

A Regular Meeting of the Town of Avon was held on Thursday, July 9, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

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

OTHERS: Highway Superintendent Robert Ayers, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, and Town Clerk Sharon M. Knight CMC/RMC

VISITORS: Tim Stanton, Wendy Sisson, Kim Snedden, Laura McCall, Diane Grodevant and Scott Grodevant

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

Pledge of Allegiance

Supervisor LeFeber asked for any visitor comments and they follow:

Visitor Tim Stanton and Councilman Blye described the issue with foreclosed property at 2161 Pole Bridge Road. Mr. Stanton is requesting a letter from the Town to provide to both owners of the parcel (two separate banks) to allow the Town of Avon to split the property. Mr. Stanton has a purchase offer on the 2.5 acre parcel that includes both the home and barn. An outstanding question is what authority the Town Board has to split the parcel as the owner normally makes these requests. Attorney James Campbell is on vacation and when he returns he will be asked to put a letter together asking the banks to allow the split of the property, if in fact the Town has such authority.

Visitors Diane and Scott Grodevant of 5734 Demitrios Way addressed the Board with concerns of Royal Springs Developer Peter Kolokouris putting up a water retention wall six feet from their property.

The water is stagnant and has so many bugs it looks like it is raining.

The DEC was contacted and their representative Craig came to view the property from the DEC but no action has been taken.

They are also concerned of a decline in their property value.

It was suggested to release the water until the correct drainage could be installed.

Engineer Rock provided a map prepared by Frazer-Willey that was approved after the new State Regulations for Phase II Water Drainage. Those new regulations are currently enforced and provide for both quality and quantity of water to be handled by the pond using a fore-bay. The fore-bay eliminates oil and other items from the water prior to entering the sewer system. These items are eliminated through the use of specific landscaping and micro organisms. To date nothing including water has passed through; however, the pond is currently under construction.

Supervisor LeFeber informed the Visitors that at this time the New York State Department of Conservation (NYSDEC) is responsible for regulating the development of

Supervisor LeFeber asked for any visitor comments and they follow:-continued

the pond. They could put pressure on the Developer to correct the problem and even issue a stop work order as they have in the past. The Board requested Engineer Rock contact the NYSDEC as it appears the construction is not proper. The Town will take dedication of the pond once it is completed properly and then we would be responsible for its maintenance. It is in the Town's and resident's interest to have the pond constructed properly. Engineer Rock was asked to contact the NYSDEC to be sure the design is being followed. The health, safety and welfare of the residents are a concern as the pond should percolate over 24 hours and not continue to hold standing water.

Scott Harter of Professional Engineering Group, a new engineering firm, has contacted Engineer Rock and it's believed they are the new engineers for Royal Springs Developer Peter Kolokouris. There are several other issues that need to be discussed and an invitation will be extended to the Royal Springs Developer Peter Kolokouris to attend the July 23rd Town Board Meeting.

RESOLUTION #129 APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of June 25, 2009 as presented by e-mail.

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

DISCUSSION - HIGHWAY REPORT

Highway Superintendent Robert Ayers reported on the following:

A phone call was received from the County informing the Town that they will be replacing a box culvert on Bronson Hill Road the first two weeks in August. A detour onto Sutton Road will be used during the construction.

New York State Highway Superintendent Conference will be held September 22nd to the 25th and the registration fee of \$96.00 is now due. The Board was in favor of his attendance.

He will not be at the next meeting as he will be working at the Hemlock Fair.

Discussion on the receipt of complaints on South Avon Road will be discussed later in the meeting.

DISCUSSION - ATTORNEY REPORT

Attorney James Campbell was not in attendance as he was on vacation.

DISCUSSION – CODE REPORT

Code Enforcement Office Anthony Cappello provided the following written report:

July 2009

BUILDING & ZONING

A total of 32 permits have been issued since May 1, 2009. See attached list. There have been 73 permits total for the year thus far.

Planning Board :

- Positive recommendation to ZBA for height variance to build another drive-in theater screen for the Vintage Drive-In on West Henrietta Road. Site plan review has been ongoing for several months.

- A public hearing has been set for Sept. 1, 2009 to subdivide one 98-acre parcel on Hogmire Road from the Seven Nations Stakes, Inc. parcel, which totals 386 acres in all.

Zoning Board of Appeals:

- Public hearing will be held for Michael and Mary Chrysler concerning their variance applications for a proposed garage addition on Lake Road.
- Paul Dean will be seen informally at the July ZBA meeting to discuss the Vintage Drive-In screen variance application. A public hearing should follow at the August meeting date.

