

A Regular Meeting of the Town of Avon was held on Thursday, March 12, 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, Assessor Tami Snyder, and Town Clerk Sharon Knight

VISITORS: Al Beach, Youth Board Member Candidate Michael Miron, Nicole Sheehan, Steve Bailor, Walt Bailor, Mary Louise Bailor, Mike Sotak, Betty Hanna, Jill Reed, Greg Safran, Steve Campbell, Darlene Campbell, Dave Nesbitt, Jim Dyke, Kevin Dyke, Candie Adamczyk, Ed Adamczyk, Jeff Passarell, Larry Stella, Cory Fitzsimmons, Beth Fitzsimmons, Darrin Smith and Mark Blakely

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

PARKS/BOYCE REQUEST FOR REZONE - TAX PARCEL 44-1-47.613

Supervisor LeFeber introduced Keith Parks and stated he was here to address the Board regarding a request for a re-zone he then immediately recuse himself from this issue. Supervisor LeFeber left the meeting at 6:03 P.M.

Mr. Parks provided the Board with a letter of intent, dated March 9, 2009, together with a concept map prepared by Welch & O'Donoghue, dated February 5, 2009. The proposal is to request a change of Zoning of a 41 acre parcel from (LR) back to Agricultural for farming purposes. Tax parcel #44-1-47.613 is presently owned by him and Jo Ann Boyce.

The proposal includes the following changes:

Minor subdivision consisting of (3), approx. 10 acres lots, with 400 feet of road frontage, for farm use and (1), 8 to 10 acre lot with 300 feet of frontage.

Lot #2 on the attached subdivision map would acquire the present Lease Agreement through Lenape Resources for Gas well LRC 396, but have no access to the gas from the well. Lenape and George Thomas at 4910 Littleville Road, Avon has gas usage.

The applicants' reasons for this change are as follows:

DISCUSSION-continuedPARKS/BOYCE REQUEST FOR REZONE - TAX PARCEL 44-1-47.613

Even though the 41 acre parcel is zoned (LR), in 1982 a gas well was installed near the center of this parcel (see the attached concept map). No dwellings can be constructed within 200 ft. of the well. This restriction along with the easement has made it more difficult to subdivide the land into smaller parcels.

All septic systems on the land will need to be raised bed systems. If six or seven homes were built along the road it would hinder the appearance of the land.

The land is excellent farm land, well drained through the use of field tiles, and is surrounded by other farms.

We believe that this change will enhance the appearance and the value of the land and the surrounding properties. Therefore, we, the undersigned, respectfully request approval of this application for the rezoning of parcel 44-1-47.613 from (LR) to Agricultural.

Keith W. Parks and Jo Ann Boyce

There was further discussion on the requirement of frontage for Agricultural.

Attorney James Campbell stated there was significant discussion at the Planning Board meeting and it appeared they did not look favorable on the change from a planning aspect. The Board took the following action.

RESOLUTION #53PARKS – BOYCE TAX PARCEL 44-1-47.613 REZONE

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Supervisor LeFeber)

RESOLVE to request the Town Clerk forward the re-zone request to the County and Town Planning Boards. A public hearing could be set in the future.

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

Supervisor LeFeber re-joined the meeting.

DISCUSSION
ASSESSOR REPORT

Assessor Snyder provided the following written report:
March 2009

Article 7 Updated:

February 2, 2009 myself and Joe Pukos, Livingston County Real Property Director met with Peter Skivingston regarding the Article 7 between Avon Properties (Avon Nursing Home) and the Town of Avon. Current assessment on parcel is \$1,005,200. The last option posed to us from them was reducing the assessment to \$800,000 and locking it in until 2011. Per the last meeting with Mr. Skivingston I proposed leaving the assessment as it stands at \$1,005,200 until 2013. In 2010 we have an update at which time I would be reviewing the parcel the next update would be in 2014. If they accepted the offer it would lock the current assessment for them for another 3-4 years, we would then review that information just before the following update. I have since received a bill from Mr. Skivingston for his services to date that was submitted to the board, but no response from Avon Properties on our proposal yet.

