town of Avon has kept twenty-five percent of the funds raised during this time. The amount of paper work that is required is very cumbersome so this year there will not be a Crop Walk; however, on May 9th there will be “Avon Walk Against Hunger”. All funds will be kept for use in our Town. Registration is at 8:30 A.M. in the Village Hall. Flyers and envelopes will be provided in the near future. The Board thanked Lori Cruz for attending the meeting and her support of our Community and sharing this information.

DISCUSSION – KEITH PARKS

Supervisor LeFeber informed the Board of his continued personal interest and did not take part in the discussion of the request from Keith Parks and Jo Ann Boyce for a zoning change. Attorney James Campbell directed the discussion stating the Town Planning Board reviewed the request and had a lot of discussion both in-favor and against; however, the Planning Board has provided no opinion on this rezoning request as it's a Town Board decision. The County Planning Board has voted to approve the request.

Proposed EAF will be completed by Engineer Rock after the public hearing thus allowing for any information heard at the Public Hearing to be considered by the Board.

RESOLUTION #79 SCHEDULE PUBLIC HEARING LOCAL LAW T-2A-2009 KEITH PARKS AND JO ANN BOYCE

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (SUPERVISOR LEFEBER)

RESOLVE to hold a public hearing for Local Law T-2A-2009 on May 28, 2009 at 7:15 P.M., 74 Genesee Street, Avon, regarding a request from Keith Parks and Jo Ann Boyce.

FURTHER RESOLVE to publish the legal notice on May 14, 2009.

**RESOLUTION #79 SCHEDULE PUBLIC HEARING LOCAL LAW T-2A-2009
KEITH PARKS AND JO ANN BOYCE-continued**

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

**DISCUSSION – REQUEST FROM JOE TUCHRELLO TO ESTABLISH A
DRAINAGE DISTRICT**

Supervisor LeFeber reported that a meeting was held with the Town of Lima Supervisor Peter Yendell and Town of Livonia Supervisor Eric Gott as once again Joseph Tuchrello is requesting that there be an establishment of a drainage district due to beaver dams. As all three Towns are represented by the Kruk and Campbell Law Firm that firm will draft a letter of response identifying the need to be petitioned by the property owner prior to any actions of the Boards.

DISCUSSION - WATER REPORT

Water Superintendent McKeown reported on the following:

The water meter reading is complete.

He has been re-certified for an additional three years. The Board congratulated him on his re-certification.

A question was made to the County on the cost of water samples. It was discovered that we have been sampling six areas and we are only required to sample three. A reduction will be made.

There was a \$1,000.00 unexpected repair to a valve on the Water Tower.

No bids were received on the 2005 pick-up truck after advertising for bids for two weeks. The advertisement required a minimum bid of \$10,000.00. There was a lengthy discussion of running another bid without a minimum or taking to the Monroe County Auction in October. The Board took the following action:

RESOLUTION #80 REQUESTING BIDS FOR 2005 RANGER

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

ADOPTED AYES 5 NAYS 0

RESOLVE to advertise for sealed bids for the 2005 Ranger, reserving the right to reject any bid, all bids must be addressed to the Town Clerk, and will be opened in the Town Clerk's Office, 57 Genesee Street, May 14th 3:00 P.M.

FURTHER RESOLVE that April 30th is the publication date.

RESOLUTION #80 REQUESTING BIDS FOR 2005 RANGER-continued

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

DISCUSSION - CODE REPORT

Code Enforcement Office Cappello reported the owner of the Aldon building has contracted with FRA to make plans for an addition in the back and they have been informed of the non-conforming issues.

There was discussion on the need of our Code to address in-law apartments in the Town

Discussion continued regarding the Avon Ambulance request for sleeping space. Supervisor LeFeber will contact Bill Shaw to discuss other options.

DISCUSSION – OPERA BLOCK

Deputy Supervisor Cole provided the following written update of the Opera Block:

Opera Block Update –

General – (Marianacci)

- Almost all demolition work has been completed
- All Concrete in lower level has been completed and all openings between buildings are done
- Nearly all wall framing has been completed. Electric work in walls mostly completed. Some drywall is up.
- Exterior windows are in Bloomfield being restored. 60% complete. August install. Only 3 are new.
- Interior walls in July
- Finishes during the late summer / fall – Floors/ceilings/walls.
- Roof Truss will be installed in June/July

Masonry –

- Elevator block work now at roof level – ready to have asbestos abated in roof.
- Stair tower to be built next.
- Elevator should be installed in July.
- Scaffolding is ready to be put up across the front. Brick re-pointing should start soon.
- Cornices and trim rebuild and restoration will be during summer months.
- Roof on State Bank to be replaced when extension building is complete.

HVAC - (LeClaire/Flemming)

- 5 / 16 Wells have been completed.
- Interior piping for Geothermal is mostly complete.

DISCUSSION – OPERA BLOCK-continued

- Nearly all heat pumps are in place. Rooftop units are not. HVAC make-up air units are in place.

Plumbing – (B&H Piping)

- Water main has been installed. Interior plumbing is in good shape.
- Sprinkler work is on-going,...after a slow start. (Ulmer / Davis)

Electric – (O’Connell Electric)

- 600A service is in.
- Wiring in walls is nearly complete.
- Door Lock Wiring is nearly completed.

Completed to Date –

- Almost all demolition work has been completed
- All Concrete in lower level has been completed and all openings between buildings are done
- Nearly all wall framing has been completed. Electric power is in walls. Some drywall is up.
- 5 / 16 Wells have been completed.
- Interior piping for Geothermal is mostly complete.
- Nearly all heat pumps are in place. Rooftop units are not. HVAC make-up air units are in place.
- 600A service is in.
- Wiring in walls is nearly complete.
- Door Lock Wiring is nearly completed.

