

A Regular Meeting of the Town of Avon was held on Thursday, December 10, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole (arrived at 6:10 P.M.), Councilmen Donald Cook, Jr., and James Blye

ABSENT: Councilman Mairs

OTHERS: Town Attorney James Campbell, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown and Town Clerk Sharon Knight

VISITORS: Paul E. Brown, Ethan Collins, Gerry Collins

Pledge of Allegiance

Supervisor LeFeber asked for any public comments and they follow.

Visitor Judy Fazio addressed the Board asking for assistance with the noise from the propane bird blaster. She stated that a local law might be considered that would require disclosure of this practice for those interested in purchasing homes within the development.

Attorney James Campbell stated the Board does not have the ability to consider civil matters and that the Board Attorney James Campbell stated the Board does not have the ability to consider civil matters and that the Board could not undo laws set by New York State Ag. & Markets. Relief would most likely be with the Developer as he is the owner of the property and could place restrictions on his rented property. The Board could consider working with the Developer to make suggestions but not use their authority to request the developer take any action.

Councilman Blye and other members of the Board suggested Judy work directly with Developer Peter Kolokouris.

Supervisor LeFeber thanked Judy for her previous suggestion and that a construction road would be required by the Developer.

DISCUSSION ATTORNEY REPORT

Attorney James Campbell reported on the following:

He continues to work with LeClaire Fleming to have them sign a "Waiver and Release" as required by the New York State Empire Development to allow payment to the Town of Avon. It is unsure what happens if LeClaire Fleming does not sign a release.

DISCUSSION CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello stated there was nothing to report.

DISCUSSION WATER REPORT

Water Superintendent McKeown reported on the following:

The letter received with concerns of installation of water lines and their possible affects of a herring and owl on Route #39 have been resolved.

A bill was received from Larsen Engineering for the Henty Road project but the decision not to sign was made as there was a 2.8 percent listed for overhead. This additional percentage has not been shown on past bills

A resident is coming in to complain about high water bills. His average usage is 15,000 to 16,000 gallons. One quarter the meter recorded use of 31,000 gallons followed by a usage of 76,000 gallons and then back down to the average. His usage was tracked over a period of time after the 31,000 gallon read with no findings of the high reads.

ENGINEER REPORT

Engineer Rock reported that there would not be a need for a surveyor to cross the culvert on Henty Road.

Outstanding items for the Route #39 project are as follows:

1. Four weeks to seek approval for a water supply permit from the DEC. Completion by December 24th or 25th.
2. Six weeks for approval from NYSDOT.
3. Final approval from Rural Development.
4. Offering letter is received
5. Send out bidding
6. Seek possible assistance for water hook-ups.

DISCUSSION HIGHWAY REPORT

Highway Superintendent Robert Ayers was not in attendance.

Supervisor LeFeber reported that he received one offer for the removal of tires collected during Dump Days at three dollars per tire.

DISCUSSION WATER CUSTOMER KEN GENTZKE

Water Customer Ken Gentzke asked the Board for relief from his excessive water bills. There was a lengthy discussion of water usage and the accuracy of the water meters used

DISCUSSION WATER CUSTOMER KEN GENTZKE-continued

by the Town. Water Superintendent McKeown stated the meter is a simple devise. Engineer Rock stated the meter can move slow but can not move faster than the flow of water. The Board shared their concerns of offering any reductions as the meter was working properly as the meter would not fix itself. These types of meters are used with all of our water customers. It was suggested the customer check his water usage on a regular bases and actually keep a written record.

The outstanding charge has been re-levied to the tax bill. There is no justification for the Board to reduce the bill at this time. A complete history of the home will be reviewed and provided to the home owner.

Water Customer Ken Gentzke also questioned why the Town of Avon charges significantly higher for water than Monroe County and then questioned the types of local laws regarding dogs.

DISCUSSION OPERA BLOCK

Deputy Supervisor Cole updated the Board on the Opera Block on the following:

- A quote from APEX window films was provided from John French.
- Four additional new phones were purchased.
- The lines will be moved on Friday and expect them to be up and running.
- Needs of bulletin boards
- 14 heat pumps
- Parking out back handicap.
- Keys and fobs sign in sheets
- Web cam in the lobby and in the hallway of Opera Block
- Court doors.
- Punch list
- Signage
- Town Highway did a great job. Took completion of the records storage room.
- Front carpet will be replaced.

RESOLUTION #200 SUPERVISOR'S AND TOWN CLERK'S BUDGET REPORTS

On motion of Deputy Supervisor Cole, seconded by Councilman Cook the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

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

Total Local Shares Remitted:	\$1,410.56
County Treasurer for Dog Licenses	\$37.07
New York State Department of Health	\$45.00

RESOLUTION #200 SUPERVISOR'S AND TOWN CLERK'S BUDGET REPORTS-continued

<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$9.00</u>
<u>NYS Environmental Conservation</u>	<u>\$2,007.99</u>
<u>TOTAL</u>	<u>\$3,509.62</u>

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

RESOLUTION #201 CLERK OF THE WORKS

On motion of Deputy Supervisor Cole, seconded by Councilman Cook the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE the scope of work originally designated as the Clerk of the Works position was expanded to include more duties than initially intended. The expanded duties included the expediting of the project, numerous inspection responsibilities and coordination of the various contractors and sub contractors involved with the project. Therefore, be it resolved that the compensation schedule shall be retroactively amended as follows:

James Biondolillo from \$ 35.00 per hour to \$40.00 per hour

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

DISCUSSION OPERA BLOCK

Deputy Supervisor Cole reported that art work of Larry Tetamore will be displayed at the Town Hall and other artists may also display work.

Open house –Organizational Meeting January 4th at 6:00 P.M., Saturday January 9th at Noon and January 28th for the dignitaries.

RESOLUTION #202 ADVERTISEFOR POSITIONS

On motion of Councilman Cook, seconded by Councilman Blye the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to advertise for the following positions as this is a Board policy. Two positions for Recreation Board, Planning Board, Zoning Board of Appeals, Board of Assessment Review, and Records Management Clerk. Current position holders will be notified.

RESOLUTION #202 ADVERTISEFOR POSITIONS-continued

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

OPEN ITEMS

Cook received a note from the Recreation Board and they are serving an individual deaf child.

RESOLUTION #203 PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to accept for payment Abstract 2009-23 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-23 including claims as follows:

General Fund	Voucher #575 through #613 in amounts totaling \$16,645.44
Highway Fund	Voucher #233 through #241 in amounts totaling \$1,546.07
Water Fund	Voucher #156 through #167 in amounts totaling \$ 50,174.86
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #94 through # 98 in amounts totaling \$14,601.68
Royal Springs Lighting	Voucher #13 through #13 in amounts totaling \$ 1,003.64
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 - Absent,
Councilman Cook - Aye, Deputy Supervisor Cole - Aye, Supervisor LeFeber - Aye**

RESOLUTION #204 APPROVAL OF MINUTES

On motion of Councilman Cook, second by Councilman Blye the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to approve the minutes of November 19, 2009 as presented.

RESOLUTION #204 APPROVAL OF MINUTES-continued

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

On motion of Councilman Blye, seconded by Councilman Cook, the meeting adjourned at 9:12 P.M.

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