

A Regular Meeting of the Town of Avon was held on Thursday, January 22, 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 James Blye

OTHERS: Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Zoning Board of Appeals Member Cindy Kellen and Town Clerk Sharon Knight

VISITORS: Government Class Members Kevin Gray, Jacob Gray Jessie Grisham, Travis Blohm, Devon Schlesing, Jared Iak, Tony Farley, Marian Ezara, Cody Simpson, Matt Girolmo, Billy Lista, Haley Pasquale, Matt Simpson, Aaron Roney, Aaron Youngman, Ryan Lewis, and Michael Terry, Zoning Board of Appeals Candidate Althea Johnson and Lisa Anderson and Attorney Candidate Reid Whiting

Supervisor LeFeber called the meeting to order at 6:05 P.M.

Pledge of Allegiance

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

DISCUSSION

ASSESSOR REPORT

Assessor Snyder addressed the Board and provided the following written report:

Workload:

This is an extremely busy time of the year for us with people bringing in their exemption forms for 2009. All forms must be completed and returned to our office by March 1, 2009 to qualify. We just reviewed our list and as a courteous to our taxpayers sent a reminder to those farmers and senior citizens who have not returned their forms yet (mailed approximately 170 reminders).

We are still doing fieldwork, following up on all new construction permits filed with the Village and the Town. We have to make sure the items noted on the permits were built, inventory those items in the paper file, hand draw them on the property record cards, value the new construction and change the assessment if warranted. We have approximately 190 permits to follow up on in the field; all value changes must be completed by March 1, 2009. We have found some discrepancies with a few of the permits, which we have brought to the attention of the code officer and asked them to please clarify them. We have asked the Code office to please let us know when they are doing new homes final inspections so we may walk thru the parcel with them. This gives us more accurate information to the condition of the home allowing me to provide a more accurate assessment. We have had a few issues with Royal Springs again this year, such as, not building the home to the plans submitted, numbering homes while being built or having permits visible. All these things were addressed with the Code office who in turn made calls to Mr. Kolokouris.

DISCUSSION-continued
ASSESSOR REPORT

I have been asked by 3-4 homeowners to take a walk thru of their homes to determine a better value. We have visited 4 of the 5 so far and will be making new decisions for 2009 if warranted.

We are beginning to work on things for the 2010 update.

I recently received a letter from Mr. Skivington in regards to the Article 7 , Avon Properties LLC (Avon Nursing Home) vs. Town of Avon. See attached. Basically Avon Properties was asking for a reduction in their assessed value and asking for us to lock that value in until 2011. I reviewed the Limited Summary Appraisal that put the value at \$1,191,100 using the income approach, talked with the gentleman who prepared this, Chuck Manganaro and discussed this matter with Joe Pukos, Real property director and looked at our assessment of \$1,005,200 using the income approach based on figures from 2006. I advised (see attached) Mr. Skivington we would remain with our assessment and Avon Properties was able to submit an appraisal if they still felt the assessment was incorrect.

Training:

I have completed another part of my training, Assessor Certification Orientation. I will be traveling to Cheektowaga next week to complete another class, Ethics. I will be seeking more training on Commercial Valuation with other local assessors and Gary Drake from the ORPS office out of Batavia.

Needs:

We could use a rug in the back part of the office for those people who come back to drop off their forms during this time of year we have alloy of puddles. I would hate to have someone slip and fall.

Supervisor LeFeber stated he would be attending the Livingston County's Youth Board Meeting to discuss proposed cut in the Recreation Program. Youth Board Member Snyder stated any notes he could bring back would be greatly appreciated and the Avon Youth Board would be meeting Tuesday at 6:30 P.M. and Councilman Cook was invited to attend. Councilman Cook was thankful for the invitation and would be in attendance.

DISCUSSION
HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

He provided the number of tons of salt that has been used and that we are currently fully stocked and the mine pile will be gone by next week.

