

A Regular Meeting of the Town of Avon was held on Thursday, February 12, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

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

ABSENT: Deputy Supervisor Kelly Cole

OTHERS: Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, Zoning Board of Appeals Member Cindy Kellen, Highway Superintendent Robert Ayers, and Town Clerk Sharon Knight

VISITORS: Candidate Town Attorney Open Position – James Campbell and John Lockhart

Supervisor LeFeber called the meeting to order at 6:00 P.M.

Pledge of Allegiance

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

DISCUSSION

HIGHWAY REPORT

Highway Superintendent Ayers reported a break in the action has allowed the highway employees to work on equipment maintenance. He stated that we have had high winds but no major problems have occurred.

Supervisor LeFeber brought to the attention of the board a letter received from Steve Harrison regarding the congestion that occurs when drivers are trying to enter Routes 5 & 20 from Polebridge Road. There was discussion and the Supervisor LeFeber will respond in writing thanking Mr. Harrison for his suggestion.

Councilman Mairs questioned if Avon was one of the four or five Towns that are getting together to use brine. Highway Superintendent Ayers stated some Towns within the County are using brine as an experiment in place of salt. The Town of Leicester is experimenting with two trucks. As the Avon Highway Department has become the black sheep of the County this experimental offer was not made to Avon this year. Brine does cut down on the cost of salting the roads as it is pre-wetting and takes hold of the snow and ice quicker than salt. Some believe that it could reduce the cost up to twenty or thirty percent. A cost of \$1,800.00 would be needed to purchase a supply tank and if you purchased a certain amount there would be no delivery cost. The Town of Leicester was the first to use and they are happy with the early results.

DISCUSSION
ENGINEERING REPORT

Engineer Rock reported he and Supervisor LeFeber will be visiting Rural Development USDA in Canandaigua on February 19th as the pre-applications for installation of new water lines that would allow the Town to offer water to residents on Route #39 and specific surrounding areas was accepted. An application will be prepared and the Small Cities Grant Application will be a part of the discussion. Supervisor LeFeber stated this is great news as we may have the ability to provide the much needed water to residents on Route #39 and the identified surrounding areas.

Supervisor LeFeber stated it looks like the residential incomes will not meet the grant requirements for the proposed sewer lines on Route #15. There was further discussion at the County Empire Zone meeting regarding assisting with the sewer lines at Route #390, Exit 9 area.

Engineer Rock continues to keep his eyes open for grants.

DISCUSSION
OPERA BLOCK

Supervisor LeFeber reported Deputy Supervisor Cole met with Joanne DeMarte and they discussed doors and options will need to be considered by the Board in the future as a decision of the Town Board will be needed.

Supervisor LeFeber also updated the Board on the need for Tim Ingersoll to sign documents for the dormitory authority as he has been involved in the Opera Block work and is familiar with the Town of Avon's history. Invoices will be sent to the State for reimbursement as the work/material is paid for by the Town.

DISCUSSION
WATER REPORT

Water Superintendent McKeown reported on a water leak on Cherry Hill he stated there was a pencil size hole. He will be keeping his eye on the road as the leak was beneath the road. Meter readings were done and bills were sent out. He also reported that the public and the Highway Department have done a good job digging out hydrants.

DISCUSSION
CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello reported the following:

J & A Farm Market got their building down.

DISCUSSION-continued
CODE ENFORCEMENT REPORT

There was discussion on property located on Agar Road and the interest of the property owner to build a barn and house. The Planning Board turned him down as he wanted to build the barn first. Councilman Blye discussed the property owner's knowledge of the property not perking prior to purchasing the property.

The following written report for January was provided:

A total of 12 permits have been issued so far this year.

PROJECTS currently under Planning Board consideration:

- Peter Bruckel has completed an application for a variance to allow two fascia signs on the building. Mr. Bruckel was referred directly to the ZBA for an informal discussion. The Planning Board will make a recommendation following the March regular meeting. The paperwork has been forwarded to the ZBA mailbox and a ZBA member was informed of the referral.

PROJECTS under Zoning Board of Appeals consideration:

- Bruckel sign variance applications.

PROJECTS/PERMITS being monitored by Code Enforcement/Zoning:

- The department is making an effort to inspect and close old permits that have not been closed by certificate of compliance or occupancy. Some of these go back several years.

DISCUSSION
OPEN PUBLIC HEARING - ROYAL SPRINGS DEVELOPMENT

Supervisor LeFeber will be meeting with the developer in the near future.

