

A Regular Meeting of the Town of Avon was held on Thursday, January 8, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, and Councilmen Donald Cook, Thomas Mairs, and Councilman James Blye (arrived at 7:40 P.M.)

OTHERS: Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, and Town Clerk Sharon Knight

VISITORS: Zoning Board of Appeals Candidate Cindy Kellen, Livingston County Town of Avon Representative Candidate Chris Jordan and Dennis Wright, Open Position Candidate Robert Westfall and Pat Brede

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 the costs for snow removal maintains cost for the County for December was just under \$11,000.00. He provided an update on the Shared Service Application for an intermunicipal cooperation agreement and the Board took the following action.

RESOLUTION #14

APPROVE THE SHARED SERVICE APPLICATION FOR AN INTERMUNICIPAL COOPERATION AGREEMENT

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

INTERMUNICIPAL COOPERATION AGREEMENT

This Agreement is made by and between the Town of Lima, hereinafter called the Party of the First Part, and the towns of Avon, Caledonia, Leicester, Mt. Morris, and York, hereinafter called the Parties of the Second Part, all being municipal corporations in Livingston County, State of New York.

Whereas, this agreement is made pursuant to General Municipal Law, Article 5-G; and

Whereas, it is in the interest of the taxpayers of the Party of the First Part and the Parties of the Second Part to share resources in the undertaking of public works and other municipal improvement projects and services; and

RESOLUTION #14-continued

APPROVE THE SHARED SERVICE APPLICATION FOR AN INTERMUNICIPAL COOPERATION AGREEMENT

Whereas, the Party of the First part received a grant to purchase certain highway equipment, to wit, one bulldozer and one skid steer with attachments, hereinafter referred to as the Equipment; and

Whereas, the intent of the grant money was to allow for the sharing of the equipment between the Party of the First Part and the Parties of the Second Part; and

Whereas, it is possible to make such equipment for use by others when it is in the public interest; and

Whereas, it is expected that assistance, in what ever form, will result in more cost effective work performance at minimal extra cost to either party; and

Whereas, flexibility in operating local governments and their public works programs is necessary to insure efficiency and maximum benefits; and

Whereas, each party has authorized their respective highway or public works superintendents and/or other appropriate department heads to act using their discretion pursuant to this Agreement; and

Whereas, general oversight by appropriate municipal officials will be accomplished through regular, periodic and annual reports by the appropriate department heads to their Town Boards; and

Whereas, it is determined that while liability risks are inherent when undertaking public works and other construction or maintenance projects, no substantial additional risk is occasioned by crossing a municipal boundary line when assisting other municipalities pursuant to this agreement; Now Therefore Be It

Resolved, that the Party of the First Part and the Parties of the Second Party believing it to be in the best interest of the taxpayers of the respective municipalities do hereby authorize intermunicipal cooperation and assistance with and between each other for the conduct of public works and other municipal improvement projects and services; and Be It Further

Resolved, that this authorization includes the periodic loaning, sharing and use of the Equipment in accordance with a schedule that will be agreed to at the discretion of designated superintendents and/or other department heads; and Be It Further

Resolved, the Party of the First Part agrees to provide and carry adequate insurance to cover the Equipment only. The cost of providing insurance for the Equipment shall be borne equally by all Parties to this agreement.

RESOLUTION #14-continuedAPPROVE THE SHARED SERVICE APPLICATION FOR AN INTERMUNICIPAL COOPERATION AGREEMENT

Resolve, that this Agreement shall be in force and shall be reconsidered on an annual basis thereafter.

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

DISCUSSIONBENEFITTED EMPLOYEES

Supervisor LeFeber provided a memo and offered to have a meeting with any employee regarding health care options. He stated the Blue Cross & Blue Shield Excellus HealthyBlue Plan would save both the Town and Employees.

DISCUSSIONOPEN POSITION – ZONING BOARD OF APPEALS CLERK

Patricia Brede who has served as the Zoning Board of Appeals Clerk for the last twelve years addressed the Board questioning why she was not re-appointed to this position. She reported that there is work to be done and she has continued to complete the work beyond the end of December. She did not know that she had not been re-appointed. She stated she needs to put the minutes into the Official Book and bring files back to the office as they continue to be in her home. Pat also has other work she has started to prepare the ZBA for the upcoming year. She questioned if there have been any complaints about her performance and she stated she is qualified and believes that she does a decent job. She questioned if there were any complaints as she would like to have a chance to address them and would have appreciated an opportunity to discuss any issues. A couple board members and the code officer present confirmed that there have not been any complaints. She then questioned what do we do from here. Deputy Supervisor Cole stated the Compensation Schedule was adopted and the position is open, so what is the question?

Supervisor LeFeber stated he informed her of the Organizational Meeting that was scheduled for January 5th at the East Avon Fire Hall. Pat stated she thought the first meeting of the year was tonight on the 8th but did remember Supervisor LeFeber mentioning the East Avon Fire Hall.

