

A Regular Meeting of the Town of Avon was held on Thursday, June 25, 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, Attorney James Campbell, and Town Clerk Sharon Knight

VISITORS: Livingston County Office For the Aging, Town of Avon, 2009 Senior Citizens of the Year Joe and Joan Prinzi, and Deborah Cook

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

Pledge of Allegiance

Supervisor LeFeber announced that Water Superintendent Dan McKeown would not be in attendance as he is attending Avon Central School baccalaureate.

Supervisor LeFeber asked for any public comments and Visitor Deborah Cook asked the Board to consider her need to close on the purchase of Eleni Court. Supervisor LeFeber stated the Attorney and Code Enforcement Officer would be in attendance later in the meeting and the Board would continue discussion at that time.

The meeting was moved to the Opera Block where Deputy Supervisor Cole and Clerk of the Construction Project Coordinator James Biondolillo provided the Board and those in attendance with a tour.

RESOLUTION #120 APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Cook)

RESOLVE to approve the minutes of June 11, 2009 as presented by e-mail.

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

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Ayers reported of the following:

There will be an increase in the highway budget in the amount of \$7,300.00 for salt due to increased bid prices for the next winter season.

DISCUSSION – HIGHWAY REPORT-continued

Road improvements continue to be made.

The Highway Department employees will all be on vacation July 6th through July 9th.

Today he attended an eight-hour FEMA workshop in Hampton's Corners.

A thank you was extended from the Avon Recreation Board and the Town Board concurred sharing their thanks for Highway Superintendent Ayers' building the shelves in the new recreation trailer that will allow for storage of the recreation equipment on site.

DISCUSSION – PRESENTATION OF CERTIFICATE TO THE RECIPIENTS OF THE LIVINGSTON COUNTY TOWN OF AVON 2009 SENIOR CITIZENS OF THE YEAR – JOE AND JOAN PRINZI

Supervisor LeFeber presented the certificate of appreciation to the recipients of the Livingston County Town of Avon 2009 Senior Citizens of the Year – Joe and Joan Prinzi and read the following:

The Town of Avon is pleased to present the 2009 Senior Citizens of the Year award to Joe and Joan Prinzi. Mr. and Mrs. Prinzi have been residents of Avon, New York for over 50 years. The couple has one married daughter, Lu Ann, two sons Mark (married to Michele and living in Rochester, New York) and Sam (living in Boston, Massachusetts). They have one granddaughter, Ashley.

Joe and Joan believe in giving back to their community. Joe has been a lifetime member of St. Agnes Church where he volunteered on the Cemetery Committee. He was a dedicated volunteer for the Avon Loan Closet for 10 years and is a member of the Avon Lions Club. Joe has worked at over 30 chicken barbecues to benefit various causes in the community. For 20 years, Mr. and Mrs. Prinzi volunteered their services in Christmas and Easter Basket drives to benefit families in need.

Joan has been an Avon Lioness member for 24 years. She has been a member of St. Agnes Church for about 42 years where she has worked on the food pantry and rummage sales for the Church. With all that footwork involved with their community service, we honor them with this award today. Mr. and Mrs. Prinzi are escorted today by Mr. David LeFeber, Supervisor from the Town of Avon.

DISCUSSION – WATER REPORT

Water Superintendent McKeown was not in attendance.

DISCUSSION - CODE REPORT

Code Enforcement Officer Cappello reported on the following:

Complaints have been received regarding the flooding of properties due to the lack of drainage behind Demitrios Way. The stonewall is packed with dirt. Engineer Rock stated a letter to Peter Kolokouris needs to be written, as this is a continuous concern. In the past the New York State Department of Conservation has shut him down from development due to his lack of maintenance of the system.

Visitor Deborah Cook shared her need for a Certificate of Occupancy for property located at 5720 Eleni Court. Discussion included but was not limited to the following:

There is nothing in Code addressing this situation.

There are private drives in our Town and those properties have C of O's.

Different Town's have different standards.

Most Developers are not required to complete all of the infrastructure prior to approval of Certificate of Occupancy.

The deed will cover access to her home.

There is no legal objection to issuing the C of O.

The buyer is not a part of the problem to complete the road.

There maybe a need to modify our agreement with a performance bond that could be used to complete the road to Town specs.

The Town will not take dedication of the road until it meets our specs.

