

A Regular Meeting of the Town of Avon was held on Thursday, November 5, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

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

ABSENT: Deputy Supervisor Kelly Cole

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

VISITORS: Liz Mistretta, Michele Vincent, Mike DeCillis, Justyna Oldziej, Ron Gurnsey, Casey Edwards, Scott Gilman, Peter Kolokouris, Taso Kolokouris, Royal Springs Attorney David Henehan and Judy Falzoi

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

Pledge of Allegiance

### **DISCUSSION – MINUTES**

Town Clerk Knight reported minutes were not e-mailed as the laptop did not save the draft minutes. Minutes were provided to the Board in paper format as recalled by the Town Clerk. The laptop was returned today and the minutes will be sent electronically for consideration at the next meeting.

### **DISCUSSION – RECORDS MANAGEMENT GRANT - GENERAL CODE PROPOSAL FOR ELECTRONIC DOCUMENT MANAGEMENT SYSTEM**

Supervisor LeFeber welcomed Liz Mistretta from General Code to discuss the proposal considered at the last meeting. Liz stated the Clerk has been working for a few years on the records management grant to utilizing the Laserfiche software. Licensing agreements as with any other software must be accepted for use; however, the software is nonproprietary. Councilman Cook questioned what is covered with the yearly maintenance fee. Liz responded stating upgrades and technical support for three licenses. The Town has the ownership of the software and is purchasing three licenses to use the software at the Town Clerk's work station, the records room and on the Town Clerk's front counter to allow usage for all employees and the public. Other municipalities that use this software include the Village of Avon, Geneseo, Town of Greece, and the City of Rochester. There was discussion of non-proprietary. The Laserfiche software can export any images into a different system. General Code does not own the software and the software has been cleared by the security of the Department of Defense. It will take 1-2 gigs of memory per 20,000 images.

**RESOLUTION #181 ELECTRONIC DOCUMENT MANAGEMENT SYSTEM**

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

RESOLVE to accept the Electronic Document Management System proposal to work cooperatively and support the efforts of the Town Clerk's office in regards to the use of Laserfiche.

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

**DISCUSSION – ATTORNEY REPORT**

Attorney James Campbell reported on the following:

He reviewed the laws regarding the use of a propane blaster as resident Judy Falzoi is asking the Board for relief of the sound but there is nothing we can do to help. There was a meeting on Tuesday regarding the future development and if approved it may help reduce the sound to Ms. Falzoi's home. Code Enforcement Officer Rodamaker said that he would do what he can to modify the neighbor's use of the propane blaster.

We have received final approval from the New York State Comptroller to provide water to the residents on and near Route #39. Engineer Rock stated our next step would be to apply for a permit from the NYS DEC and the package will be ready at the end of next week. Then Rural Development must accept the plans and the grant paperwork along with their offering letter.

A resolution will be prepared for the Henty Road public hearing at the next meeting. Engineer Rock will have the SEQR applicant ready to be completed.

There was a review of the revised Royal Springs Subdivision, Phase 2 concept plan. Further discussion will take place later in the meeting.

**DISCUSSION - HIGHWAY REPORT**

Highway Superintendent Ayers reported on the following:

There was discussion on the advantages to order the new truck to be purchased in 2010 to due the new emissions restrictions. If ordered this year the cost savings could be as high as \$15,000.00.

The brush pile has been ground.

We are working on the shoulders on North Avon Road.

**DISCUSSION - HIGHWAY REPORT-continued**

Mills Street is being cleared to allow for our plow to turn around. All of the gates in place and signs regarding parking have been ordered.

**DISCUSSION – ASSESSOR**

Assessor Tami Snyder addressed the board stating her back-up drive needs to be replaced. Bids from both Hurricane and the State were sought and the costs are \$1,200.00 and \$1,093.00 respectively. The Board requested the purchase be made from state bid and then Hurricane will install.