She stated that she does not agree with the change to pay an hourly rate and that making such a change without notice to the employee, or the Chairman of the ZBA was not appreciated. She did not think this was normal procedure for other departments. She

DISCUSSION-continuedOPEN POSITION – ZONING BOARD OF APPEALS CLERK

noted that she was not contacted at the normal time when employees meet with the board, and then found out after the fact that the position was changed from salary to hourly and the dollars reduced by a third.

Supervisor LeFeber discussed the resignation of the position of the Assessor and that the Town of Avon worked closely to meeting her needs as she began her new position. Pat stated she did not believe this had anything to do with the position of clerk to the ZBA. During budget time it was decided to change the position from a yearly salary to an hourly salary. It was understood by the Supervisor and Councilman Blye that Mrs. Brede was not interested in the position for 2009. Mrs. Brede stated that she had numerous conversations with David LeFeber, and if she was going to resign she would have given a letter of resignation. She stated she had told him that she would see how it went, and if all went along okay, she would like to continue. This past year was a very busy year for the ZBA, and she felt they managed fine, and have been able to coordinate all the work without any problems.

Councilman Cook stated she is more than qualified and the Board simply made a budgetary decision and if a new person would be hired it could be at a lower salary such as \$12.00 to \$14.00 per hour. He also suggested she should be paid for the work she has completed to date.

Councilman Mairs stated he was assuming she was not interested in the position.

Mrs. Brede stated the Board certainly is paying other clerks, and newly hired clerks at a rate higher than this. The Zoning Board of Appeals has always been paid more than the Planning Board as it is not only the minutes, but more demanding following the procedures of the hearings. She should not have to apply for a job that she has held for twelve years. She has been proud to work and has always had the best interest in Avon at heart. She believes this is personal and disrespectful to a long time employee who has not had any complaints and has done a good job.

Zoning Board of Appeals Member Sharon Ryan stated the biggest problem that has been made for Pat was she was not notified of what actions the Board was taking. She does work hard and does an excellent job and she did want to continue to serve in this position. She continued to say that by logging hours for an hourly rate the Town may pay more in the end. Also, the quality of service could suffer with a change to this position.

DISCUSSIONENGINEERING REPORT

Engineer Rock reported he continues to keep his eye out for grants.

RESOLUTION #15
EXECUTIVE SESSION

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

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. TIME 6:38 P.M. inviting Livingston County Town of Avon Representative Candidate Dennis Wright, TIME 6:46 P.M. inviting Chris Jordan, TIME 6:50 P.M. Zoning Board of Appeals Candidate Cindy Kellen and TIME 6:58 P.M. Zoning Board of Appeals Candidate Robert Westfall.

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

RESOLUTION #16
CLOSE EXECUTIVE SESSION

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 9:10 P.M.

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

DISCUSSION
OPERA BLOCK

Deputy Supervisor Cole provided the following report on the Opera Block

All contractors were in attendance at this Tuesday morning meeting, including those that did not attend regularly in the past.

All special inspections will be approved by Jim Biondolillo.

DISCUSSION-continued
OPERA BLOCK

He discussed the three change orders that are needed and the Board took the following action.

RESOLUTION #17
CHANGE ORDERS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1

RESOLVE to approve contingent upon approval of the New York State Historic Preservation Office (SHPO), the following dollar amounts for three change orders:

- 1 Storm - \$765.00 debt & \$1,447.00 debt
- 2 Elevator \$3,900.00 credit
- 3 Geothermal Pipes \$2,560.00 debt

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

DISCUSSION
WATER REPORT

Water Superintendent McKeown was not in attendance.

DISCUSSION
CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello reported the following:

Mr. Bruckel is moving into the previously owned Balconi building today.

Aldon is going to be tearing down their buildings and replace with a new larger building.

J & A Farm Market has January 15th as a due date, for the removal of the building; however, it is subject to good weather.

There was continued discussion on a building being used for grain storage that is possibly taking place in the Heen Planned Unit District. Code Enforcement Officer Cappello will check the name of the current owner of the property.

DISCUSSION

CITIZEN OF THE YEAR/STUDENT OF THE YEAR PRESENTATION

Supervisor LeFeber welcomed Mayor Freeman as a guest. Mayor Freeman then addressed both the Chamber of Commerce 2008 Citizen of the Year and the 2008 Student of the Year as follows:

Mayor Freeman, when he moved from Avon to Caledonia, worked at Mrs. Knight's home. Her property was connected to the backyard of the Strassenberg's home that is currently owned by Barbara Herman the 2008 Citizen of the Year. He stated the home looks great and her efforts are a tribute to the Avon Community and he is happy that Barbara has chosen to invest in our Village. He also, thanked her for her efforts to make Avon so well known on the internet and for bringing many visitors to our community. Often he witnesses cars from many different states.

Deputy Supervisor Cole stated he believes Barbara is doing a great job serving as the Rotary President as it has never been run so well. Ms. Herman devotes many hours to Avon Rotary and her efforts have included the Chamber of Commerce receiving the 501 (C) (6) designation for tax exemption. She is constantly working at making Avon a better place. Barbara also works on the publishing of the County travel guide and serving as the Secretary to the Avon Chamber of Commerce and is Avon's Representative to the County Chamber.