Workload:

We are currently preparing for the tentative roll to be filed May 1, 2009. All valuation of new construction and all exemptions for Basic Star, Enhanced Star, Cr. Citizen exemption, Vet's Exemptions, Ag. Exemptions, Business Exemptions must be processed by end of month and replicated to County office.

Training:

I am currently taking another course towards my certification, Data Collection and will need to be in the Batavia office March 30, 31 to complete the exam. I recently spent the day in the Rush assessor office. They are currently doing an update and I sat in an informal meetings with Kevin Quinlan to refresh myself for ours next year. They have a wonder office, very organized. I have several training classes to attend between now and August 1, atleast 1 per month. Bob is scheduled to attend a computer training class in Batavia office April 21, 22.

Misc:

Parking seems to be an issue addressed recently in the Village by the Avon PD, we are doing the best we can to try and park in parking lot by old Milex building. Municipal parking lot out back is rather full at times.

DISCUSSION
HIGHWAY REPORT

Highway Superintendent Ayers reported he spent two days in Albany and the CHIPS money is expected to be restored to last years funding.

The International truck is home from being repaired.

There is a need to purchase two zero turn mowers and currently there is nothing on bid and it is time to get quotes for the next meeting.

Federal surplus items are now available for purchase and all items provide for real cost cutting. An application is completed to allow the Town of Avon to participate and we would need to agree to keep the equipment for eighteen months. Along with three other Town Highway Superintendents from Livingston County Mr. Ayers toured two of the federal facilities and one Town purchased a generator for \$450.00.

Supervisor LeFeber stated that Livingston County is also looking to take advantage of this way of purchasing.

Last year's budget included financial support for a new pick-up and a request for approval of the Board was made to purchase a Ford XL 150 for a cost of \$15,881.85 with delivery and extras totaling \$5,433.20 the total cost is \$21,315.05.

RESOLUTION #54
APPROVAL TO PURCHASE- XL 150 FORD TRUCK

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve purchase of a XL 150 Ford from the State bid from Fairport Ford for a total cost of \$21,315.05 as this has been budgeted.

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
WATER REPORT

Water Superintendent McKeown provided a report entitled "2008 Unbillable Water" sharing the following information:

DISCUSSION-continued
WATER REPORT

Total water pumped at Agar Road	104,716,349
Total gallons for Village Users	20,851,966
Difference	83,864,673
Total billed water to Town Users	76,467,331
Total billed water to County	931,800
Total Town & County	77,399,131

Total by percent of unbillable water is eight percent

There was discussion on the investigation of the water leak at the home of Mr. Lee. It was identified as a problem with the saddle and it was fixed.

A request for approval to purchase a XL 150 Ford Truck was considered by the Board and the following action was taken:

RESOLUTION #55

APPROVAL TO PURCHASE – XL 150 FORD TRUCK

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve purchase of a XL 150 Ford from the State bid from Fairport Ford for a total cost of \$18,899.11 as this item has been budgeted.

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

CODE ENFORCEMENT REPORT

Code Enforcement Office Cappello requested our response to our landlord should include that we are going to put the parking lot area back to it original condition or better. Further discussion on this topic would take place during the Attorney Report.

He continued his report stating that he removed the hanging curtains in the Opera Block and the curtains are currently wrapped in plastic on the floor per the request of Marianacci and Jim Biondolillo. Deputy Supervisor Cole discussed the special handing instructions that may need to be followed per BERO. Further information will be

DISCUSSION-continued
CODE ENFORCEMENT REPORT

provided. If the curtains are going to be removed from the building they may need to go out a window due to the turns on the staircases.

He also provided the following written report:

DEPARTMENTAL REPORT

March 2009

BUILDING & ZONING

A total of 18 permits have been issued so far this year.

