

A Regular Meeting of the Town of Avon was held on Thursday, December 29, 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, Highway Superintendent Ayers, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, 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 Paul Brown former Avon resident back in the sixties is the founder of the first Opera House in Geneva. He recalled the newly renovated Avon Opera Block/Town Hall when Benjamin Moore paint was being sold in the building. He stated that it is wonderful to see the building's renovation and is interested in the future of the third floor. He is interested in taking part of the planning.

Deputy Supervisor Cole described the current condition of the third floor including that all utilities have been brought up to the third floor and that the Board's intent is to ask the Avon residents for approval to complete the third floor. A matching grant application was submitted in September in the amount of \$840,000.00.

It's anticipated that the third floor would be supplied with sound, lighting, curtains and some type of flexible seating. This could allow for dance recitals, Santa in the Park and other community uses. Deputy Supervisor Cole will contact Mr. Brown as we move forward.

DISCUSSION - HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

The East Avon Fire Department has asked and he has agreed to drop salt for the cost of materials on their properties. He expects to use approximately 500 pounds at a cost of \$10.00 per pound. It was further agreed to bill at the end of the season.

A complaint from the Highway Department was shared regarding people not being covered with health insurance and they were unable to pick up needed prescriptions. Town Clerk Knight requested an investigation as to why this happened and if there are any suggestions to prevent the timeframe of not having coverage in the future. Town Clerk Knight and Highway Superintendent Ayers learned of their coverage being

canceled by home mail as they received a letter of cancellation. Supervisor LeFeber stated there should not have been a lapse in coverage as one plan ended on November 30 and the new plan was to take affect December 1st and that the Town was billed and had paid for continuous coverage.

The 185 car and truck tires and 15 big tires collected during Dump Days were picked up yesterday.

The specs were out for the truck and a bid opening took place on December 17th at 11:00 A.M. at the Town Clerk's Office. If the Board accepts the recommendation to approve the bid, the truck is scheduled to be available in May. The following was the one and only bid received.

Kenworth of Buffalo, 25 Airline Drive, Rochester, New York 14624	
180 day delivery	
Kenworth T800	
Tandem Axle Truck	\$99,978.00
Dump Body & Plow Equipment	<u>\$57,821.00</u>
Total	\$157,799.00

RESOLUTION #205 – ACCEPT BID FROM KENWORTH OF BUFFALO

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 bid from Kenworth of Buffalo.

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

RESOLUTION #206 – STATE ROADS SNOW AND ICE CONTRACT

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

RESOLVE that the agreement which became effective July 1, 1974, between the County of Livingston and this Town, relating to the control of snow and ice on the State Highways within this Town, and such adjacent territory within said County as might be agreed upon by the County and the Town Superintendent of Highways, and the changes and modifications of said agreement heretofore approved by this Town, be and the same hereby are extended for an additional period of one year, until **June 30, 2012**.

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

DISCUSSION – CODE REPORT

There was discussion on the layout of furniture and files in the Code Enforcement Office. A letter was received from Assessor Tami Snyder dated December 29, 2009 regarding the usage of the files etc.

Deputy Supervisor Cole stated he questions if all active files are in fact active and wondered how the Assessor in Caledonia performs his duties with few paper files in his office. Another concern is the Code Clerk leaving the Code Office unsecured while eating in the Assessor's Office. Code Enforcement Officer Cappello stated they are going to move furniture and files around and if it does not fit items would be moved to the records storage area.

DISCUSSION ATTORNEY REPORT

Supervisor LeFeber stated that Attorney Campbell was not requested to be in attendance and that he continues to talk with LeClaire-Fleming's Attorney. The Town will hold the check for LeClaire-Fleming.

DISCUSSION WATER REPORT

Supervisor LeFeber reported that Water Superintendent McKeown was not in attendance as his son had surgery tonight.

Stuart Brown turned in the application for the Route #39 water project. Outstanding items to be done include: approval from the New York State Department of Transportation and the Department of Environmental Conservation and to hear from Rural Development.

Supervisor LeFeber provided an update on the Henty Road water project stating that we continue to wait for the required referendum timeframe to pass.

DISCUSSION - OPERA BLOCK

Deputy Supervisor Cole updated the Board on the following:

He made a trip to a Fairport used furniture store last Tuesday and found many items for the Opera Block/Town Hall and was seeking approval from the Board to purchase. The items included six chairs for the Board table room, additional chairs for the Board room, a cherry desk with a return for the Town Clerk, 10 steel case laterals at a cost of \$450.00 (State bid lateral files are \$625.00), and a table for Assessor Tami Snyder. The Board appeared to approve that he make the purchases on Thursday and have them delivered.

A request was received from Avon Preservation and Historical Society (AP&HS) Member Jean Batzing to hang the canvas of the Genesee Valley Hunt that hung in the Hardware store. A frame may need to be built and track lights moved. The Board

appeared to approve of the request. The AP&HS is planning to move into the rented Opera Block space in the near future.

The punch list for completing the project is mostly electrical items. Items such as changes to the court benches are being completed on a time and materials charge.

Floors are getting sealed on Wednesday.

The heating system continues to be a challenge as the Court Office is six degrees colder than the Distribution Center. Both Joanne DeMarte and Kevin Trout will be working on improvements.