Code Enforcement/Zoning:

- Intern Gina Colangelo has returned to work in the Code Enforcement Department again this summer. Gina comes to us as an employee of the Livingston County Workforce Development Agency's Summer Youth Workforce.
- Code Officer Lee Rodamaker, Town Attorney Jim Campbell, and clerk Jennifer Sargeant had a meeting to discuss proposed changes to the Avon Town Code Zoning Law. Possible changes include increasing the maximum height and square footage allowances for accessory structures in the Agricultural district, new fee schedule updates, and increasing the number of plans required for Planning/ZBA applications, etc.

Code Enforcement Officer Cappello also reported to the Board that he is working on speeding up the process to obtain a building permit when a variance is needed. He

Code Enforcement/Zoning:-continued

questioned the need for a residential property owner simply adding a barn/garage to be required to have a site plan review by the Town Planning Board.

Councilman Blye stated the process is if the permit is denied then it goes to the Planning Board to receive a positive or negative recommendation. Specific reasons must be provided when there is a negative recommendation. Also, it is sent to the County Planning Department.

Town Clerk Knight reported that she had previously shared with the Supervisor and Code Enforcement Officer a change by the Code Enforcement Clerk regarding combining fees when building permits were issued. Then, once the monthly reports were distributed an additional requests was made to separate the charges. After further discussion with the Supervisor and Code Enforcement Officer it was determined the second request to separate the charges would not be necessary.

Deputy Town Clerk and Zoning Board of Appeals Clerk Lisa Anderson will continue discussion on suggested charges for collected variances fees at the next meeting.

DISCUSSION - WATER REPORT

Water Superintendent Daniel McKeown reported on the following:

A new service was installed on Route #15.

Reading meters continues.

A water leak on Ashantee Lane was found and fixed.

He is mowing grass and cutting weeds.

DISCUSSION - OPERA BLOCK

Deputy Supervisor Cole provided the following report:

A meeting with Jim Biondolillo was held on Friday.

The construction meeting was held on Tuesday morning.

The geothermal wells have all been tested and there are no leaks. The orange fence will stay up until the project is complete.

BEST Lock Company is installing 65 locks and there are 20 different keys. We will be using fabs; however, metal keys will be used as a back-up.

In 1876, small lines are shown from the use of bricks; however, over time the lines have been widened. A proposal will be sought to return to that original look of smaller lines by use of a staining process.

Water in the basement has been found but no worry as it's being used as a part of the construction. There is no water seepage and there is a french drain around the outside of the building that is connected to the storm sewer system.

We need to look for a date stone to place in front of the time capsule.

DISCUSSION - OPERA BLOCK-continued

Sprinklers in the vaults have been deleted from the project and a letter to that effect was provided to BERO.

All interior walls will be dry walled.

We will be given a one year guarantee and will need to assign someone to complete a maintenance check list. Deputy Supervisor will assist this part-time caretaker.

An update on grant funding was given. Deputy Supervisor Cole and Supervisor's Secretary Mary Blye are keeping an excel spreadsheet of all grants. Supervisor LeFeber also pointed out that his monthly report contains a receipt sheet of Opera Block revenue and appropriations.

The speakers and amplifier have been received and were paid for by a court grant.

The records management room is not fire proof and only Town Employees will have access to the room

DISCUSSION – VISITORS WENDY SESSION AND KIM SNEDDEN

Visitors Wendy Session and Kim Snedden addressed the Board sharing the following concerns regarding South Avon Road:

A request for a time-line of road work to be completed was requested.

While digging ditches wire was left on the road and two vehicle tires were punctured.

A horse had wire wrapped around his leg from what was left in the road on the opposite side of where the ditches were dug.

This area has a lot of horseback riders, runners, dog walkers, and bicyclist.

Drivers often speed; there are no lines and many dips.

The plan to put gravel on the sides of the roads will force the use of the roads as gravel is not conducive to the uses of this road. The planned changes to this road are creating a receipt for a disaster.

It is hoped the road can still be used for the described uses as it will be improved with blacktop.

A request for a traffic studies to reduce the speed limit prior to the Town being mandated to pay for the study might be a good idea.

Notice was given to the Town crew during the time of the fence being removed.

Highway Superintendent Ayers stated on Monday and Tuesday of the last week of July the work is expected to be completed. Cuts will be made into driveways and a return visit will be made to improve the driveways. Mid August everything should be done.

The Town Board shared their thoughts regarding the usefulness of being presented with a petition requesting a reduced speed limit that would be forwarded to the State. Also, it was suggested to turn the request for reimbursement for the damage to the tire to our insurance company.