A temporary easement from the Developer to the home owners will be requested of the developer's Attorney that includes his responsibility to maintain the road including snow removal.

The Board requested Code Enforcement Officer Cappello issue the Certificate of Occupancy immediately.

A check list of deficiencies will be developed by Attorney James Campbell and a meeting will be scheduled to discuss these items with the Developer.

There is a need to check on possible removal of top soil of the area dedicated to open space.

Another concern is his past engineer is no longer in business.

DISCUSSION – ATTORNEY REPORT

Attorney James Campbell provided the following report:

A meeting was held this afternoon with Code Enforcement Office Rodamaker and Code Clerk Jennifer and a list of five items were identified and a list will be made and brought to the Board and if the Board approves the concepts the proposed local laws created. Although Code Enforcement Officer Cappello could not be in attendance he was in support of all of the items identified.

DISCUSSION – ATTORNEY REPORT-continued

Contact with Royal Springs Developer Peter Kolokouris's Attorney David Henehan and Mr. Henehan had thought everything was ready for dedication. Many items were identified with deficiencies also title examinations would be included.

He completed a review of the lease with Verizon of space on the East Avon Water Tower. Items of interest include the lease becomes effective the day it's signed; however, the Town does not receive any funds until the space is used. If we had others interested in the space we could exercise our right to not hold the space, but we have no one else interested in leasing the space at this time.

A lot of time was spent preparing a draft of the application to the Comptroller for the Route #39 Water District Extension. It has been circulated for comments and Engineer Rock has responded. This is an important part of the Rural Development funding.

A review of services agreement with Larsen Engineering, Bernard Donegan, Financial Consultant, and Timothy McGill, Bond Counsel are all adequate. Although not expected an authorization from the Comptroller would be needed to increase the Town Attorney's agreement as this is required by Rural Development. This is a deminimis portion of the project.

A review of the Helge Heen files was conducted and a meeting with Jim Coniglio has been re-scheduled on July 15, 2009.

DISCUSSION – ENGINEER REPORT

Engineer Tim Rock provided the following report:

There was discussion on stimulus monies being available for organizing a community planning committee to identify projects within communities to reduce energy needs. The plan would need to be completed by August. We have a good project with the Opera Block but would need to plan another project. Everyone will watch to see how it works. The stimulus fund would pay 100% of the planning costs. The project would need to have the majority of the people in our community benefiting. Ram Shrivastava from Larsen Engineer will attend a future Town Board meeting to discuss further. The program is to get us to save on energy costs and invest in the community.

There was discussion on the Senator Volker and Congressman Reynolds funding for the Opera Block.

DISCUSSION – OPERA BLOCK

Deputy Supervisor Cole provided the following updates:

- There was discussion on outstanding grants.
- The removal of the dumpsters.
- The elevator is behind schedule and will take sixty days to complete.
- The stair tower is ready to go in.
- The time capsule will be 16x18x6(7)”
- Quotes for the ladder will be sought
- There is no heat in the stairwell and this area is closed off.
- Sprinkler heads above the doors maybe need.

RESOLUTION #121 APPROVAL OF OPERA BLOCK CHANGE ORDERS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve Opera Block Change Orders #2 B & H Piping Systems signed by Bero Architecture PLLC, B & H Piping Systems and Deputy Supervisor Cole for the Town of Avon for a total cost of \$938.00 as follows:

- C.O. 2.01 Eliminate the standard pendant sprinkler head over door 153A. Provide dry sidewall head in south wall over door 153A.
(BH COR #4) - \$164.00

- C.O.2.02 Provide piping to drain third floor dry sprinkler system to drum drip on Second floor beneath Stair G.
(BH COR #4) - \$387.00

- C.O.2.03 Provide Grooved butterfly valve with tamper switch at third floor dry valve assembly.
(BH COR #4) - \$387.00

TOTAL ADD: \$938.00

END OF CHANGE ORDER #2

Deputy Supervisor Cole reported FJM Inc. failed to price the installation in the first and second floor, but they must do the work as it is in the contract. He also suggested not hold off on completing the work on the third floor ceiling as the quoted cost is approximately \$40,000.00 and this was not included in the contract.

