

A Regular Meeting of the Town of Avon was held on Thursday, June 11, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

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

OTHERS: Highway Superintendent Robert Ayers, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, Attorney James Campbell, Assessor Tami Snyder and Deputy Town Clerk Lisa Anderson

VISITORS: Cindy Kellen and Jamie McCollough

Supervisor LeFeber called the meeting to order at 6:09 P.M.

Pledge of Allegiance

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

DISCUSSION - HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

He has received two or three phone calls from Mr. Kolokoris regarding dedication of several areas in Royal Springs so that he can get the Certificates of Occupancy and also continue building. Superintendent Ayers feels that many of these areas are not ready for dedication. Many of the roads have large areas where they have been dug across for reasons of installing sewers/gas lines, etc. These areas now have large dips in them and need to be repaired before they should be dedicated. The following is the status on the mentioned streets:

Eleni Court: 316 feet accepted, but the remaining area needs repair

Tasos Run: Acceptable for dedication

Athena Drive: 1,372 feet accepted, the remaining area needs repair

Yanni Court: Acceptable for dedication

Attorney James Campbell stated that he would elaborate more on this issue in his attorney's report

Superintendent Ayers reported that the recreation trailer would be complete on Friday, June 12. He stated that the proper people should be notified so that they know that the trailer is ready and that they can proceed with plans for its use for the recreation program.

The Town asked the Highway Department to clean up brush and trees from behind the Opera Block and the work has been completed.

Deputy Supervisor Kelly Cole stated that he had discussion with Dave Whitney in regards to the old dumping site that the town had been using for railroad ties and other items. Mr. Whitney is concerned that some old tires have been there for quite a while and that he would like to see them cleaned up. Supervisor LeFeber stated that the town had not been dumping there for quite some time and that all of the clean-up has been completed. He also stated that a report of the clean-up had been sent after it was completed by Larson. Attorney Campbell stated that possibly the town could find the record of the report and send it again.

DISCUSSION - ATTORNEY REPORT

Attorney James Campbell addressed the board on the following issues: He has received a letter and accompanying documents from attorney Dave Henehan for Mr. Kolokoris in regards to dedication of roads in Royal Springs and he is currently reviewing the documents to make sure that they are of sufficient quality. From looking at the documents, Attorney Campbell feels that title exams should be completed before dedications can be done. He feels that the town should have official titles in its records because once the roads are dedicated the town then has ownership. He asked board members if they felt that they wanted him to proceed with completing the title exams. Supervisor LeFeber stated that he agreed that they should be done and Deputy Supervisor Cole agreed. Attorney James Campbell stated that if there were areas that have already had the title exams done, Mr. Kolokoris should be able to provide proof of that.

The Escrow issue with Royal Springs has been resolved. The bank will not allow funds to be withdrawn without having signatures from both Mr. Kolokoris and Supervisor LeFeber.

Attorney Campbell has had phone conversation with Helge Heen's Attorney and has an appointment set up to discuss matters. The meeting will take place before the next Town Board meeting.

Attorney Campbell has been working hard on getting information together for the Route 39 Water Project. He will be working with Town Clerk Sharon Knight to get any additional information.

The Avon Water Tower lease is being reviewed by Verizon for antenna locations.

RESOLUTION #114 EXECUTIVE SESSION

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

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 6:30 P.M., inviting Attorney James Campbell and Assessor Tami Snyder.

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

RESOLUTION #115 CLOSE EXECUTIVE SESSION

On motion of Supervisor LeFeber, second by Councilman Blye the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1 (COUNCILMAN COOK)

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 6:47 P.M.

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

DISCUSSION – CODE REPORT

Code Enforcement Officer Cappello reported that he is still receiving calls on his cell phone for code issues even though the voice mail has been changed but he expects that it will slow down soon.

Officer Cappello feels that the Annis Dairy building is zoned B-1 and that it has never changed. He feels that it can be used for two purposes in a retail location and that the only issue may be to look at Article 7 in regards to parking, but at looking at the available parking he doesn't feel that parking will be an issue either. Councilman Blye stated that a couple of issues should be addressed, including the number of parking spaces and also that there may be signage issues if there is more than one business in the building. Visitor Cindy Kellen stated that the parking was more than sufficient and that there will only be one sign on the property. She also stated that the Department of Health has been out to the site and has given its approval for the restaurant and ice cream store. Attorney Campbell stated that Code Enforcement could give the approval but that he recommends that it be recommended to the ZBA for an interpretation. Supervisor LeFeber asked Deputy Clerk (ZBA Clerk) Lisa Anderson if it was possible to get this item on the agenda for the June 22nd meeting and she stated that it was. Attorney Campbell felt that it was a good idea to ask the ZBA whether site plan approval was necessary. Code Enforcement Officer Cappello stated that the issue was not with the antique section of the store and that that part could be opened now.

DISCUSSION – COMPLAINT – 4290 LAKE ROAD

Supervisor LeFeber opened the discussion on a complaint regarding 4290 Lake Road not being maintained. Code Enforcement Officer Cappello stated that the lawn has been mowed since the letter was sent and that he would respond to Mr. Mastin.

DISCUSSION - WATER REPORT

Water Superintendent Daniel McKeown reported on the following:

He has been working on flushing hydrants and this will continue for about another week

DISCUSSION – ENGINEERING REPORT

Town Engineer Timothy Rock reported on the following:

The Federal Department of Energy is offering geothermal energy grant moneys through NYSERTA. If the town is interested they may want to contact them to see if money may be available for windows, insulation, etc. There is a webinar available.