DISCUSSION – ROYAL SPRINGS STORM WATER ISSUES

Visitor Laura McCall addressed the Board with her concerns of the water very close to the back of her property on Demitrios Way. Supervisor LeFeber reviewed the previous conversations including that Royal Springs Developer Peter Kolokouris will be invited to attend the next Town Board meeting scheduled on July 23, 2009. At this point only the DEC has the authority to make any changes.

Visitor Laura McCall also reported that the water is muddy. Also the plans have not been drawn properly. It's a death trap for any children near the water.

Engineer Rock stated that although the permit was issued two years ago, today's standards must be followed.

Code Enforcement Officer Cappello reported that he has had discussions with the Developer and he has stated the work is being completed properly.

The Board requested Engineer Rock to contact the DEC and prepare a letter to Royal Springs Developer Peter Kolokouris.

RESOLUTION #130 PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2009-13 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-13 including claims as follows:

General Fund	Voucher #321 through #357 in amounts totaling \$16,882.18
Highway Fund	Voucher #120 through #129 in amounts totaling \$5,252.65
Water Fund	Voucher #90 through #97 in amounts totaling \$1,832.40
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #54 through #57 in amounts totaling \$199,978.43
Royal Springs Lighting	Voucher #8 through #8 in amounts totaling \$975.89
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 – Aye, Councilman Cook – Aye, Deputy Supervisor Cole – Aye, Supervisor LeFeber – Aye

RESOLUTION #131 BUDGET TRANSFERS

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

RESOLVE to approve the following budget transfers:

PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 7/9/09 MEETING:

GENERAL FUND-TOWNWIDE

		UNANTICIPATED REVENUE		
<i>Transfer</i>				
<i>From:</i>	A2001	Park & Recreational Charge	\$ 4,500.00	
				TOTAL: \$ 4,500.00
				<u><u>4,500.00</u></u>
 <i>Transfer</i>				
<i>To:</i>	A7310.4	Youth Contr.	\$ 4,500.00	
				TOTAL: \$ 4,500.00
				<u><u>4,500.00</u></u>

GENERAL FUND-OUTSIDE VILLAGE

		UNANTICIPATED REVENUE		
<i>Transfer</i>				
<i>From:</i>	B1170	Franchise Fees	\$ 7,358.00	
	B2401	Interest CD	\$ 840.00	
	B2555	Building Permits	\$ 839.00	
	B2701	Reimb. Of Expense	\$ 268.00	
	BAUB	Unexpended Balance	\$ 5,915.00	
				TOTAL: \$ 15,220.00
				<u><u>15,220.00</u></u>
 <i>Transfer</i>				
<i>To:</i>	B3120.4	Police Contr.	\$ 2,110.00	
	B3620.4	Safety Inspections Contr.	\$ 13,000.00	
	B7550.4	Celebrations	\$ 110.00	
				TOTAL: \$ 15,220.00
				<u><u>15,220.00</u></u>

RESOLUTION #131 BUDGET TRANSFERS-continued

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

RESOLUTION #132 SUPERVISOR'S AND TOWN CLERK'S BUDGET REPORTS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the Supervisor's Report, Citizens Bank Commercial Account of Avon Lima Road Inc. Escrow Account in Favor of the Town of Avon and the Town Clerk's monthly budget reports as follows:

<u>Total Local Shares Remitted:</u>	<u>\$4,412.06</u>
<u>County Treasurer for Dog Licenses</u>	<u>\$32.90</u>
<u>New York State Department of Health</u>	<u>\$90.00</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$0.00</u>
<u>NYS Environmental Conservation</u>	<u>\$1,896.75</u>
<u>TOTAL</u>	<u>\$6,431.71</u>

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

RESOLUTION #133 JUSTICE COURT ASSISTANCE PROGRAM - GRANT

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

ADOPTED AYES 5 NAYS 0

WHEREAS, the State of New York has enacted a law establishing the Justice Court Assistance Program that will enable communities to apply to the Chief Administrative Judge for a grant of State funds to assist in the operation of the Justice Courts; and

WHEREAS, the availability of grant funding would enhance the ability of the Town Justice Court to provide suitable and sufficient services to the Avon Community; and

WHEREAS, this joint application with the Village of Avon Court would allow for joint sharing of equipment and materials thereby providing efficiencies to the Avon Community,

RESOLUTION #133 JUSTICE COURT ASSISTANCE PROGRAM – GRANT-continued

NOW THEREFORE IT BE RESOLVED, that the Avon Town Board hereby authorizes the Supervisor to file an application for a Justice Court Assistance Program grant in an amount not to exceed \$30,000.

