

A Regular Meeting of the Town of Avon was held on Thursday, August 13, 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, Stephanie Dempsey and Kim McDowell Co-Chairs of the Youth Recreation Board, Benjamin A. Bruce Assistant Attorney General Rochester Regional Office, and Sharon M. Knight, CMC/RMC Town Clerk

VISITORS: Tom Bartolini and Cindy Kellen

Supervisor LeFeber called the meeting to order at 6:10 P.M.

Pledge of Allegiance

DISCUSSION - VISITORS

Supervisor LeFeber asked for any public comments and there were none.

RESOLUTION #142 APPROVAL OF MINUTES

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

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

RESOLVE to approve the minutes from July 23, 2009 as presented.

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

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

- South Avon and Littleville Road paving, including the driveways and shoulders will be completed after the Bronson Hill Road work is done.
- The last SMSI Grant was rejected and there are questions as to what additional grants will become available.
- Supervisor LeFeber questioned the amount of use of the asphalt zipper and the unlikelihood of future use by the Town of Avon.

DISCUSSION – HIGHWAY REPORT-continued

- A request was received to provide information on the cost savings to the Avon taxpayers regarding the SMSI grant used to purchase the shoulder machine.
- The County Board of Supervisors approved a rate of \$4,000.00 per mile for snow and ice removal.
- Supervisor LeFeber reported Avon was one of only a few Highway Superintendents to fill in the requested information regarding reimbursement for County Roads contracts for Snow & Ice. As a result of the investigation Avon will be receiving increased dollars as additional mileage was revealed within the Town during the reporting. Also, Avon is one of the few Towns to only use salt for snow and ice removal.
- The State will be providing \$4,100.00 per mile.

DISCUSSION - CODE REPORT

Code Enforcement Officer Cappello reported on the following

- Jennifer Sargeant was not contacted to complete a monthly report therefore one was not completed.
- Aldon has been issued a demolition permit and they should have applied for a second permit as they are putting on an addition without a permit. **A visit to the property will be made in the morning for discussion on forward movement.**
- Another complaint was received regarding the noise at Maiers Farm Market and there was discussion on a possible noise ordinance.
- Interest has been expressed to purchasing the corner lot of Routes 5 & 20 and 15. The need for variances from the Town as well as approval from the State for curb cuts will be required.

DISCUSSION – ATTORNEY REPORT

Attorney James Campbell addressed the board on the following issues:

- There has been no news from the NYS Comptroller's office regarding the Route #39 Water District and at this point no news is good news.
- A review of the Letter of Credit for roads improvements to the Empire Zone provided by Pooler LLC about 8 to 10 years ago is believed to be expired. It was replaced by a bond and according to a Representative from Landmark Group it no longer exists. Discussion with the Representative included the Town not being notified of the expiration. It appears the bond should last until the completion of the project. The last confirmation of the bonding was in 2002. Further investigation would be to look for documentation in the minutes and/or the original letter of credit. Supervisor LeFeber stated notification was made questioning the amount of the bond, in 2008, and the bond holder must have known at that time the bond was no longer in effect. Attorney James Campbell recommended that in the future the security instruments preferred are "Letters of

DISCUSSION – ATTORNEY REPORT-continued

- Credit” as bonds are like insurance policies. If local banks issue the bonds then they provide for improved security. The bonds must be drafted carefully.
- A draft of an inter-municipality agreement for the Town & Village Court Facilities was provided by Mary Blye. In the agreement, it appears the Town will be responsible for all the facilities and the Village continues to keep funds collected. Supervisor LeFeber stated discussion will continue at our next regular meeting as the Village Board will be in attendance.
- Another joint meeting agenda item is an extension to the Village/Town Water Contract. **An extension is a requirement for funding from Rural Development.** The current language seems to be working well and just an extension would be suggested. A few years ago both the Village Board and Town Board approved an amendment to Schedule A. We do not have a copy with the Mayor’s signature.
- A meeting with the Planning Board for discussion of the Ashantee Planned Unit Development and the Royal Springs Development extensions needs to be scheduled.