RESOLUTION #122 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 2009-12 in the follow amounts:

General Fund	Voucher #289 through #320 in amounts totaling \$9,239.95
Highway Fund	Voucher #114 through #119 in amounts totaling \$2,846.07
Water Fund	Voucher #88 through #89 in amounts totaling \$32.80
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #50 through #53 in amounts totaling \$7,510.43
Royal Springs Lighting	No Voucher
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 – HURRICANE VOUCHER

Supervisor LeFeber stated he would like to take a look at the charges of Hurricane Technology at budget time as their services are provided to many different people and no one is overseeing the account.

RESOLUTION #123 AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH TIM MC GILL, BOND COUNSEL FOR FINANCIAL CONSULTING SERVICES - ROUTE #39 WATER DISTRICT EXTENSION

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

RESOLVE to authorize Supervisor LeFeber to sign the following agreement with Timothy McGill:

Town of Avon
Route #39 Water District Extension

RESOLUTION #123 AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH TIM MC GILL, BOND COUNSEL FOR FINANCIAL CONSULTING SERVICES - ROUTE #39 WATER DISTRICT EXTENSION -continued

I have agreed to serve as bond counsel to the Town of Avon, Ne York. Compensation for my services shall be on the following basis:

1. Each issuance of temporary debt (notes): base charge of \$500, plus \$.50 per thousand dollars of notes issued, payable upon issuance of such obligations; provided, however, that for a note issue through the NYS EFC Revolving Fund the base charge shall be increased by \$1,500;
2. Each issuance of permanent debt (bonds): base charge of \$2,000 plus \$1.00 per thousand dollars of bonds issued, payable upon issuance of such obligations; provided, however, that for a bond issue through the NYS EFC Revolving Fund or USDA Rural Development the base charge shall be increased by \$1,500;
3. Extraordinary services, conferences or meetings such as arbitrage and rebate analysis, litigation, the drafting of legislation, negotiation and review of incidental contracts, proceedings or ruling requests before the Internal Revenue Service, and the like: legal fee at regular hourly rates acceptable to the municipality, to be determined at the time such services are requested.

The fees for the services described under paragraphs 1 and 2 above include the preparation of all typical authorizing financing resolutions, the drafting of all financing documentation and review of district formation proceedings, intermunicipal agreements, if any, and review of official statements prepared by the municipality or by a financial advisor on the municipality's behalf. I will not undertake any extraordinary services without the municipality's prior request.

In addition to the legal fee, I render a statement at each closing for out-of-pocket disbursements, the larges of which are typically photocopying, courier services, telephone, fax transmissions and travel expenses, if required.

As I understate it, USDA requires a "not to exceed" amount for my bonc counsel services. For your proposed \$700,000 financing, our charges would be as follows:

- For temporary debt (notes), my charges shall not exceed \$2,650 per note issue, and
- For permanent debt (bonds), my charges shall not exceed \$4,800.

If acceptable, kindly execute the enclosed copy of this letter in the space provided and return it to me at your convenience. I appreciate this opportunity to be of service and look forward to working with the Town

Very truly yours,

Timothy R. McGill

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

**RESOLUTION #124 AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT
WITH BERNARD DONEGAN FOR FINANCIAL CONSULTING SERVICES -
ROUTE #39 WATER DISTRICT EXTENSION**

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

RESOLVE to authorize Supervisor LeFeber to sign the following agreement with Bernard P. Donegan, Inc.:

Pursuant to Stu Brown's memorandum of June 1, 2009, we are pleased to submit the following proposal for financial consulting services in connection with the Town's Route 39 Water District Extension.

The scope of our proposal is divided into two parts:

Part 1 - Initial Borrowing and/or Renewal of Bond Anticipation Notes for an Issue Not Exceeding \$1,000,000.

Part 2 - Private Sale of Registered Serial Bonds for an Issue Not Exceeding \$500,000.

Part 3 - Continuing Annual Secondary Market Disclosure over the Life of the Bond Issue to Comply with CFR Title 17, Securities Exchange Act of 1934, as amended, Section 240.15c2-12.

Part 4 - Financial Management Services.

PART 1 - INITIAL BORROWING AND/OR RENEWAL OF BOND ANTICIPATION NOTES FOR AN ISSUE NOT EXCEEDING \$1,000,000.