There was discussion of the lack of procedures to keep track of the Towns within Livingston County performing snow and ice removal for the County. When Town Highway Superintendents asked for guidelines the County Highway Superintendent

DISCUSSION-continued
HIGHWAY REPORT

responded that he does not want to get involved. Five out of seventeen Towns have turned in some type of report. Highway Superintendent Ayers believes the actions of the County Highway Superintendent last weeks is a result of getting back at him.

Supervisor LeFeber stated there seems to be a lot of discrepancies in the data that is being submitted. Deputy Supervisor Cole stated that if they did it right in the first place you would not have to have embarrassed them. Highway Superintendent Ayers stated that he will not do anything to make the County look good as he is tired of their actions.

Town Highway Superintendents Ayers will once again travel to Albany to meet with State Representatives for discussion of CHIPS money. Transportation costs will be provided by the County Highway Association and the Town would be responsible for one half of a motel room as it would be shared. The Board appeared to support the trip to Albany and asked how they can help with the CHIPS money. Ideas included sending letters and make phone call to State Representatives.

There was discussion of the Town not plowing the East Avon Fire Department parking lot as the Town can not provide services to property that is not owned by the Town.

The Town contracts with New York State to take care of State Roads and there are no complaints and Superintendent Ayers recommended to the Board approve the following extension of the State Snow & Ice Control Agreement Between State & County for the 2010-2011 Season:

RESOLUTION #28
SNOW & ICE CONTROL

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

ADOPTED AYES 5 NAYS 0

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, 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	AYE

DISCUSSION
ENGINEERING REPORT

Engineer Rock reported he received notice that April 21st is the deadline Small Cities Grant Application.

DISCUSSION
WATER REPORT

Supervisor LeFeber and Highway Superintendent Ayers reported on a water leak on Cherry Hill that occurred about one week ago and it was fixed yesterday.

DISCUSSION
CODE REPORT

Code Enforcement Officer Cappello reported on the following:

The Aldon Corporation continues to work on their expansion.

The Wolfanger's Coffee Shop has opened.

Discussion has not taken place with Bruce Howlett regarding his grain storage that is possibly located in the Ashantee Planned Unit Development.

The leaking roof in the Opera Block was not a cause of Elmer Davis as a small hole was found in the firewall.

It appears that J & A Farm is waiting until conditions are fitting to take down the building. If a week goes by and there is no action the Town will consider taking additional action.

Supervisor LeFeber reported he is working with Code Enforcement Officer Cappello to respond to Mr. Blanke's letter. Although the Town did not remove any portions of the fire wall they will replace the small hole.

DISCUSSION
OPERA BLOCK

Deputy Supervisor Cole provided the following report on the Opera Block

Demolition has been completed and storm and sewer lines have been installed.

Next the walls will be built for the elevator and work on the geothermal wells.

A request was made to BERO for detail of the credit for the change in the elevator and there is an increase for elevator walls together they should all balance out.

Two professors and thirty-two students will be scheduled to view the Opera Block.

Photos of the Opera Block have been shared with some Opera Block Committee Members.

Jim Biondolillo is signing off on time sheets, materials and making improvements as needed.

DISCUSSION-continued
OPERA BLOCK

The grant secured by Senator Volker did receive approval by the New York State Senate.

The Historical Society is holding a meeting at the Village Hall at 2:00 P.M. and Jim Biondolillo will be presenting updated information on the Opera Block.

DISCUSSION
HEALTH CARE

Supervisor LeFeber stated a meeting was held with the Highway Employees and William Combs to review a new insurance policy from Blue Cross & Blue Shield. There was discussion on offering a buy out for health care and several times the Board has discussed; however, it has never had enough Board support. Supervisor LeFeber continued stating this is the number one long term way to cut health care costs and he continues to support offering a buy-out.

Highway Employee Wes Clements asked several questions and discussion included but was not limited to:

Out of pocket maximums.