**DISCUSSION – 2010 PRELIMINARY BUDGET**

Assessor Snyder stated during the department's review of the budget increases for equipments were made; however, they are not in the budget. She also reported that one third of the residential properties have been revalued.

Historian Kingston reported the same is true with her budget. Historian Kingston also requested to be able to look at the Historian's space as soon as possible.

The Board agreed to add the \$1,000.00 to A1355.2 and A7510.2.

**DISCUSSION - WATER REPORT**

Water Superintendent Daniel McKeown was not in attendance.

**DISCUSSION - CODE REPORT**

Code Enforcement Officer Cappello will be a part of checking the Opera Block's new fire alarm and call system.

**DISCUSSION - ENGINEERING REPORT**

Engineer Tim Rock reported that a call was received from Lisa from National Grid and improvements will be made to the drainage. This project has taken a couple of years.

**RESOLUTION #182 PAYMENT OF BILLS**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to accept for payment Abstract 2009-21 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-21 including claims as follows:

**RESOLUTION #182 PAYMENT OF BILLS-continued**

General Fund	Voucher #528 through #550 in amounts totaling \$45,083.48
Highway Fund	Voucher #212 through #225 in amounts totaling \$7,848.46
Water Fund	Voucher #142 through #147 in amounts totaling \$2,130.53
Opera Block Capital Improvement	Voucher #86 through #90 in amounts totaling \$19,762.97
Cemetery Fund	No Voucher
Royal Springs Lighting	Voucher #12 through #12 in amounts totaling \$988.68
Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire Protection	No Voucher
Water Capital Improvement	No Voucher

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

**RESOLUTION #183 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 (Deputy Supervisor Cole)

RESOLVE to accept the Supervisor’s and the Town Clerk’s monthly budget reports as follows:

Total Local Shares Remitted:	\$635.25
County Treasurer for Dog Licenses	\$29.37
New York State Department of Health	\$45.00
NYS Ag. & Markets for spay/neuter program	\$6.00
NYS Environmental Conservation	\$1,948.37
<b>TOTAL</b>	<b>\$2,663.99</b>

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

**RESOLUTION #184 RELEVY – UNPAID WATER**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to re-levy unpaid water charges in the amount of \$27,649.32.

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

**DISCUSSION – NEW YORK ENVIRONMENTAL PROTECTION FUND GRANT AUDIT**

Two quotes for auditing services were provided as follows:

Raymond F. Wager, CPA, P.C. cost range is \$3,850.00 - \$4,850.00

The Bonadio Group \$3,500.00 with a note of significant changes would require a revised fee estimate. The Board took the following action.

**RESOLUTION #185 AUDIT – THE BONADIO GROUP**

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

RESOLVE to approve the proposal to provide an audit of the Town's State of New York Environmental Protection Fund Grant for The Bonadio Group in the amount of \$3,500.00.

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

**DISCUSSION – TOWN BOARD MEMBERS – OPEN ITEMS**

Councilman Blye reported he would be attending another meeting at the Avon Free Library on Saturday.

Councilman Cook reported that he attended a meeting to continue discussions regarding the requested services for skate boarding. Village Trustee Rob Hayes attending the meeting and asked that additional information be provided that would be used to determine projected insurance costs. The request would use the Village Park and is not expecting anything elaborate. It is expected the process to be very slow.

Bill Shaw came in today regarding the use of the State Bank for use by the Rotary/Lions Avon Ambulance. Board discussion included:

**DISCUSSION – TOWN BOARD MEMBERS – OPEN ITEMS-continued**

- The area will not be completely finished.
- Rental of an apartment from Ted Coyne continues.
- The Board has not explored all options for use of the space.
- The Board would like to become operational prior to offering the use of the space.

**DISCUSSION – HEALTH CARE CHANGES FOR 2010**

There was discussion on the increases of co-pays from 10, 25, 40 to 10, 30, and 50 as well as the single deductible of \$1,500.00 and family \$3,000.00. It's expected the Board will take action at the next meeting.