PROJECTS currently under Planning Board consideration:

- ❑ Positive recommendation to ZBA for Josh Brucke/Fastenal sign variances
- ❑ Positive recommendation to ZBA for Tom Crye area variance for pole barn
- ❑ Positive recommendation to ZBA for Gary Hyde area variance for pole barn
- ❑ Positive recommendation to the Town Board for approval of the Outdoor Lighting local law proposal
- ❑ New Town Attorney Jim Campbell attended the 3/3 meeting where there was discussion concerning some changes the board would like to see to the Town Code, ongoing local zoning issues, etc.

PROJECTS under Zoning Board of Appeals consideration:

- ❑ Bruckel- Public hearing for sign variance applications.
- ❑ Tom Crye- Public hearing for area variances for construction of a pole barn in excess of 650 sq. ft and more than 12' high.
- ❑ Gary Hyde- Informal discussion of area variances for construction of a pole barn in excess of 650 sq. ft and more than 12' high.

PROJECTS/PERMITS being monitored by Code Enforcement/Zoning:

- Planning Board Clerk Jennifer Sargeant has assisted new ZBA Clerk Lisa Anderson with the preparation of public hearing notices and LCPB zoning referrals. An hour-long meeting was held with Lisa and new ZBA Chairman Bob Westfall to review meeting procedures, Planning Board referrals, and to review new applicant documentation for the next meeting.

DISCUSSION
OPERA BLOCK

Deputy Supervisor Cole updated the Board on concerns with drilling of wells and the amount of water that was coming out of the wells. In an effort to control the water a

DISCUSSION-continued
OPERA BLOCK

three inch line was dug to hold the water on neighboring property. Deputy Supervisor Cole stated he thought all storm water went into the Village sewer system; however, some enters into a creek and that is what happened with this water. You could actually smell the water in the creek and the NYS Department of Conservation was contacted. The DEC stopped operation and alternative ways of controlling the water have been developed with no additional cost to the Town.

There have been concerns of Mr. Richard Blanke, our neighbor/owner of the building we are renting, regarding never receiving a letter or check for use of the property as requested. Mr. Blanke has been taking pictures and stated his other tenants are talking about breaking their leases because of the interruptions caused by the construction. Later in the meeting Attorney James Campbell will discuss a draft letter he prepared in response to a letter from Mr. Blanke's Attorney David Henehan.

There has been a delay in the installation of sprinklers as there are different requirements with the NYS Fire Code and the NYS Code. Additional sprinklers will be added to the design and the cost is approximately \$9,000.00 and will become a part of the contingency.

Deputy Supervisor Cole suggested taking a look at the progress as the basement floors and studs are in, the door has been cleared, archways are in, the pit dug and the elevator will soon be poured, cables are being put in and the walls are being started. The studs for the Town Clerk's area are in and they are putting up the walls.

Code Enforcement Officer Cappello shared a concern of historical items on the walls that are not being protected. He stated that he has spoken to some contractors but they do not recognize the importance and the items should be protected with some kind of covering.

DISCUSSION
ALBERT BEACH – POZZI PROPERTY – AGAR ROAD

Mr. Beach addressed the Board seeking their assistance on the issuance of a building permit on property Mr. Pozzi purchased from Mr. Pierson. He feels some responsibility to the current owner, Mr. Pozzi, as he talked the person into purchasing the property to put up a building for storage of his vehicles. Currently his vehicles are in multiple places and there is advantage to store them all in one place. After retirement the new property owner may then build a home on the property.

Code Enforcement Officer Cappello addressed the Board stating three people have been issued building permits for this prior to his learning that it does not follow code. He spoke with the property owner Mr. Pozzi and told him it was an allowable use prior to the sale. If an applicant requests is for a building of this type and is planning on putting up a home in the future, this would be approved. This application is similar to the approved

DISCUSSION-continuedALBERT BEACH – POZZI PROPERTY – AGAR ROAD

building permit for a pole barn with a cement floor issued to Peter Vonglis on Littleville Road and past practice could be an issue.

Code Enforcement Officer Cappello will be making recommendation for changes to our Town Code in the future.