The following items will be completed under this portion of the contract:

- (1.1) Advise on the **dollar size** of the Bond Anticipation Note issue in compliance with the IRS arbitrage restrictions and coordinate with Bond Counsel and/or the Town Attorney.
- (1.2) Advise on the **timing** of the Bond Anticipation Note sale.
- (1.3) Plan an optimum **maturity date** recognizing the fiscal year, timing of revenue, and long-term debt service planning impact thereof on the Town.
- (1.4) Coordinate and provide **written follow-up** among Town officials, Bond Counsel and/or the Town Attorney.
- (1.5) Complete a sequential **deadline calendar** for all items to be accomplished in connection with the creation of the Notice of Sale, the Bond Anticipation Note sale, and subsequent closing.
- (1.6) Create the **Notice of Sale** required by the Official Compilation of Codes, Rules and Regulations of the State of New York, Section 26, and Section 60.00(e) of the Local Finance Law and coordinate the approval of Bond Counsel/Town attorney and subsequent distribution to potential purchasers of the Bond Anticipation Notes.
- (1.7) Arrange for **time and location of sale**.
- (1.8) **Conduct the sale** and make a recommendation on the award of the bid.

- (1.9) Coordinate and provide **written follow-up** of the note details and **closing arrangements** with the purchaser of the Bond Anticipation Notes, Bond Counsel and/or the Town Attorney, and Town officials.
- (1.10) If appropriate, **coordinate the payoff of any maturing Notes** with the renewal proceeds among all concerned parties.

The charge for each Bond Anticipation Note borrowing or renewal thereof will be \$2,400 plus out-of-pocket expenses. The rate will be adjusted each July 1 by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.

PART 2 - PRIVATE SALE OF REGISTERED SERIAL BONDS FOR AN ISSUE NOT EXCEEDING \$500,000.

The following items will be completed under this portion of the contract:

- (2.1) Advise on the **dollar size** of the registered serial bond issue and market timing of the sale.
- (2.2) Complete a sequential **deadline calendar** for all items to be accomplished in connection with the creation of the Notice of Sale, the Bond sale and subsequent closing.
- (2.3) Prepare **alternative maturity schedules**, complying with the restrictions of Sections 11.00 and 21.00 of the Local Finance Law, and market expectations, so that the Town may select the one to be used for repayment of the borrowed funds.
- (2.4) Plan an optimum **maturity date** recognizing the fiscal year, timing of revenue, and long-term debt service planning impact thereof on the Town.
- (2.5) Coordinate the **approval of the selected maturity schedule** and Bond Counsel's drafting of the certification setting the terms and conditions of the registered serial bond sale.
- (2.6) Coordinate and provide **written follow-up** to Town officials and Bond Counsel.
- (2.7) Create the **Notice of Sale** used to advertise the issue and coordinate approval of the Notice of Sale with Bond Counsel and/or Town attorney. Coordinate distribution of the Notice to banks, brokerage firms and other potential bidders.
- (2.8) Provide **advance notification** of the Bond Sale to banks, brokerage firms and other potential purchasers prior to mailing the Notice of Sale.

- (2.9) Coordinate the appointment of a **"Fiscal Agent" bank** to act as the required registrar for subsequent payment of principal and interest to registered bond holders. Coordinate the completion and review of the "Fiscal Agent Agreement" among Town officials, Bond Counsel and selected bank.
- (2.10) Arrange for the **location and time of the Bond sale**, and acceptance of the bids.
- (2.11) **Conduct the sale** and make recommendation on award of the Net Interest Cost bid. If appropriate, coordinate filing copies of the bids with Bond Counsel and the Town Clerk. Coordinate deposit of the proceeds of the "Good Faith" check (2% of issue amount), if applicable.
- (2.12) Arrange for Standard & Poor's **"CUSIP"** (Committee on Uniform Security Identification Procedures of the American Bankers Association) **numbers** to be assigned to the issue.
- (2.13) Coordinate the **closing arrangements** with the bond purchaser, Bond Counsel and Town officials. Provide written confirmation of the net amount to be received at the closing including the principal, good faith check, premium and accrued interest as applicable.
- (2.14) If appropriate, **coordinate the payoff of any maturing Notes** with the bond proceeds among all parties concerned.

If requested, to assist the Town in planning its total budget for the project, we will prepare a list of materials or outside services and estimated costs for items such as the Dunbar Register bookkeeping system.