Health Savings Accounts – Town contributions, working with a bank that accepts these types of accounts and if interest would be offered.

The new plan would save the Town \$21,000.00 and percentage of employee contribution.

The first year we could hold additional dollars for use of any employee if they need the difference between the deductible and out of pocket maximum.

There was discussion on the procedures for a buy-out, if it was offered.

Board Members are trying to do what is fair for the employees and tax payers.

It appeared the Board would not change the currently offered Preferred Health Care for 2009. A buy-out will be considered in the future.

DISCUSSION
ATTORNEY POSITION

Supervisor LeFeber welcomed Attorney Candidate Reid Whiting and there was a general discussion of the advertised position for Attorney for the Town and Mr. Whiting's interest in filling the position. Mr. Whiting has a practice in LeRoy and currently serves as the Village Attorney in Avon.

After a question and answer period the Board thanked Reid Whiting for applying for the position.

RESOLUTION #29
EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

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 7:52 P.M., inviting Lisa Anderson TIME 8:00 P.M., inviting Althea Johnson TIME 8:15 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	AYE

RESOLUTION #30
CLOSE EXECUTIVE SESSION

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 8:47 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	AYE

RESOLUTION #31
PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

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

RESOLUTION #31-continued
PAYMENT OF BILLS

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

General Fund	Voucher #1 through #17 in amounts totaling \$23,012.31
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 #3 in the amounts totaling \$82,700.48
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 #32
PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2009-2 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-2 including claims as follows:

General Fund	Voucher #18 through #42 in amounts totaling \$6,868.45
Highway Fund	Voucher #8 through #20 in amounts totaling \$15,263.21
Water Fund	Voucher #10 through #13 in amounts totaling \$18,213.65
Cemetery Fund	Voucher #2 through #2 in the amounts totaling \$230.00
Opera Block Capital Improvement	Voucher #4 through #4 in the amounts totaling \$3,264.96

RESOLUTION #32-continued
PAYMENT OF BILLS

Royal Springs Lighting No Voucher
Cross Roads Drainage No Voucher
District
Bruckel Drainage District No Voucher
Royal Springs Drainage No Voucher
Town Of Avon Fire
Protection No Voucher
Water Capital No Voucher
Improvement

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 #33
AUTHORIZE SUPERVISOR TO SIGN RECORDS MANAGEMENT GRANT

On motion of Councilman Blye, seconded by Deputy Supervisor Cole the following resolution was
 ADOPTED AYES 5 NAYS 0

RESOLVE to authorize the Supervisor to sign a records management grant application.

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

DISCUSSION
GENERAL CODE PERPOSAL

Supervisor LeFeber discussed a proposal offered by General Code to put our Town Code on our web-site. Additional information will be provided to the Board in the future.

DISCUSSION
2008 BUDGET END OF THE YEAR REPORT

Supervisor LeFeber provided the Board and the Town Clerk the 2008 Budget End of Year Report.

RESOLUTION #34
APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of January 8, 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	AYE

RESOLUTION #35
APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Mairs)

RESOLVE to approve the minutes of January 15, 2009 as presented.

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

DISCUSSION
OPEN ITEMS

Councilman Cook reported he completed an audit of the Justice Court Records and provided Appendix 9 – Annual Audit Checklist to the Town Clerk for the Official Records. He stated that pre-numbered receipts will be used as soon as the current cash receipt books are used.

Town Clerk Knight presented the books, records, receipts, and canceled checks for the Town Clerk and Tax Collection functions for the Town Board to audit per section 123 of Town Law.

Councilman Cook also reported of a Water Works Committee meeting stating a letter to the Livonia School District is being drafted for the Village and Town Boards consideration.

DISCUSSION-continued

OPEN ITEMS

Supervisor LeFeber reported that the County is working on providing water to some homes in Avon near the South Lima area and income surveys are being distributed to the residents.

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

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

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