Attorney Jim Campbell would like time to review the Code to see what the options are and will report back.

DISCUSSIONATTORNEY REPORT

Attorney Campbell shared a draft letter to David L. Henehan, Esq. regarding Richard L. Blanke – Genesee Street. Discussion included the need to change the wording on returning the property to it original condition or better rather than re-grade and refinish. Attorney Henehan had no prior relationship with Mr. Blanke prior to this contact. It appears Mr. Blanke has a high level of frustration and there seems to be a lack of communication and not receiving the Board approved check. Attorney James Campbell will be providing the check with the final letter. The draft and final letter will also address the likelihood of the revitalization being completed after the lease agreement expires on July 31, 2009 and a request to extend through December 31, 2009.

Code Enforcement Officer Cappello started he had discussion with Mr. Blanke at the beginning of the project regarding the use of the parking lot. Other items have been responded in writing and he is using this opportunity to make money.

Attorney James Campbell reported that he attended the Planning Board Meeting and has received a copy of the proposed lighting district along with the Board. The Board and Attorney James Campbell will review and discuss at a future meeting.

There was discussion on the roadway behind the properties on Genesee Street. Each of these property owners are being asked to turning over the property to the Village to take dedication. The Village would then maintain the property. Discussion included this roadway being a handicap entrance to the Town Hall, the Village of Avon's taking all liability, and the possibility of the State closing off access to the road. Attorney James Campbell will review the property owned by the Town and the Town's ability to provide to the Village. The road can not be maintained by the Village unless it is owned by the Village.

DISCUSSION

OPEN POSITION – YOUTH RECREATION BOARD

Supervisor LeFeber welcomed Youth Recreation Board Member Candidate Michael Miron and there was a general discussion of the advertised position and Mr. Miron’s interest in filling the position. Mr. Miron stated he is the youngest of ten and grew up in sports. He has coached with Phil Swanson and his brother-in-law Vic Torregiano at the high school level and at St. John Fisher at the college level. He moved to Avon eleven years ago, married Kim Tickner, purchased a home on Temple Street and they have two children that are three and five.

Mike works for Mark Welch with Aflac Insurance.

Supervisor LeFeber stated this is a busy time of the year as the summer programs run for six weeks in July and August. Councilman Cook is the Board representative to the Youth Board. The Board is in transition as there are two new co-chairs. The overall program is very positive.

Mr. Miron thanked the Board for the opportunity to offer to help out.

DISCUSSION

ENGINEERING REPORT

Engineer Rock reported he has been working with Dr. Tugel regarding drainage issues on Paul Dean’s drive in property expansion as there needs to be a detention area.

RESOLUTION #56

ACCEPT MONTHLY REPORT OF THE SUPERVISOR AND TOWN CLERK

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

RESOLVE to accept the monthly reports for February from the Supervisor and the Town Clerk Report as shown below:

<u>Total Local Shares Remitted:</u>	<u>\$855.97</u>
<u>County Treasurer for Dog Licenses</u>	<u>\$120.10</u>
<u>New York State Department of Health</u>	<u>\$00.00</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$87.00</u>
<u>NYS Environmental Conservation</u>	<u>\$4.72</u>
<u>TOTAL</u>	<u>\$1,067.79</u>

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 #57
PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

Concerning ABSTRACT of Claims Number 2009-3A including claims as follows:

General Fund	Voucher #43 through #79 excluding #60 in amounts totaling \$56,149.67
Highway Fund	Voucher #21 through #35 in amounts totaling \$24,063.59
Water Fund	Voucher #14 through #26 in amounts totaling \$5,561.30
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #5 through #9 in the amounts totaling \$96,766.61
Royal Springs Lighting	Voucher #3 through # 3 in the amounts totaling \$868.39
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire Protection	Voucher #1 through #1 in the amounts totaling \$381,821.00
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

DISCUSSION
SUPERVISOR REPORT

Supervisor LeFeber reported on the following:

He continues to work on the Employee Handbook.