Mike Miller at National Grid will be working this summer on cleaning up the detention pond.

Town Engineer Rock feels that in regards to Rural Development, the town should go through dispute mediation rather than court. Attorney Campbell agreed. The agreement will be filled out by the end of next week.

DISCUSSION - OPERA BLOCK

Deputy Supervisor Cole discussed the following:

There have been complaints from the Avondale in regards to not having parking due to construction and these complaints have been given to the architect as requested.

The road has been filled in and everyone very much appreciates all of Highway Superintendent Ayer's work on the clean-up.

The water lines all tested fine and two wells were filled with concrete.

The brick work on the face of the building has been completed and the letters have been removed. Deputy Supervisor Cole suggested that the new letters be made out of either red cedar or cypress.

RESOLUTION #116 BERO ARCHITECTURE PLLC REHABILITATION OF 23 GENESEE STREET AND RENOVATION OF 27 GENESEE STREET – CHANGE ORDER

On motion of Supervisor LeFeber, seconded by Councilman Mairs the following resolution was ADOPTED AYES 4 NAYS 0 ABSENT 1 (COUNCILMAN COOK)

RESOLVE to approve the following change orders:

Change Order #4 – Frank J. Marianacci, Inc. The contract amount will be increased by this change order in the amount of \$1,108.

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

RESOLUTION #117 APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (COUNCILMAN COOK)

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

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

RESOLUTION #118 SUPERVISOR’S AND TOWN CLERK’S BUDGET REPORTS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (COUNCILMAN COOK)

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:

Total Local Shares Remitted:	\$917.20
County Treasurer for Dog Licenses	\$31.72
New York State Department of Health	\$22.50
NYS Ag. & Markets for spay/neuter program	\$9.00
NYS Environmental Conservation	\$832.40
TOTAL	\$1,812.82

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

DISCUSSION – FUEL USAGE BILL TO THE WATER DEPARTMENT

Highway Superintendant Ayers reported that he had not yet been reimbursed for fuel usage billed to the Water Department. The usage was from April. Supervisor LeFeber stated that he would check with Water Clerk Mary Blye and make sure that it was taken care of.

RESOLUTION #119 PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (COUNCILMAN COOK)

RESOLVE to accept for payment Abstract 2009-11 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-11 including claims as follows:

General Fund	Voucher #258 through #288 in amounts totaling \$24,668.73
Highway Fund	Voucher #107 through #113 in amounts totaling \$1,767.33
Water Fund	Voucher #76 through #87 in amounts totaling \$7,544.20
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #41 through #49 in amounts totaling \$279,020.17
Royal Springs Lighting	Voucher #7 through #7 in amounts totaling \$908.81
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 – Absent, Deputy Supervisor Cole – Aye, Supervisor LeFeber - Aye

DISCUSSION – WATER WORKS INFORMATION

Supervisor LeFeber stated the Water Works Committee has not provided the requested information. There was discussion of the responsibilities of Water Works Committee regarding reviewing meter calibrations. Deputy Supervisor Cole suggested that a letter be sent directly to the Mayor and that it should not take this long to answer. He also suggested that Water Works Committee Chairman Ted Coyne be given a copy of the letter.

DISCUSSION – EXIT 9 MEMORANDUM OF UNDERSTANDING

Supervisor LeFeber read information from an e-mail regarding the Empire Zone near 390's Exit 9. The Build Now program needs an engineering report which would include a general layout, costs, flows, design criteria, etc. In order to prepare the report the Town of Avon or the property owner will need to prepare a concept plan for the Empire Zone based on full build-out with anticipated flows. Discussions have taken place with the

three property owners and they have not come together; therefore, no further action by the Town of Avon will take place.

DISCUSSION – BERNARD DONEGAN ROUTE 39 PROPOSAL

Supervisor LeFeber discussed that he has had discussion with Stuart Brown in regards to possible bonding action. Attorney Campbell has reviewed the proposal and does not see any issues with it. The Town will vote on this at the next meeting.

DISCUSSION – UPDATE ON AVON AMBULANCE REQUEST

Supervisor LeFeber opened the discussion of the ambulance request stating that he has spoken with Bill Shaw and that a committee has been put together to develop a list of their requests. Supervisor LeFeber informed the ambulance after the discussion at the last board meeting that they should think long term about facilities.

DISCUSSION - DUMP DAYS

Councilman Mairs reported that he has a list of items that need to be picked up for dump days. Supervisor LeFeber stated that he will be assisting Councilman Mairs with the pick ups.

DISCUSSION-ZAMIARA PROPERTY ON POLE BRIDGE ROAD

Councilman Blye reported that he has had conversation with Tim Stanton regarding the property on Pole Bridge Road that Brian Zamiara was purchasing before his death. Mr. Stanton has first right of refusal and states that his attorney is looking for an okay from the town stating that they would be okay with the two and a half acre parcel as the home would be “grandfathered”. This is the same request that Brian Zamiara made to the board before he was killed in an accident. Mr. Stanton would like to give the property to Brian’s girlfriend, Christine.

Everyone appeared to agree that this would be okay, but that Code Enforcement should write the letter and that Code Enforcement Officer Cappello should check with the Assessor to see how many tax parcels there actually are.

On motion of Councilman Blye, seconded by Deputy Supervisor Cole, the meeting adjourned at 7:50 P.M.

Respectfully submitted by: _____
Lisa Anderson, Deputy Town Clerk

and

Sharon Knight, CMC/RMC Town Clerk