RESOLUTION #36
PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

Concerning ABSTRACT of Claims Number 2009-3 including claims as follows:

RESOLUTION #36-continued
PAYMENT OF BILLS

General Fund	Voucher #43 through #79 in amounts totaling \$56,549.67
Highway Fund	Voucher #21 through #35 in amounts totaling \$24,063.59
Water Fund	Voucher #14 through #26 in amounts totaling \$5,561.30
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #5 through #9 in the amounts totaling \$96,766.61
Royal Springs Lighting	Voucher #3 through # 3 in the amounts totaling \$868.39
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire Protection	Voucher #1 through #1 in the amounts totaling \$381,821.00
Water Capital Improvement	No Voucher

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSENT
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #37
ACCEPT MONTHLY BUDGET REPORTS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to accept the monthly reports for January from the Supervisor and the Town Clerk Report as shown below:

<u>Total Local Shares Remitted:</u>	<u>\$4,976.92</u>
<u>County Treasurer for Dog Licenses</u>	<u>\$64.62</u>
<u>New York State Department of Health</u>	<u>\$45.00</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$9.00</u>
<u>NYS Environmental Conservation</u>	<u>\$364.71</u>
<u>TOTAL</u>	<u>\$5,460.25</u>

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSENT
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

DISCUSSION

OPERA BLOCK CHANGE ORDER

Councilman Thomas Mairs requested Construction Project Coordinator Jim Biondolillo's written approval be provided to the Board prior to asking the Board for consideration of change orders.

RESOLUTION #38

OPERA BLOCK CHANGE ORDER

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to accept change order #4 that has been approved by New York State Office of Parks, Recreation and Historic Preservation (SHPO), dated January 9, 2009 as follows:



GENERAL CONTRACTORS

Frank J. Marlanacci, Inc.

6905 ROUTE 5 & 20
 GLODWINFIELD, NEW YORK 14609
 (255) 657-8100
 FAX (585) 657-4126

January 9, 2009

CHANGE ORDER PROPOSAL

Number 04

To: Hero Architecture P.L.L.C.
 32 Winthrop St.
 Rochester, NY 14607

Attn: Joanne DeMarle

Re: Rehabilitation of 23 Genesee St. and Renovation of 27 Genesee St.
 Town of Avon

As per Proposal Request #2 dated 12/22/08, We propose to provide labor, materials and equipment to complete the General Construction scope of the modifications to room 214 ceiling as per drawings issued with the proposal request.

Contractor's Cost:

Item 2.1: Eliminate Repair to Plaster Ceiling	\$ (300.00)
Item 2.2: Remove Plaster & Lath Ceiling System	
Labor	\$ 420.00
Dumpster	<u>30.00</u>
	\$ 450.00
Item 2.3: Provide Sistered Joists at Existing Joists as Noted	
Labor	\$1,080.00
Material	<u>520.00</u>
	\$1,600.00
Item 2.4: Provide GPDW Ceiling, soffits and ACT Ceilings as Shown	
Drywall	\$ 430.00
Acoustical	<u>380.00</u>
	\$ 810.00
 Total Costs...	 \$2,560.00
 Contractor's Markup:	
On Contractor's Work @ 15%	<u>381.00</u>
TOTAL CHANGE...	ADD \$2,944.00

RESOLUTION #38-continued
OPERA BLOCK CHANGE ORDER

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSENT
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #39
APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to approve the minutes of January 22, 2009 as presented.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSENT
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #40
APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Deputy Supervisor Cole)

RESOLVE to approve the minutes of February 3, 2009 as presented.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSENT
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #41
JUSTICE COURT AUDIT

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLUTION #41-continued
JUSTICE COURT AUDIT

RESOLVE that an audit was performed by Councilman Cook with no negative findings.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSTAIN
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

DISCUSSION

DEPUTY TOWN CLERK POSITION & ZONING BOARD OF APPEALS CLERK

Supervisor LeFeber discussed the open position of Zoning Board of Appeals Clerk and appointing Lisa Anderson.

Town Clerk Knight recommended the Board amend the compensation schedule appointing both Lisa Anderson and Stephanie Schweitzer. The schedule would be Mary Rizzo working on Monday, Tuesday and Wednesday Lisa on Thursday and Stephanie on Fridays. Supervisor LeFeber, Councilmen Blye and Cook discussed Stephanie's attire and phone manners using the work "YUP". There was discussion on the need to stay within the budgeted amount and Clerk Knight assured the Board the budget amount would not be exceeded.

Supervisor LeFeber spoke about the same person serving in two positions and Town Clerk Knight agreed that time would be charged for Zoning when working on Zoning and Deputy Town Clerk would be charged to Deputy Town Clerk. While serving in either position questions would be answered for both by phone or in person. There was discussion on the need for working space and it appeared the Board and Town Clerk Knight agreed to continue to use the space that has been made available for a third person in the Town Clerk's Office area and the lap top would be utilized. It was also agreed the two positions were not in conflict for one person to serve in both positions.

The Board took the following action.