There was discussion on the memorandum from Livingston County Water and Sewer Authority Director Cathy Van Horne regarding the need for County Sewer at the Route #390, Exit 9, Empire Zone Properties need for possible outcomes and cost needs.

Supervisor LeFeber requested the Board consider approving the Water Works Committee's recommendation for a water rate. A letter was forwarded requesting

DISCUSSION-continued
SUPERVISOR REPORT

detailed accounting of expenditures of the Capital Reserve Account, Contingency Fund and meter calibration; however, receiving the information could take months.

RESOLUTION #58
ADOPT WATER RATE

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the water rate as recommended by the Water Works Committee to remain as \$2.22 per 1000 gallons as a wholesale water rate. This rate includes the most recent projection for expenses as provided by John Barrett as well as projected consumption figures for the coming year.

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 #59
AUTHORIZE SUPERVISOR TO SIGN CONTRACT - HURRICANE TECHNOLOGIES INC.

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

Resolve to authorize Supervisor LeFeber to sign the Hurricane Technologies Inc. contract as follows:



PREPAID BLOCK HOUR TECHNICAL SUPPORT SERVICES AGREEMENT

DATE: January 19, 2009

SERVICE PROVIDER:
Hurricane Technologies, Inc.
53 Genesee Street, Avon, New York 14414
Phone: 585-226-2526 Fax: 585-226-9360

CUSTOMER:
Town of Avon
27 Genesee St.
Avon, NY 14414

Duration of Agreement: January 1, 2009 – December 31, 2009

SERVICES INCLUDED: Block Hours are prepaid segments of technical support services time provided by Service Provider at Customer's Covered On-Site Service Locations, either on-site or remotely to such locations. Block Hours are generally used for system engineering and help-desk issues at desktop level. This includes workstation problems regarding operating systems (Windows 95/98/2000, XP, Vista, for Workstations), software problems and installations, system break/fix and diagnosis (replacement of hardware) and proactive maintenance; normal network server administration or server related products and related software. Certain services are outside the scope and not available under Prepaid Block Hours agreements. Examples of excluded services are special projects, customized software, certain upgrades, relocation, network drops and wiring, website and web hosting. Any services deemed by Service Provider to be outside the scope of its Prepaid Block Hours program will be communicated to Customer and the price and scope of such services must be agreed upon prior to the performance of any such excluded services. Prepaid Block Hours are for labor only in providing services and do not include any parts, goods or products.

SERVICE CALL REQUESTS: Customer may request services by calling Service Provider's number set forth above. If Service Provider receives a Customer request for on-site services by 2:00 p.m. Eastern Standard Time Monday through Friday, excluding weekends and holidays, Service Provider will provide a 4 hour on-site response time. Priority is given to Service Provider's customers with Prepaid Block Hours.

DEDUCTION OF PREPAID BLOCK HOURS: For on-site services, Block Hours are deducted on a per on-site service call basis and are deducted in 1.0 hour increment minimums, and 0.5 hour increments minimums after the first hour for on-site services performed during normal business hours. For remote services, Block Hours are deducted on a per remote service call basis and are deducted in 0.5 hour increment minimums for remote services performed during normal business hours. Normal business hours are from 8:00 a.m. to 5:00 p.m. Eastern Standard Time, Monday through Friday, excluding weekends and holidays. Any services performed outside of normal business hours will be deducted at 1.5 times the deduction rate for normal business hours. Any services performed on Sundays or holidays will be deducted at 2.0 times the deduction rate for normal business hours. Service Provider will calculate Block Hour deductions. In the event that an on-site service call or a remote service call will extend beyond the number of Block Hours remaining, Customer may purchase additional block hours for such services at the then applicable rate charged by Service Provider or, in the alternative, at Service Provider's then standard service rates, including any travel time and other applicable charges. **BLOCK HOURS ARE NON-REFUNDABLE.**

ADDITIONAL TERMS AND CONDITIONS: SERVICE PROVIDER'S UNIVERSAL TERMS AND CONDITIONS FOR PREPAID BLOCK HOURS SUPPORT SERVICES AGREEMENTS ARE ATTACHED TO AND MADE A PART OF THIS AGREEMENT.