**DISCUSSION – PUBLIC HEARING – ROYAL SPRINGS SUBDIVISION LIGHTING DISTRICT AND THE BRUCKEL DRAINAGE DISTRICTS**

Supervisor LeFeber read the following legal notice:

**TOWN OF AVON  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

The tentative 2009 special assessment roll of the Royal Springs Subdivision Lighting District and the Bruckel Drainage District has been completed and is on file at the Avon Town Clerk's Office, 57 Genesee Street, Avon, New York 14414 for review during regular business hours. The special assessment rolls indicate how many units you will be charged for drainage and/or lighting on your property tax bill for 2010.

The Avon Town Board will hold a public hearing for owners of property located within the above-described districts on Thursday, November 5, 2009 at 7:15 P.M. in the Avon Village Hall, 74 Genesee Street, Avon, New York 14414 to hear objections to the special assessment roll.

Sharon M. Knight CMC/RMC, Avon Town Clerk

Dated: October 15, 2009

To be published: October 21, 2009

Supervisor LeFeber stated the purpose of this hearing is to allow residents to be taken out of the unit district if they are found to not be in the unit district.

Engineer Tim Rock suggested it maybe better to consider changing from a unit charge to an assessment charge.

Ryan Gurnsey of 1784 Athena Drive questioned if there would be an increase this year and the Board responded the average is expected to be the same.

Michael DeCillis of 1787 Athena Drive spoke about the lights not being very bright as they are fancy. Discussion included the Planning Board's requirements of the Developer were discussed. Supervisor LeFeber questioned if there was a safety value to the lights.

**DISCUSSION – PUBLIC HEARING – ROYAL SPRINGS SUBDIVISION  
LIGHTING DISTRICT AND THE BRUCKEL DRAINAGE DISTRICTS-  
continued**

Susan Zimmer of 1739 Athena Drive stated the lights are different as the electric cables are buried in the ground which eliminates storm and tree damage. The lots are not very deep and brighter lights would intrude into people's homes. Houses are assessed very high. She questioned if there are going to be another 700 more homes to come.

Judy Falzoi questioned what action would be needed to remove this unit charge. Supervisor LeFeber responded stating the Board would need to take action.

Edwards Casey of 1786 Athena Drive questioned who is responsible for the acreage behind his home and the Board responded it's owned by the Developer.

Oldziej Justyna of 1790 Athena Drive reported there is a pile of concrete that is being buried and the Board stated dedication of this green space would not be accepted by the Board until it is clean. It was further reported that burning of material is taking place and she has pictures available.

A resident at 5703 Yanni Court questioned all the ponds in each of the yards and the Board responded that the drainage was approved.

Supervisor LeFeber asked if anyone is challenging if they are NOT in the area.

Michael DeCillis of 1787 Athena Drive stated that he has come in to see the Assessor back in March and then in May to discuss his high assessment. It will be two years before any thing can be done. It has been raised again by \$10,000.00. Supervisor LeFeber state that comparable appraisals and sales data are used to determine assessments by the Assessor. There is a check and balance process.

There was discussion on the Common Wealth being the third party electrical inspector. Many residents have bow windows and there is actual ice on the inside molding. All houses are supposed to be Energy star windows. Developer Kolokouris stated that each home has a certificate. Every home has a certificate. Another resident stated that their electric box was never marked and questioned how it could pass inspection.

Edwards Casey of 1786 Athena Drive reported that not one outlet was grounded in his home.

Another resident stated that his carbon monoxide sensor goes off every day and Code Enforcement Officer Cappello stated it could be the heat exchanger is cracked and he highly recommended to have it checked..