Barbara Herman addressed those in attendance stating she is proud of this recognition as she has been in the area for only eleven years. She stated Avon has been very welcoming and she is pleased to be a part of this Community.

Supervisor LeFeber stated that Sean Donegan has attended his first semester at Cornell and was also recognized at the dinner last Spring along with Barbara Herman.

Mayor Freeman stated he is related to Sean through Aunt Cathy Kingston of Geneseo. Serving as the Mayor of the Village of Avon, he has had no greater honor than to recognize Sean as he has watched him grow up, as he is a neighbor as well.

Mr. Donegan agreed with Deputy Supervisor Cole that Cornell is much bigger than Avon, he mentioned that he is on the polo team and very involved in the dairy operations. He also works as a lifeguard.

Deputy Supervisor Cole stated a total of nine essays were submitted to the Chamber of Commerce subcommittee, which his mom served on, and the competition was so close and is an attribute to our community. Mr. Donegan is a brilliant student and very deserving of this award.

Mayor Freeman wishes the Board the best of luck with the Opera Block Project and

DISCUSSION-continued

CITIZEN OF THE YEAR/STUDENT OF THE YEAR PRESENTATION

offered the assistance of the Village. He stated Jim Biondilillo did a great job on the Barilla Construction and is sure he will do a good job on the Opera Block. He continues to meet with the Supervisor and Superintendent of the Avon School District and everyone seems to be on hold with projects.

Supervisor LeFeber stated the Livingston County Committee are making recommendations to the Board of Supervisors to cut some services.

Councilman Mairs discussed the numerous rough spots and potholes on Route #5/20 due to construction and Mayor Freeman stated they are filling them as soon as possible.

Deputy Supervisor Cole reported that Avon Community Engaged (ACE) is scheduling dates and has a time line for efforts of having a trail. The next meeting will be held at Duffy's.

Mayor Freeman thanked the Highway Department for their work on the Mill Street bridge that offers a path to the Village Park.

Mayor Freeman stated he is receiving calls and continues to encourage participation in the Avon Rotary/Lions Ambulance.

RESOLUTION#18

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 2008-24A in the follow amounts:

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

RESOLUTION #19

PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLUTION #19-continued
PAYMENT OF BILLS

RESOLVE to accept for payment Abstract 2009-1 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-1 including claims as follows:

General Fund	Voucher #1 through #17 in amounts totaling \$22,490.27
Highway Fund	Voucher #1 through #7 in amounts totaling \$4,140.54
Water Fund	Voucher #1 through #9 in amounts totaling \$3,437.59
Cemetery Fund	Voucher #1 through #1 in the amounts totaling \$230.00
Opera Block Capital Improvement	Voucher #1 through #2 in the amounts totaling \$82,246.00
Royal Springs Lighting	Voucher #1 through #1 in the amount of \$834.68
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

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

RESOLUTION #20
ACCEPT MONTHLY BUDGET REPORTS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

RESOLVE to accept the monthly reports for December from the Supervisor and the Town Clerk Report and the 2008 Years End Report of the Town Clerk shown below:

December Report:

<u>Total Local Shares Remitted:</u>	<u>\$1,296.38</u>
<u>County Treasurer for Dog Licenses</u>	<u>\$94.00</u>
<u>New York State Department of Health</u>	<u>\$22.50</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$69.00</u>
<u>NYS Environmental Conservation</u>	<u>\$39.96</u>
<u>TOTAL</u>	<u>\$1,521.84</u>

RESOLUTION #20-continued
ACCEPT MONTHLY BUDGET REPORTS

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

RESOLUTION #21
APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Cook)

RESOLVE to approve the minutes of December 30, 2008 as presented.

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

RESOLUTION #22
APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Blye)

RESOLVE to approve the minutes of January 5, 2009 as presented.

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

RESOLUTION #23
RECOMMEND COUNTY TRAFFIC AND SAFETY

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Blye)

RESOLUTION #23-continued
RECOMMEND COUNTY TRAFFIC AND SAFETY

RESOLVE to recommend the appointment of Dennis M. Wright to the position of Town of Avon Representative to the County Traffic & Safety Board and Chris Jordon as the Alternate, terms to expire December 31, 2011.

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

RESOLUTION #24
APPOINTMENT ZONING BOARD OF APPEALS

On motion of Deputy Supervisor Cole, second by Councilman Cook the resolution was ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Blye)

RESOLVE to appoint Robert Westfall to the position of Zoning Board of Appeals, term to expire, December 31, 2013.

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

DISCUSSION
OPEN ITEMS

Deputy Supervisor Cole reported that the Chamber of Commerce is hosting an Open House on Thursday, January 13th at 7:30 P.M. the Avon Commons to recognize 33 farms in Avon. The Farms will be presented certificates and there will be a slide show.

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

On motion of Councilman Mairs, seconded by Councilman Cook, the meeting adjourned at 8:12 P.M.

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