SERVICE PROVIDER:
Hurricane Technologies, Inc.
Name: Tom Vonglis
Signature: [Signature]
Title: President

CUSTOMER:
Town of Avon
Name: David LeFeber
Signature: [Signature]
Title: Supervisor

Tom Vonglis, President ~ Laurie Vonglis, Vice President
53 Genesee Street ~ Avon, N.Y. 14414
585-226-2526 Phone ~ 585-226-9360 Fax
www.hurritech.com

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 #60
APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Cook)

RESOLVE to approve the minutes of February 12, 2009 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 #61
PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

Concerning ABSTRACT of Claims Number 2009-5 including claims as follows:

General Fund	Voucher #99 through #124 in amounts totaling \$5,350.37
Highway Fund	Voucher #50 through #57 in amounts totaling \$3,398.96
Water Fund	Voucher #29 through #42 in amounts totaling \$46,379.09
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #10 through #17 in amounts totaling \$241,438.26
Royal Springs Lighting	Voucher #4 through #4 in amounts totaling \$809.96
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire Protection	NoVoucher
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

DISCUSSIONROUTE #39 & SPECIFIC SURROUNDING AREA – PRE-ELIBIBILITY BY THE UNITED STATES DEPARTMENT OF ARTICULTURE (USDA) RURAL DEVELOPMENT

Supervisor LeFeber opened the discussion of the USDA Rural Development estimate of funding is contingent on going through a lot of required steps. Many consider the estimates of costs for a 38 year loan to be an affordable cost of water. Supervisor LeFeber requested feedback from those in attendance and welcomed any questions.

Attorney James Campbell stated it would be necessary to once again receive petitions for the Board to form a District by resolution. Unlike the first petition this one would not include a specific source of funding. Grant Consultant Stuart Brown will be assisting and a written agreement was considered. Prior to authorizing the Supervisor to sign the agreement Attorney James Campbell wanted to be sure there was an understanding of another responsibility of Mr. Brown that was not a written part of the proposed agreement. The establishment of the district by the Board will run contiguously with Stuart Brown completing both the grant application for Rural Development and submitting for approval to the New York State Comptrollers Office. Mr. Brown would navigate with both the Engineer and Attorney.

Attorney Campbell will provide a petition to the Town Clerk for distribution.

Supervisor LeFeber open the discussion for public comments and questions with the following results:

How long does it take to complete the application and hear back?

Engineer Rock stated October would be the earliest and that other Communities have been approved for over \$800.00 unit cost for water.

Steve Bailor questioned the current costs dropping from the previous costs.

Water Superintendent McKeown stated we would pay the current costs for materials. Engineer Rock stated any cost reductions would first be taken from Rural Development's grant. Prices have dropped since last year cost estimates.

Betty Hanna questioned if service would be available on South Avon Road. Supervisor LeFeber stated South Avon Road would not be included in this district; however, a two inch line may service that area. The district would run to the last home on Route #39 and the size of the main is twelve inches to avoid friction loss. A smaller line would require a pressure station.

Supervisor LeFeber reported that additional assistance maybe available based on individual income and a Senior Citizen discount. There was a request for stimulus

DISCUSSION-continuedROUTE #39 & SPECIFIC SURROUNDING AREA – PRE-ELIBIBILITY BY THE UNITED STATES DEPARTMENT OF ARTICULTURE (USDA) RURAL DEVELOPMENT

monies to assist this project. A representative will come in to provide additional information.

Deputy Supervisor Cole stated that any additional grants received in the future would further reduce individual costs.

Supervisor LeFeber would like to do this project and Rural Development is asking us to apply for funds. It's a plan that we maybe able to accomplish, everyone is on board and it's timely.

There was discussion on putting together a bid package that would include hook-up costs for individual residents/property owners.