**RESOLUTION #186 CLOSE PUBLIC HEARING ROYAL SPRINGS  
SUBDIVISION LIGHTING DISTRICT AND THE BRUCKEL DRAINAGE  
DISTRICTS**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to close the Royal Springs Subdivision Lighting District and the Bruckel Drainage District Public Hearing

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

**RESOLUTION #187 ROYAL SPRINGS SUBDIVISION LIGHTING DISTRICT  
AND THE BRUCKEL DRAINAGE DISTRICTS**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE the purpose of the hearing was to provide notification to all property owners with the unit districts and that notice was sent. The cost of the district will be spread equally. There was no testimony challenging properties within the district.

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

**DISCUSSION – PUBLIC HEARING – 2010 TOWN BUDGET**

Supervisor LeFeber read the following legal notice:

TOWN OF AVON  
NOTICE OF PUBLIC HEARING ON THE  
PRELIMINARY BUDGET OF THE TOWN OF AVON  
for the year 2010

NOTICE IS HEREBY GIVEN that the preliminary budget of the town of Avon for the fiscal year beginning January 1, 2010, including general town funds, drainage and light district funds, has been completed and filed in the Office of the Town Clerk of the Town of Avon, 57 Genesee Street, Avon, New York 14414, both the tentative budget and the preliminary budget are available for inspection by any interested person during office hours, Pursuant to Real Property Tax Law Chapter 258 § 495, an exemption report is attached to the preliminary budget and includes every type of exemption granted by the taxing authority and the cumulative impact of each type of exemption, the cumulative

**DISCUSSION – PUBLIC HEARING – 2010 TOWN BUDGET-continued**

amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services, and the cumulative impact of all exemptions granted. The Town Board of the Town of Avon shall hold a public hearing on said preliminary budget on November 5, 2009, at 7:30 P.M., at the Avon Village Hall, 74 Genesee Street, Avon, New York 14414, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Avon. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained. The following are the proposed 2010 salaries of Town Of Avon

## ELECTED OFFICIALS:

Supervisor	\$12,000.00
Councilman (4)	\$ 4,700.00
Town Justice (2)	\$11,226.00
Town Clerk	\$32,251.00
Highway Superintendent	\$66,000.00

By Order of the Town Board

Sharon M. Knight, CMC/RMC

Avon Town Clerk

Dated: October 22, 2009

Publication Date: October 28, 2009

& November 4, 2009

**DISCUSSION – PROFESSIONAL ENGINEERING GROUP – ROYAL SPRINGS SUBDIVISION**

Royal Springs Attorney David Henehan provided a correspondence from Scott A. Harter, P.E. for the Professional Engineering Group. The letter is in response to the planning board's review of the proposed concept plans and addresses the collector road, lots too small, school impact, spirit of the PUD and the comprehensive plan disagreement.

The Board requested Town Clerk forward the information for referral to the Town and County Planning Boards.

**DISCUSSION – PRELIMINARY BUDGET**

There was discussion on the preliminary budget.

**RESOLUTION #188 CLOSE PUBLIC HEARING**

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

**RESOLVE** to close the public hearing for the 2009 Budget

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

**RESOLUTION #189 ADOPT 2010 PRELIMINARY BUDGET AS THE 2010 FINAL BUDGET**

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

**RESOLVE** to adopt the 2010 Preliminary Budget as the 2010 Final Budget that includes the following changes from the 2010 Preliminary Budget:

Add:

A1355.2 - \$1,000.00  
 A7510.2 - \$1,000.00  
 A1330.4 - \$300.00  
 SF1001 \$381,534.00  
 SF3410.4 \$381,534.00  
 AUB \$96,641.00

Delete:

A1110.4 – (\$900.00)  
 A1410.4 – (\$900.00)  
 A8810.4 – (\$2,000.00)

A 1001 decrease from \$588,901 to \$568,901  
 3.21 percent rate decrease for the Village  
 1.56 percent rate decrease for the Town outside the Village  
 Fire Tax 1.74 to 1.73

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

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 9:58 P.M.

Respectfully submitted by,

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 Sharon M. Knight, CMC/RMC Town Clerk