- Water main has been installed. Interior plumbing is in good shape.
- Sprinkler work is on-going,...after a slow start. (Ulmer / Davis)

- Sloped ramp construction next week.
- Elevator block work now at roof level – ready to have asbestos abated in roof.
- Cut opening through roof and build extension for elevator.
- Roof on State Bank. June
- Stair tower to be built May /June.
- Scaffolding is ready to be put up across the front. Brick re-pointing should start in May
- Restoration of brick – Start in May
- Corrices and trim during June / July.
- Roof Truss - summer
- Interior walls in July
- Elevator should be installed in July.
- Exterior windows are in Bloomfield being restored. 60% complete. August install. Only 3 are new.
- Finishes during the late summer / fall – Floors/ceilings/walls.

DISCUSSION – OPERA BLOCK-continued

- Plaster work

There was continued discussion regarding the keys and running electric, the small amount of money being spent on change orders, placement of panels, the need to add additional outlets, panic wiring, installation of plywood and a schedule phone conference with Frontier schedule for 11:00 A.M. next Tuesday, the wells will be completed in three weeks.

There was a lengthy discussion on the time sheets turned in for New Way Equipment. Deputy Supervisor Cole requested the Board provide him the authority to negotiate with Ted Coyne regarding additional hours not included in New Ways quote. The Board appeared to approve the request.

An invitation was received and accepted from Mayor Freeman to address a group at the Avon Inn regarding the Opera Block and the topic turned out to be the use of geothermal.

Supervisor LeFeber stated he in continually contact with the Blanks letting them know where we are on the Opera Block Project.

There was a discussion on new grants for green technology and it seems that most approved grants are on hold.

The Village of Avon received \$21,725.00 of monies from an approved Court Grant that can be applied for cost such as office equipment, security, and enhancements to court facilities.

RESOLUTION #81 PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2009-8 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-8 including claims as follows:

| | |
|------------------------------------|--|
| General Fund | Voucher #177 through #191 in amounts totaling \$4,255.66 |
| Highway Fund | Voucher #78 through #85 in amounts totaling \$9,508.72 |
| Water Fund | Voucher #53 through #57 in amounts totaling \$243.98 |
| Cemetery Fund | No Voucher |
| Opera Block Capital Improvement | Voucher #27 through #28 in amounts totaling \$4,960.07 |
| Royal Springs Lighting | No Voucher |
| Cross Roads Drainage | No Voucher |

RESOLUTION #81 PAYMENT OF BILLS-continued

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

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

RESOLUTION #82 ACCEPT RECOMMENDATION OF THE RE-APPOINTMENT OF LOUIS LEE TO THE WATER WORKS COMMITTEE

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the recommendation of the Water Works Committee to re-appoint Louis Lee to Water Works Committee.

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

DISCUSSION – LETTER TO THE WATER WORKS COMMITTEE

Councilman Cook was asked to follow-up on a request for a response to a letter sent to the Water Works Committee in February.

DISCUSSION – CHAMBER OF COMMERCE & RECOGNITIONS

Supervisor LeFeber discussed the need to provide plaques for the Citizen of The Year Bonnie Taylor-Davis, plaques will also be provided to the families of Barbara Vanderbilt and Peggy Slaughter. A special recognition will be presented to Avon Central School Boys Basketball Coach Rob Fries and his wife Michelle.

Supervisor LeFeber requested and the Board agreed to purchase a plaque for Former Chairman of the Town of Avon Youth Recreation Program Tami Snyder.

DISCUSSION – ANNEXATION OF PROPERTY

Supervisor LeFeber reported he received an informal request from Mr. Hanson to annex a recently purchased property into the Village to allow for future development. Discussion included questioning if the property is land locked. There was no action of the Board.

DISCUSSION - OPEN ITEMS

Councilman Mairs asked the Board Members and Water Superintendent McKeown to assist with Dump Days.

Councilman Cook reported on a meeting held with the Youth Recreation Board including discussion of budgeting, increasing the use of the web site such as a offered programs including length and age levels. The Committee is working well and is very busy with interviews and making improvement on forms. A request was made for the Attorney to review the liability portion of the forms. Although there is an open position on the Board that was created after the resignation of Tami Snyder it is the recommendation of the Board and Councilman Cook the position stay open to allow for a five member Board. Town Clerk Knight was requested to check on the availability of accessing e-mail outside the Town of Avon.

Deputy Supervisor Cole reminded the Board of the dates for work on the fitness trail, Chamber of Commerce Citizen of the Year, and expressed his appreciation of card provided to his mother.

Councilman Blye will be working on updating the Town of Avon Comprehensive Plan. He questioned closing the Royal Spring open public hearing if additional information is not provided.

RESOLUTION #83 APPROVAL OF MINUTES

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

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

RESOLVE to approve the minutes of April 9, 2009 as presented.

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

RESOLUTION #84 EXECUTIVE SESSION

On motion of Deputy Supervisor Cole, seconded by Councilman Cook 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, inviting Attorney James

RESOLUTION #84 EXECUTIVE SESSION-continued

Campbell TIME 8:35 P.M., inviting Code Enforcement Officer Anthony Cappello TIME 9:30 P.M.

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

RESOLUTION #85 CLOSE EXECUTIVE SESSION

On motion of Councilman Mairs, second by Councilman Blye 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 9:47 P.M.

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

On motion of Supervisor LeFeber, seconded by Councilman Blye, the meeting adjourned at 9:47 P.M.

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

and

Kelly Cole, Deputy Supervisor