Supervisor LeFeber asked if anyone is opposed stating that the estimates are strictly estimates and the true costs could be more or less. There were no negative responses.

Ed Adamczyk would be responsible for circulating the petitions. The petition will be e-mailed to the Clerk and then shared with the residents when requested.

Nicole Sheenan and Jill Reed questioned the length of time needed to establish the district. The process was explained including the legal requirement to advertise in the paper with ten days notice, recommendation to the Board, contact approval and order materials.

Engineer Rock stated for the record that a new home could hook-up after the date of the establishment of the district. Further discussion included property belonging in an Agricultural Exempt District and the importance of planning ahead as enrollment or removal of enrollment is for eight years.

DISCUSSIONAGREEMENT WITH GRANTS CONSULTANT STUART BROWN

Supervisor LeFeber stated Livingston County would continue to cover the costs of this project including the application process to the Comptroller Office as this project began while Mr. Brown was the providing grant support to Livingston County and the Town's within Livingston County. Attorney James Campbell requested the contract be amended to include Mr. Brown's responsibility to submit to the Comptroller's Office.

RESOLUTION #62
AUTHORIZE SUPERVISOR TO SIGN

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 the following agreement with Stuart Brown and Associations after review of Attorney James Campbell:

TOWN OF AVON
ROUTE 39 WATER DISTRICT
RURAL DEVELOPMENT APPLICATION AND
PROJECT MANAGEMENT SERVICES

A. Grant Assistance Services

In order to assist the Town of Avon in securing financial assistance from Rural Development for the construction of improvements to the public water system serving the Town of Avon Route 39 Water District, the Consultant will coordinate the preparation and filing of the application package. The Consultant will coordinate this activity with the Town Board, Town Attorney, Bond Counsel and Project Engineer and will be responsible for preparing the Environmental Report (including the SEQR and NEPA requirements) and the Notices of Intent for submission to the NYS Department of Agriculture and Markets.

B. Project Management Services

In order to assist the Town of Avon in the implementation of the project to be assisted with funding from Rural Development for the construction of improvements to the public water supply system serving the Town of Avon Route 39 Water District, the Consultant will carry out the following administrative activities.

1. Assist the Town in developing and maintaining the financial management system required to carry out the project.
2. Assist the Town in complying with all applicable Federal rules and regulations in carrying out the project.
3. Review all requests for payment and advise the Town regarding the disposition of these requests.
4. Prepare required grantee performance reports for submission to Rural Development.
5. Coordinate all project activities in accordance with program guidelines and provide reports to the Town throughout the project.
6. Serve as the agent of the Town in dealing with the Project Engineer, contractors and other project participants.
7. Advise the Town regarding procurement procedures, including the selection of the firm to prepare the single audit and the purchase of materials and contractual services.

8. Review all contract documents and recommend actions as may be appropriate.
9. Insure compliance with Federal requirements in the preparation of bid documents, advertising for bids and the selection of a contractor.
10. Attend pre-construction meetings, define Federal requirements and define the contractor's responsibilities.
11. Maintain contact with representatives of Rural Development to insure the effective administration of the project.
12. Assist the Town in obtaining interim financing to carry out the project and the necessary documents to obtain long term financing from Rural Development.
13. Prepare program amendments or modifications as may be required in order to respond to changing conditions and insure the timely implementation of the project.
14. Prepare the final close out documents for submission to Rural Development.

C. General Provisions

1. Under no circumstances shall the Town be obligated to pay for any services that may be performed under Section B above until such time as Rural Development has obligated funds for the project improvements and the Town has authorized the consultant, in writing, to provide these services.
2. The Consultant shall maintain the necessary staff to insure the orderly and efficient administration of the program.
3. The Consultant shall submit periodic progress reports to the Town summarizing the status of the program. Problem areas will be identified and actions taken to resolve these problems reported.
4. The Town shall pay the Consultant a not to exceed sum of \$3,500 for the completion of the required environmental documents to comply with SEQR and NEPA, including, but not limited to, the preparation of the Environmental Report, the Notices of Intent to comply with the NYS Department of Agriculture and Markets and coordination with SHPO. This payment is due and payable within thirty (30) days following the completion of all applicable environmental requirements.
5. Livingston County shall pay the Consultant a not to exceed sum of \$2,500 for the completion of the activities required to assemble the application and to file the

document with Rural Development. The payment is authorized per the enclosed October 17, 2008 letter from Dominic T. Mazza, Livingston County Administrator.