RESOLUTION #42
AMEND 2009 COMPENSATION SCHEDULE

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to amend the 2009 Town of Avon Employee Compensation Schedule

RESOLUTION #42-continued
AMEND 2009 COMPENSATION SCHEDULE

Add:

Name	Position/Duties	Status	2008 Rate	2009 Rate
Anderson, Lisa	Deputy Town Clerk	PT	\$10.00/hr.	\$10.00/hr.
	Zoning Board of Appeals Clerk	PT	\$12.00/hr.	\$12.00/hr.
Schweitzer, Stehpanie	Deputy Town Clerk	PT	\$10.00/hr.	\$10.00/hr.
Supervisor David LeFeber		voting		AYE
Deputy Supervisor Kelly Cole		voting		ABSENT
Councilman Donald Cook		voting		AYE
Councilman Thomas Mairs		voting		AYE
Councilman James Blye		voting		AYE

DISCUSSION

OPEN POSITION - INTERVIEW TOWN ATTORNEY POSITION

Supervisor LeFeber welcomed Attorney Candidate James Campbell and there was a general discussion of the advertised position for Attorney for the Town and Mr. Campbell's interest in filling the position. Mr. Campbell has a practice in Lima with Steve Kruk and currently serves as the Village & Town Attorney for Lima and the Town Attorney for Livonia. He also serves for other municipalities for specific issues for the Town of West Bloomfield and Conesus. He has 12/13 years of municipal law experience and each municipality has a different set of needs.

After a question and answer period the Board thanked James Campbell for applying for the position.

DISCUSSION

HEALTH CARE

Supervisor LeFeber provided information on health care buy outs offered by other Towns within Livingston County and after a lengthy discussion the Board took the following action:

RESOLUTION #43

HEALTH CARE BUY-OUT

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to offer a buy-out to be paid evenly over the year in each pay period for Health Care for employees and elected official of twenty percent of health care and/or

RESOLUTION #43-continued
HEALTH CARE BUY-OUT

dental costs paid by the Town of Avon excluding any other benefits with the required signature.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSENT
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

DISCUSSION
OPEN ITEMS

Councilman Mairs suggested offering three “Dump Days” rather than the traditional four to be held on the 2nd Saturdays in the months of May, June and September. After discussion it was decided not to reduce the days. The cost of tires was addressed as follows:

RESOLUTION #44
AMEND FEE SCHEDULE

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to amend the compensation schedule to increase the cost of tires to \$3.00 per car size tire, \$15.00 per dump truck size tire and \$40.00 per tractor size tire with a limit of 10 tires.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSENT
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

DISCUSSION
OPEN POSITION – ATTORNEY FOR THE TOWN

Supervisor LeFeber welcomed Attorney Candidate John Lockhart and there was a general discussion of the advertised position for Attorney for the Town and Mr. Lockhart’s interest in filling the position. Mr. Lockhart started practicing law in 1997. He serves as an Assistant Public Defender and has never represented a municipality;

DISCUSSION-continuedOPEN POSITION – ATTORNEY FOR THE TOWN

however, has assisted other Attorneys such as Jim Coniglio. He serves on the hospital board and is the President of the Board of Director for the Genesee Valley Conservancy.

After a question and answer period the Board thanked John Lockhart for applying for the position.

DISCUSSIONOPEN ITEMS

Councilman Blye discussed the need to update the Town of Avon Comprehensive Plan and would like a diverse group of people to form a committee to make recommendation to the Board.

Councilman Cook stated he attended a meeting with the Youth Recreation Board and requested a computer be set up and Supervisor LeFeber stated the computer has been set-up on his desk. There was discussion on possible reductions of the financial support of the County and Avon Central School's consideration of charging for future use. A request of the Youth Board was to only interview new applicants to fill positions; however, the Board is requiring all applicants be interviewed.

Councilman Cook also reported the draft letter of the Water Works Committee will be provided in the near future.

Councilman Cook reported February 21st through March 6th he will be out of town.

Supervisor LeFeber stated he asked the co-directors to attend the next meeting to give an update. He stated both softball and lacrosse may split off from the Youth Recreation.

Town Clerk Knight reported Louis Lee's term on the Water Work Committee will be expiring on April 26, 2009.

The New York State Town Clerk's Conference is scheduled for April 26 – 29 and will be held in Rochester. A room will be shared with the Town Clerk from Webster. Also, opened registration for Cornell began today and I will be applying for a scholarship. Both conferences are in the budget.

The Board of Elections is asking if the Board is considering putting a proposition on the ballot this November. They would like to know so they can track the progress of a proposed proposition during the year.

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

RESOLUTION #45
EXECUTIVE SESSION

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

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. Appointment for the position of Attorney for the Town. TIME 8:50 P.M.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSENT
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #46
CLOSE EXECUTIVE SESSION

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 9:00 P.M.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	ABSENT
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

On motion of Councilman Mairs, seconded by Councilman Cook, the meeting adjourned at 9:02 P.M.

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