The charge for each Private Sale of Registered Serial Bonds will be \$4,400 plus out-of-pocket expenses. The fee quoted herein will be adjusted by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.

PART 3 - CONTINUING ANNUAL SECONDARY MARKET DISCLOSURE OVER THE LIFE OF THE BOND ISSUE TO COMPLY WITH CFR TITLE 17, SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, SECTION 240.15c2-12

The above-referenced Section 240.15c2-12 requires the Town, as the issuer of \$1,000,000 or more, "to enter into a written agreement to provide certain event notices and/or annual financial information to specified Information Repositories." The regulation makes it unlawful for a broker or underwriter to purchase and reoffer the Town's issue unless the broker has verified that the Town has undertaken the above-referenced "written agreement or contract for the benefit of the bond holders." Services rendered for compliance will depend directly upon the amount and type of indebtedness incurred by the Town and will be billed at the firm's current hourly rate.

- (3.1) **FULL DISCLOSURE** - The Town is required to annually prepare and file a secondary market disclosure official statement (financial information and operating data); audited annual reports, if any; and Material Event Notices to all Information Repositories, if the Town's total outstanding indebtedness, including the current issue, exceed \$10,000,000. The collection and verified filing of the required information would be accomplished by our firm, as annually required

and as Event Notices are received from the Town. The time estimate under the current configuration of Section 240.15c2-12 is approximately 25± hours.

- (3.2) **LIMITED DISCLOSURE** - The Town is required to provide financial information to anyone upon request, or at least annually file the financial information to the State Information Depository, if any. The Town must also provide Material Event Notices to all Information Repositories. The collection and verified filing of the required information would be accomplished by our firm, as annually required and as Event Notices are received from the Town, if the Town's total outstanding indebtedness, including the current issue, is less than \$10,000,000. The time estimate under the current configuration of Section 240.15c2-12 is approximately five hours each year.

- (3.3) **LIMITED DISCLOSURE - EVENT NOTICES ONLY** - The Town is required to file certain "Event Notices" to the specified Information Repositories. When "Events" occur during the life of the issue, the determination and filing of the "Event Notices" would be accomplished by our firm, after being notified by the Town as "Events" occur.

PART 4 - FINANCIAL MANAGEMENT SERVICES

The following representative items may be completed at the request of the Town Board or Town officials under this portion of the contract:

- (4.1) Create a **projected cash flow** for the project.
- (4.2) Establish and coordinate an **investment program** for borrowed and other capital funds available.
- (4.3) Prepare recommended wording for a Town written **Financial Policy** covering both the investment and borrowing of funds.
- (4.4) Assist with and coordinate the **wire transfer** of funds from bank to bank through the Federal Reserve System.
- (4.5) Assist in establishing **accounting records** and bookkeeping procedures on the double-entry basis.

- (4.6) Create the format for a **monthly financial report** on the project to summarize the information in the bookkeeping system for management purposes.
- (4.7) Assist in estimating appropriate **debt service budget** figures.
- (4.8) Attend and participate in **Board meetings**, worksessions, or public information meetings.
- (4.9) Prepare **interim reports** concerning financial matters of the project.
- (4.10) Obtain an independent market valuation of the current value of **bonds** proposed to be **substituted in lieu of cash retainage** by contractors pursuant to Section 106.00 of the General Municipal Law and provide written follow up and procedural suggestions for the physical handling of these instruments.
 - (4.11) If required by arbitrage rules, coordinate the investment in State & Local Government Series in cooperation with the local bank of account, bond counsel and the Federal Reserve Bank in New York City.
 - (4.12) If not done by Bond Counsel, assist in the completion of the **Internal Revenue Service form 8038-G or (8038-GC Small Issues), "Information Return for Tax-Exempt Governmental Bond Issues"**, which must be filed for every Town borrowing or installment purchase contract, in compliance with the revised Internal Revenue Code of 1986 and subsequent amendments thereto.
 - (4.13) **Provide loan closing assistance** with Rural Economic and Community Development Administration officials, Bond Counsel and Town officials.

The charge for any Financial Management Services will be \$127 per hour plus out-of-pocket expenses. The rate will be adjusted each July 1 by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.

BILLINGS

All billings will include out-of-pocket expenses, which include telephone, photostatic copying, postage, mileage, travel, and any other incidental costs in connection with the project.