Another item that needs work is the windows as air is rushing in the rooms. The windows are not tight fitting. BERO approved specs and the windows were built to specs. It was suggested to check the current decibels on the pump on the heating system. The geothermal systems water was recorded at 45.2 degrees when entering the Opera Block/Town Hall.

There will be a lot of efforts to get \$38,000.00 worth of items on the punch list done.

The scheduled dates for Open House will be advertised in the Penny Saver.

DISCUSSION CLEANING CONTRACT

Supervisor LeFeber reported that our Cleaner, Jose Alvarado, will be providing two contracts for a six month period. They will contain options of cleaning schedules. Deputy Supervisor Cole stated rooms such as the records storage area would not require weekly cleaning.

DISCUSSION 2010 ORGANIZATIONAL MEETING

Supervisor LeFeber provided the Board with written notification of the 2010 Organization, stating that he expects the meeting to last for approximately one hour.

DISCUSSION – OPERA BLOCK/TOWN HALL OPEN HOUSE

Supervisor LeFeber stated at the January 28th Open House he would like to invite dignitaries, recognize the contractors, three town employees for their work, Jane Oakes, the Village Board, and Bero Architects. Code Enforcement Officer Cappello volunteered to provide the refreshments.

DISCUSSION – INTERMUNICIPAL COURT AGREEMENT

There was a lengthy discussion on the need to review the Inter-municipal court agreement with the Village. We need to reciprocate the costs the Village incurred on the

Town's behalf (postage, telephone, etc.) while sharing office space for the Town Court. Discussion will continue at a future meeting.

RESOLUTION #207 - PAYMENT OF BILLS

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

RESOLVE to approve the payment of the following:

Concerning ABSTRACT of Claims Number 2009-24 including claims as follows:

General Fund	Voucher #614 through #645 in amounts totaling \$1,800,033.08
Highway Fund	Voucher #242 through #256 in amounts totaling \$4,041.12
Water Fund	Voucher #168 through #175 in amounts totaling \$ 3,039.68
Cemetery Fund	Voucher # 6 through # 6 in amounts totaling \$253.96
Opera Block Capital Improvement	Voucher #99 through # 102 in amounts totaling \$94,283.54
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

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

RESOLUTION #208 - BUDGET TRANSFERS

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

RESOLVE to approve the following budget transfer:

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

DISCUSSION – OPEN POSITIONS

Supervisor LeFeber reported that Zoning Board of Appeals Member Pat Moran is not interested in serving a third term and Planning Board Member Tom Moran has not responded to a letter sent regarding the expiration of a term he was serving. Supervisor LeFeber and Councilman Blye will conduct interviews and then make recommendation of final candidates for full Board interviewing.

Town Clerk Knight recommended Stephanie Schweitzer, Maureen Kingston and herself to be appointed to serve as Records Management Clerks for the approved New York State Archives grant project.

The Board requested Town Clerk Knight conduct interviews of the Board's chosen top three candidates as there may be someone that could serve our community for many years in the future, the project might be able to be completed faster than if Stephanie was not to be appointed. Town Clerk Knight had agreed to advertising for the position as long as the Board made the appointment by tonight's meeting. Training of the Clerk was scheduled to begin in the morning. Councilmen Cook and Blye volunteered to conduct the interviews to fill the position of Records Management Clerk.

Deputy Supervisor Cole questioned why the Town Clerk and Deputy Town Clerks had not signed the letter regarding parking on Genesee Street. They are the only employees that have not signed the letter. Discussion included telephone conversations with the Supervisor and Deputy Town Clerk Mary Rizzo. The conversation included informing the Supervisor that the spaces in the back of the building were not accessible and the issue was a farce. Discussion continued regarding complaints being received by Deputy Supervisor Cole and that parking was the only negative issue of renovating the Opera Block. Board Members are expecting businesses to complain of employee parking. Deputy Supervisor Cole stated he would not vote to appoint anyone that does not sign the Board letter. Councilman Cook stated that if you are part time you sign or be terminated. Councilman Blye stated that the Town Clerk couldn't be terminated but that the Board approves the budget.

Supervisor LeFeber began a lengthy Board discussion on holiday office hours not being followed by some departments. Budgets are based on rules of when we are open and closed. Both the Water Superintendent who is on call twenty-four seven and the Highway Department followed the handbook regarding holiday hours. Supervisor LeFeber questioned if we even need an employee handbook if it is not going to be followed as holiday hours are very clearly defined in the handbook or he suggested that the handbook be changed. If a holiday falls on a Friday, than the Highway, Court and Assessor's Departments should be given Thursday off as they work a four-day week. The Supervisor's Secretary/Water and Personnel Clerk and Code Clerk are paid by the hour so they do not receive compensation for the holiday, which leaves the Town Clerk who did not open the office for her scheduled office hours. The Board recognizes the Town Clerk chooses the hours her office is open and they will continue to adopt the

compensation schedule while considering the Town Clerk's open hours and may take away additional Deputy Town Clerk's hours. The Board discussed the handbook as providing both order and stability.

On motion of Deputy Supervisor Cole, seconded by Supervisor LeFeber, the meeting adjourned at 8:45 P.M.

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