6. The Town shall pay the Consultant a not to exceed sum of \$6,000 for the completion of the Project Management Services. Progress payments for the completion of these tasks shall be made in five equal installments consistent with the schedule of milestones appended hereto as Attachment A.
7. The Consultant acknowledges and agrees that the fee for its services indicated in Paragraph C, 4, 5 and 6 above, shall not be increased for any reason without the prior written consent of the Town.
8. This contract shall terminate upon the acceptance by Rural Development of the final close out report or upon thirty (30) days written notice from one party to the other. Within thirty (30) days of the termination of the contract, the Consultant shall receive compensation for those project milestones which have been completed by the end of the thirty (30) day notice period.

TOWN OF AVON

BY: _____

DATE: _____

STUART I. BROWN ASSOCIATES, INC.

BY: _____

DATE: _____

ATTACHMENT A

Payment Schedule

Payment Number

Milestone

1	Completion of 25 percent of construction.
2	Completion of 50 percent of construction.
3	Completion of 75 percent of construction
4	Substantial completion of construction.
5	Submission of final close-out report to RD.

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

EXTENSION TO THE 40 YEAR WATER SUPPLY AGREEMENT

Supervisor LeFeber stated we may need to extend the agreement “The 2001 - 40 YEAR WATER SUPPLY AGREEMENT” as we are in the eight year of the contract and the requirement is for a thirty-eight year agreement for Route #39 extension only.

DISCUSSION

OPEN POSITION - YOUTH BOARD MEMBER

Supervisor LeFeber stated that there is a second applicant for the Youth Board Member position. Applicant Allison Hayes could not attend the meeting; however, she did answer question via e-mail.

There was discussion on the need to have summer recreation positions full by May 1st and the Youth Board Members are working to complete this task and filling the position would increase the number of hands.

Councilman Cook will attend the next meeting scheduled on Tuesday, March 17th.

RESOLUTION #63
AMEND COMPENSATION SCHEDULE – YOUTH BOARD POSITION

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

WHEREAS, Section 27 of New York State Town Law provides that the town board shall fix, from time to time, the compensation of all officers and employees of the town and determine when the same shall be payable, and

RESOLVED, that the Avon Town Board does hereby adopt the following addition to the compensation schedule for the year 2009 and that such compensation be paid on a biweekly or monthly basis or as a claim when presented to the Town Clerk and approved by the Town Board within the structure of the Town’s voucher system.

2009 Town of Avon Employee Compensation Schedule

ADD:

Name	Position/Duties	Status	2008 Rate	2009 Rate
Allison Hayes	Youth Board Member	PT	\$40.00	\$40.00
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
OPEN ITEMS

Councilman Mairs reported that Lee Shanks is all set to go on 2nd Saturdays of May, June, September and October. If we need additional personnel other than drivers Shanks will provide assistance.

Councilman Blye will be putting together a committee to review the Comprehensive Plan. The committee would include two Zoning Board of Appeals Members, two Planning Board Members and members at large. Supervisor LeFeber stated that Bob Neth is interested in helping.

Councilman Cook reported that he will miss the next two meetings as he will be out of town.

Deputy Supervisor Cole reported that Marianacci overlooked putting insulation between the second and third floors and that Marianacci will incur the cost. Marianacci and Jim

DISCUSSION-continued
OPEN ITEMS

Biondolillo are working great together. Jim Biondolillo presented an update to the Lions Club and it went very well.

On motion of Councilman Blye, seconded by Councilman Cook, the meeting adjourned at 9:03 P.M.

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