PART 1 -BOND ANTICIPATION NOTE BORROWINGS FOR ISSUES NOT EXCEEDING \$1,000,000 - Vouchers will be submitted after settlement of the Notes.

PART 2 -PRIVATE SALE OF REGISTERED SERIAL BONDS FOR AN ISSUE NOT EXCEEDING \$500,000 - Vouchers will be submitted after settlement of the Bonds.

PART 3 -CONTINUING ANNUAL SECONDARY MARKET DISCLOSURE - Vouchers will be submitted after verified filing of the required information with the specified repositories.

PART 4 - FINANCIAL MANAGEMENT SERVICES - Vouchers may be submitted on a monthly basis.

Additional work beyond the scope of this June 4, 2009 proposal will be at the rate of \$127 per hour plus out-of-pocket expenses. The rate will be adjusted each July 1 by the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30. Vouchers for any services provided may be submitted on a monthly basis.

If the services under any portion of this contract are commenced, but are not completed for any reason, or are completed without our firm performing the entire role contemplated herein, an invoice will be rendered for the actual hours completed at the firm's normal hourly rate, plus actual disbursements incurred.

Any services in the nature of investment or financial advice are to be performed by our firm to the best of our abilities based on such information as may be available to us from time to time when such advice is given. No liability is assumed, however, for any errors or omissions not constituting gross negligence. Any financial or investment advice rendered shall be considered to be a recommendation only, and any and all final decisions shall be made by you at your own risk.

Upon acceptance of this proposal, please **sign and date both copies**, retaining one signed copy for the official Town records, and **returning the other signed copy to our office in the envelope provided.**

This letter of intent and the fees quoted herein are valid if accepted and executed within 60 days of the date hereon.

Given a basic Financial Plan (one Bond Anticipation Note and one Rural Development Bond) for the basic capital project, we anticipate our total invoices would be less than \$10,000. If the project changes, then we may need to revisit this estimate. If you should have any questions concerning this proposal, please contact us. We look forward to working with the Town on this project.

Very truly yours,

Charles A. Bastian

CAB/alh

Town of Avon
Resolution Authorizing Execution of Proposal For
Financial Consulting Services

RESOLUTION #124 AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH BERNARD DONEGAN FOR FINANCIAL CONSULTING SERVICES - ROUTE #39 WATER DISTRICT EXTENSION-continued

Pursuant to Stu Brown's memorandum of June 1, 2009, we are pleased to submit the following proposal for financial consulting services in connection with the Town's Route #39

BE IT RESOLVED BY THIS TOWN BOARD AS FOLLOWS:

1. The firm of Bernard P. Donegan, Inc. is hereby designated financial consultant to the Town of Avon.
2. Said firm shall be compensated for its services to be rendered in connection with the Town's Route #39 Water District Extension in accordance with its proposal letter dated June 4, 2009
3. The Supervisor is hereby authorized to execute and deliver said proposal letter.
4. This resolution shall take effect immediately.

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

RESOLUTION #125 AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH LARSEN ENGINEERS – ROUTE #39 WATER DISTRICT EXTENSION

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

RESOLVE to authorize Supervisor LeFeber to sign a Standard Form of Agreement between Owner and Engineer for Professional Services, Funding Agency Edition for the Route #39 Water District Extension, dated June 22, 2009, including a total base bid contact A in the amount of \$560,275.00, Design, Admin, Inspection (15 to 20%) \$112,005.00, Admin 5% \$28,013.75 for a total project cost of \$700,343.75.

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

RESOLUTION #126 AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH JAMES W. CAMPBELL, JR – ROUTE #39 WATER DISTRICT EXTENSION

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

RESOLVE to authorize Supervisor LeFeber to sign a United States Department of Agriculture, Rural Utilities Service, Legal Services Agreement with James W. Campbell,

RESOLUTION #126 AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH JAMES W. CAMPBELL, JR – ROUTE #39 WATER DISTRICT EXTENSION -continued

Jr. Attorney for the Town, to perform all legal services necessary to organize and incorporate water district extension under Town Law 194, compensation is \$150.00 per hour not to exceed a maximum of \$12,000.00 to be billed by Attorney on quarterly basis with payment approved at next regularly scheduled Town Board Meeting.