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

RESOLUTION #134 - APPROVAL TO DESTROY RECORDS

On motion of Councilman Mairs, seconded by Supervisor LeFeber the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to accept the Town Clerk destroy the following records as presented:

Town of Avon
Index of Destroyed Records

In accordance with the current SARA MU-1
Records Retention & Disposition Schedule,
the following records have been determined to
be obsolete and are to be destroyed:

Record Series Name or Description	MU-1 Section Number	Inclusive Dates	Cubic Feet Destroyed	Date Record Obsolete
Certif. Of Acceptability	Not a Town Record	1979	1/4 inch	0 after no longer needed
Liv. Cty. Department Health - Water Level Monitorint Corby Road	6.[192]	1999-2000	1/4 inch	3 years
Liv.Cty. Construction Maint. Bids	Not a Town Record	2000	1/2 inch	0 after no longer needed
Liv. Cty. Equipment Rental Bids	Not a Town Record	2000	1/2 inch	0 after no longer needed
Duplicate Copy Larsen Eng.Workplan Fowlerville	12.[886]	1993	1/8 inch	0 after no longer needed
NYS Dept. of Health Cross Control	Not a Town Record	1981	1/4 inch	0 after no longer needed
US Dept. of Housing - Flood Insurance Study	Not a Town Record	1978	1/4 inch	0 after no longer needed
NYS Zoning Adm. Series	Not a Town Record	none	1.5 inches	0 after no longer needed
NYS DEC Mined Land Reclamation	Not a Town Record	1977	1 1/2 inches	0 after no longer needed
NYS Resource Recovery & Solid Waste Management	Not a Town Record	1978	1/4 inch	0 after no longer needed
NYS Code Installation Mobile Home Standards	Not a Town Record	1973	1/4 inch	0 after no longer needed
NYS Code Installation Factory Home	Not a Town Record	1973	1/4 inch	0 after no longer

				needed
NYS Energy Office - Local Gov't. Buildings	Not a Town Record	1979	1/4 inch	0 after no longer needed
NYS Energy Office - Solar Access Guidelines	Not a Town Record	1980	1/4 inch	0 after no longer needed
NYS Individual Household Systems	Not a Town Record	1976	1/8 inch	0 after no longer needed
NYS Division of Housing & Comm. Renewal	Not a Town Record	1980	1/8 inch	0 after no longer needed
Rural Water Supply NYSDOH	Not a Town Record	1966	1/4 inch	0 after no longer needed
General Acc. Standards-State Building Const. Code	Not a Town Record	1979	1/8 inch	0 after no longer needed
General Acc. Standards-State Building Const. Code	Not a Town Record	1980	1/8 inch	0 after no longer needed
NYSDEC Draft Regulations for Siting of Industrial Haz	Not a Town Record	1980	1/8 inch	0 after no longer needed
NYS DEC Draft Environmental Impact Statement	Not a Town Record	1980	1/4 inch	0 after no longer needed
NYS Zoning Law Practice	Not a Town Record	1968	1/4 inch	0 after no longer needed

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

DISCUSSION – TOWN BOARD OPEN ITEMS

Deputy Supervisor Cole requested Councilman Cook determine the costs of using the scanner on our rented Xerox copier.

Councilman Cook reported on a recent Water Works meeting and the discussion on a need to schedule a meeting with Kraft to discuss their water rates, thus giving the Town of Avon participation in the negotiations. Also, appropriations of the Capital Expenditures Fund Report received from the Village. Currently there is \$325,000.00 in the fund and there was discussion on setting a limit on the amount to be held as each year additional monies are added.

Councilman Blye shared his thoughts on the Boards' need to consider allowable uses for the two church properties currently for sale, one is on Bronson Hill Road and the other is on Lake Road. At this time our Town Code does not address this issue. Supervisor LeFeber will send a communication to the Zoning Board of Appeals and Planning Boards for their comments.

DISCUSSION – SUPERVISOR’S REPORT

Supervisor LeFeber reported on the following:

The Board appeared to be in agreement with requesting Attorney James Campbell to confirm in writing that the monies are being held as a “Letter of Credit” for Starkey and Wolcott Drive is still available.

An invitation will be extended to the Village to attend a joint meeting with the Town to discuss closure to recreation invoices and possible extension of our Water Agreement and other identified items. A list will be prepared and shared with the Village Board prior to the meeting thus eliminating any surprises.

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 8:15 P.M.

Respectfully submitted by:

Sharon Knight, CMC/RMC Town Clerk