DISCUSSION – YOUTH RECREATION

Supervisor LeFeber asked for an update from the Co-Directors of the Youth Recreation Department asking that some time be spent educating the Board of the past and future plans for programs for skate boarders.

Stephanie Dempsey and Kim McDowell Co-Chairs of the Youth Recreation Board addressed the Board with the following:

- They just finished with the summer program and it was a very successful summer. Over 200 children were served with additional counselors being hired.
- The Swimming Director did a fabulous job with the swimmers as well as their parents and he is interested in offering classes on Saturdays. Children from the Town of Caledonia participated in the program.
- All Special Guests were well received.
- A thank you was extended to the Highway Superintendent for the trailer. Having the materials right on site was wonderful.
- Fall soccer registration has started.
- The lacrosse program has broken away from Youth Recreation it will provide them more flexibility being a “Club” program. Petitions containing more than 200 were presented to the Avon Central School Board to offer lacrosse in school.

Visitor David Peck described his past involvement with the skate boarding program through the Summer Recreation Program. He stated there were once a month trips and open sessions at the Avon Downs. The Town’s insurance requires posting of open hours of operation as well as other information. Being open six hours per week was the norm although ramps were left out continually and they were being used on a regular basis.

DISCUSSION – YOUTH RECREATION-continued

For equipment they had 2 small ramps and one additional ramp that became un-available last fall. It was stated two other ramps were destroyed. Visitor David Peck continued stating the “skate board kids” are no longer at the downs and there whereabouts are unknown even to the police.

There was no requirement of registration and who ever wanted to come would just show-up. Last fall the equipment was in the skate house at the Downs. But no one knows where it is now. The Village may know where they are as they were in the Village’s skate house along with other picnic tables and fire hoses.

Discussion also included the behavior of those that participated in the program such as two children that ran off during a field trip in East Rochester. There were two other incidents of behavioral issues. Both parental consent and waivers are signed for field trips.

Visitor David Peck stated that some municipalities have successfully worked with school technology classes to build ramps and this might be an option.

Future field trips could be to public parks in Brockport and Webster as they have ramps for skate boarding during the outdoors seasons.

Supervisor LeFeber stated helping to identify where the ramps are will be another agenda item for the joint Village/Town meeting. Holding of any further discussion will allow for a full Town board to take part in this discussion.

Visitor David Peck stated the recreation program this summer was great and his kids wanted to go everyday.

DISCUSSION – ASSISTANT ATTORNEY GENERAL BENJAMIN A. BRUCE

Assistant Attorney General Benjamin A. Bruce addressed the Board letting them know that the Attorney General Office is available to provide services such as information on identity theft, targeted senior citizens issues, presentation on student loans, internet safety, home improvement contracts and law enforcement issues regarding selling home security systems.

The Avon XYZ Senior Club is hosting them August 19th at 5:30 P.M. at the Village Hall for a presentation on Home Improvement Contractors.

The Attorney General’s Office successfully prosecuted APX Alarms that forced payment of a \$20,000.00 fine and they were required to fire three people. Another company they are warning senior citizens about involves consolidation of individuals debt that requesting upfront fees.

There is a web site that lists contractors that complaints have been filed against.

DISCUSSION – ASSISTANT ATTORNEY GENERAL BENJAMIN A. BRUCE-continued

There was discussion on the need to perform back round checks on individuals when Peddling Licenses are applied for and it was suggestion to contact the Monroe County Public Safety and the Sheriff's Department. Towns within Monroe County have inter-municipal agreements that allow for back round checks in Monroe County.