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

DISCUSSION – OPEN ITEMS

Councilman Jim Blye reported on his investigation of the request from Tim Stanton regarding the property on Pole Bridge Road. There are two separate properties and two separate banks involved. It is not the recommendation of the Board to have the Assessor split the property.

DISCUSSION
COMPLAINT CRAIG BAISLEY

Supervisor LeFeber opened the discussion of the complaint received from Craig Baisley and will respond to him in writing.

RESOLUTION #127 APPROVAL OF CONTACT WITH WILLIAMSON LAW BOOK COMPANY – ANNUAL SOFTWARE SUPPORT CONTRACT

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

RESOLVE this Board approved a voucher in the amount of \$330.00 on May , 2009 and hereby approves the following contract:

ANNUAL SOFTWARE SUPPORT CONTRACT

Building & Code Enforcement

This agreement between Williamson Law Book Company (WLB) and the Town of Avon (referred to as “customer”) will provide ongoing software support and maintenance to the customer as described herein.

Williamson Law Book Company (WLB) agrees to provide the customer with:

- Supprt: WLB will provide support to assist in using the software. Support will be provided by phone, fax or modem during normal business hours.
- Notice of all program enhancements and their benefits.

RESOLUTION #127 APPROVAL OF CONTACT WITH WILLIAMSON LAW BOOK COMPANY – ANNUAL SOFTWARE SUPPORT CONTRACT-continued

- All state mandated changes at no extra charge. (excluding any training required by the customer)

The customer agrees to:

- Maintain hardware in proper working conditions.
- Make continued efforts to work with and properly use WLB software
- Train new personnel in the event of employee turnover. (Additional training may be purchased from WLB)

Charges for the Software Support Contract shall be \$330.00 as specified on the enclosed invoice.

SIGNED: Williamson Law Book Company

DISCUSSION – PUBLIC COMMENTS

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

DISCUSSION – DESTRUCTION OF TOWN RECORDS

Town Clerk Knight presented to the Board items to be destroyed according to the adopted Records Management Schedule and the Board took the following action:

RESOLUTION #128 APPROVAL TO DESTROY RECORDS

On motion of Councilman Mairs, second by Councilman Cook 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
Population Study Report 2 Rochester	not a Town record	1996	3 inches	any
DEC Stream Corridor Mngmt.	not a Town record	1995	1 inch	any
Regional Growth Alternatives	not a Town record	1972	1/4 inch	any
Demographic	not a Town record	1995	1/4 inch	any

Projections				
State and Local Govt. Fin. Assistance	not a Town record	1992	1 inch	any
Town of Livonia Construction Specs	not a Town record	1987	1 inch	any
Reducing Impacts of Stormwater DEC	not a Town record	1992	1/2 inch	any
DEC Air Emissions Workbook	not a Town record	1988	1/4 inch	any
Report to Liv. Cty. Health Care	not a Town record	1970-1971	1/4inch	any
DEC Water Bulletin	not a Town record	1985	1/4 inch	any
DEC Regulation Supplement	not a Town record	1990	1/4 inch	any
DEC Conserving Open Space Pamphlet	not a Town record	1991	1/8 inch	any
Conesus Lake Res. Reg. Manuel	not a Town record	1990	1/8 inch	any
NYS Lottery Annual Report	not a Town record	1988-1989	1/8 inch	any
Town of Friendship Bibliographic Data	not a Town record	1975	1 1/2 inches	any
New York at a Glance	not a Town record	1984-85	1 inch	any
Revising Downtown a Ntl' Video Conf.	not a Town record	1984	1/4 inch	any
State Environmental and Quality Review	not a Town record	1978	1/4 inch	any
Livingston County Sites for Development	not a Town record	1987	1/4 inch	any
Recommended Maint. Schedule Motors	not a Town record	1975	1/8 inch	any
Livingston County Market Areas	not a Town record	1989	1/4 Inch	any
Driscopipe Advertisement Pamphlet	not a Town record	1989	1/8 inch	any
Lifeline Basic Calls	not a Town record	1992	1/8 inch	any
General Code Update	Obsolete	1993	1/4 inch	any
Liv. County Dev. Office pamphlet	not a Town record	1989	1/4 inch	any

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

On motion of Councilman Cook, seconded by Deputy Supervisor Cole, the meeting adjourned at 8:22 P.M.

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