DISCUSSION – TOM BARTOLINI REPRESENTATIVE FOR THE AVON AMBULANCE

Avon Ambulance Representative Tom Bartolini updated the Board on their efforts to provide sleeping quarters for volunteers and paid personnel on call for the Avon Ambulance. Currently they have an agreement with Crest Hill Motel that expires this August. He continues to request the Town to provide space at the new Opera Block when the renovations are complete. Another avenue that is being explored is an apartment above the laundry mat owned by Ted Coyne.

In February, Tom stated to put a budget in place that includes payroll systems and billing of insurance companies. He has learned the billing procedures that include different cost depending on level of care. A committee has been formed to look at possible grants and talking about suggested places for a new ambulance building. In the month of July, seventy calls were received and sixty-eight were covered leaving two that required assistance from other Towns.

DISCUSSION - WATER REPORT

Water Superintendent Daniel McKeown reported that:

- Verizon will be doing a walk through of the area on Tuesday morning at 9:00 A.M. and they have provided a cat's eye view but not a final draft. Our agreement requires that their equipment must not interfere with our operations.
- A property on Darby Road has a water leak under their front porch and they are reluctant to make repairs. The leak is before their meter and they are pumping the water into a ditch at the road. There was discussion on possible Town action such as moving the meter closer to the road.

DISCUSSION - ENGINEERING REPORT

Engineer Tim Rock reported that 19 sheet set of plans for the Route #39 Water District are complete and ready to be sent to the County Department of Health for approval. An archeology study is not required for this project. Bidding documents are being prepared and will be advertised as soon as the Comptroller approves the project.

RESOLUTION #143 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 2009-15 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-15 including claims as follows:

General Fund	Voucher #385 through #421 in amounts totaling \$17,581.79
Highway Fund	Voucher #142 through #159 in amounts totaling \$176,883.76
Water Fund	Voucher #102 through #111 in amounts totaling \$2,871.10
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #60 through #66 in amounts totaling \$168,830.37
Royal Springs Lighting	Voucher 9 through #9 in amounts totaling \$852.09
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

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

RESOLUTION #144 SUPERVISOR'S AND TOWN CLERK'S BUDGET REPORTS

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

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

RESOLVE to accept the Supervisor's Report, Citizens Bank Commercial Account of Avon Lima Road Inc. Escrow Account in Favor of the Town of Avon and the Town Clerk's monthly budget reports as follows:

<u>Total Local Shares Remitted:</u>	<u>\$3,310.32</u>
<u>County Treasurer for Dog Licenses</u>	<u>\$72.85</u>
<u>New York State Department of Health</u>	<u>\$135.00</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$30.00</u>
<u>NYS Environmental Conservation</u>	<u>\$807.73</u>
<u>TOTAL</u>	<u>\$4,355.90</u>

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

DISCUSSION – OUTSTANDING DEBT

Supervisor LeFeber provided a report on the Town of Avon Outstanding Debt including the Town line tank, the Highway Building, and water project. The Opera Block bonding can be put off until February of 2010.

RESOLUTION #145 DECLARE SURPLUS

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

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

RESOLVE to declare surplus the Code Department's HP Printer Model# C4224A – SN# USDH101876.

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

DISCUSSION – SUPERVISOR'S REPORT

Supervisor LeFeber reported other items for the agenda with the Joint Meeting with the Village include the intersection of Pole Bridge Road & Route 5 & 20, Alexander Crossing, the back of properties of Genesee Street., police protection and recreation bill.

A meeting has been scheduled with St. John & Baldwin on the 3rd of September to begin budget review.

There was discussion on the money received for the Opera Block including monies secured by Congressman Reynolds and their request to provide during construction.

Code Enforcement Officer Cappello reported on the problems with water at the drive-in. It seems they are running out of water when toilets being flushed due to low pressure because there is only a single line. There are many options to correct the problem.

Visitor Cindy Kellen thanked the Board for their continued support of Kiddies Day and she extended an invitation to attend this Saturday.

On motion of Councilman Mairs, seconded by Councilman Blye, the meeting adjourned at 7:58 P.M.

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