

A Regular Meeting of the Town of Avon was held on Thursday, November 19, 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, Attorney James Campbell (left at 6:45 P.M.) and Town Clerk Sharon M. Knight, CMC/RMC

VISITORS: Jim Bartholomew, Carl Rossborough, Carol Dembroski, David Dembroski, Jill Peterson, Rob Peterson, Pat Rountree, Dick Ash and Henry Hanson

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

Pledge of Allegiance

**DISCUSSION – WATER DELIVERY IMPROVEMENTS TO THE AVON CONSOLIDATED WATER DISTRICT - HENTY ROAD**

Supervisor LeFeber opened the Public Hearing by reading the following legal notice:

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

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, and pursuant to Town Law §199, that a public hearing shall be held by the Town Board of the Town of Avon at the Village Hall, located at 74 Genesee Street, Village of Avon, at 6:00 p.m. on Thursday, November 19, 2009 for the purpose of considering public opinion and comment relating to the construction of certain water delivery improvements within the Avon Consolidated Water District.

The area proposed to be benefited is located along Henty Road, between NYS Route 15 and Pole Bridge Road. The improvements proposed consist of approximately 6,450 linear feet of 8 inch water main and approximately 7 fire hydrants. The maximum cost of the proposed improvements is \$227,370.00. All properties located within the District shall share the cost of the improvements.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: October 22, 2009  
Publish: November 4, 2009

By Order of the Supervisor of the Town of Avon  
Sharon Knight CMC/RMC, Avon Town Clerk

Supervisor LeFeber explained that because the action was initiated by Town Board it would be subject to permissive referendum.

**DISCUSSION – WATER DELIVERY IMPROVEMENTS TO THE AVON CONSOLIDATED WATER DISTRICT - HENTY ROAD-continued**

The following visitors stated for the record they are supportive of the project:

Jill & Rob Peterson, 5316 Henty Road  
Jim Bartholomew 5330 Henty Road  
Carol & David Dembroski 5379 Henty Road  
Carl Rossborough 5470 Henty Road

Resident Carl Rossborough stated the water is bad and he is tired of carrying water.  
Resident Carol Dembroski stated she has salt in her well.  
Water Superintendent McKeown stated this is a good choice to the consolidated district as it would provide for redundancy.

Engineer Rock stated it would provide for better fire flow.

The Board acknowledged that no one has spoken against this project.

**RESOLUTION #190 CLOSE HEARING - WATER DELIVERY IMPROVEMENTS TO THE AVON CONSOLIDATED WATER DISTRICT - HENTY ROAD**

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

RESOLVE to close the public hearing.

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

**WATER DELIVERY IMPROVEMENTS TO THE AVON CONSOLIDATED WATER DISTRICT - HENTY ROAD**

Engineer Tim Rock presented a revised SEQR that changes the applicant to be the Town Board on behalf of the Avon Consolidated Water District.

Engineer Rock read the prepared SEQR Form and the Board answered the Environmental Assessment portions.

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

**RESOLUTION #191 SEQR WATER DELIVERY IMPROVEMENTS TO THE AVON CONSOLIDATED WATER DISTRICT - HENTY ROAD**

On motion of Councilman Cook, seconded by Councilman Blye the following resolution was  
ADOPTED WITH A ROLL CALL VOTE AYES 5 NAYS 0

**WHEREAS**, the Avon Town Board has completed a State Environmental Quality Review Full Environmental Assessment Form to determine the significance of a proposed Avon Water System Improvements And

**WHEREAS**, this process has determined that the proposed Avon Water System Improvements will not result in any large and/or important impact (s), and therefore **will not** have a significant impact on the environment. Now therefore

**Be it RESOLVED**, that the Town Board of the Town of Avon does hereby determine that there will be no significant impact on the environment and hereby authorizes the Town Supervisor to sign the Environmental Assessment Form dated June 12, 2003 containing the negative findings and the Town of Avon be named Lead Agency.

The Board determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Also to resolve to authorize the Supervisor sign the SEQR form.

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

**RESOLUTION #192 WATER DELIVERY IMPROVEMENTS TO THE AVON CONSOLIDATION WATER DISTRICT - HENTY ROAD**

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

In the Matter of the Construction of Water Main Facilities and Improvements Located Within The Consolidated Water District of the Town of Avon, Livingston County, New York

**WHEREAS**, on October 22, 2009, the Town Board of the Town of Avon resolved to hold a Public Hearing on Thursday, November 19, 2009, pursuant to Town Law §199, for the purpose of considering public opinion and comment relating to the construction of certain water delivery improvements within the Avon Consolidated Water District; and

**RESOLUTION #192 WATER DELIVERY IMPROVEMENTS TO THE AVON CONSOLIDATION WATER DISTRICT - HENTY ROAD-continued**

**WHEREAS**, the Town Board ordered a Notice of Public Hearing to be duly published; and

**WHEREAS**, said Notice of Public Hearing, pursuant to Town Law §199, stated in addition to all other matters required to be specified therein, a statement of the improvement proposed, the maximum amount proposed to be expended, the area to be benefited and that the cost of such improvements would be borne by the district at large; and

**WHEREAS**, the Town of Avon Town Board directed that the Town Engineer prepare a map, plan and report with respect to the proposed improvements, and said map, plan and report were filed in the Avon Town Clerk's Office and made available to the general public for review prior to the Public Hearing; and

**WHEREAS**, said map, plan and report detailed the specific improvements proposed to be made, to wit: approximately 6,450 linear feet of eight inch water main with approximately seven fire hydrants; and

**WHEREAS**, said map, plan and report detailed that the area proposed to be benefited by said improvements is located along Henty Road, between NYS Route 15 and Pole Bridge Road, in the Town of Avon, County of Livingston and State of New York; and

**WHEREAS**, said map, plan and report detailed that the maximum cost to be expended for such improvements would be \$227,370.00; and

**WHEREAS**, the cost of such improvements are proposed to be financed by issuance of Bond Anticipation Notes entered into by the Town of Avon on behalf of the Town of Avon Consolidated Water District; and

**WHEREAS**, payment for the cost of the proposed improvements is proposed to be borne by the Town of Avon Consolidated Water District at large; and

**WHEREAS**, said Public Hearing was duly held on November 19, 2009, at 6:00 p.m., and all interested parties having been heard; and

**WHEREAS**, after said Public Hearing and consideration of all comments, testimony and evidence given thereat, the Town Board of the Town of Avon concluded that it is in the best interest of the area immediately benefited and the area within the Town of Avon Consolidated Water District to make such improvements; and

**WHEREAS**, the Board having previously complied with the relevant provisions of SEQR;

**RESOLUTION #192 WATER DELIVERY IMPROVEMENTS TO THE AVON CONSOLIDATION WATER DISTRICT - HENTY ROAD-continued**

**NOW THEREFORE**, be it

**ORDERED** by the Town Board of the Town of Avon as follows:

1. That the Notice of Public Hearing was published and posted as required by law;
2. That a Public Hearing was duly held on November 19, 2009 at 6:00 p.m. as noticed and that all interested parties having been heard;
3. That it is in the best interest of the area immediately benefited and the area within the Town of Avon Consolidated Water District to make such improvements;
4. That pursuant to Town Law §§198 and 199, and after due deliberation by the Town Board of the Town of Avon, the Town of Avon Consolidated Water District is hereby authorized to install or cause to be installed 6,450 linear feet of eight inch water main with approximately seven fire hydrants along Henty Road, between NYS Route 15 and Pole Bridge Road, in the Town of Avon, County of Livingston and State of New York;
5. That the maximum cost for such improvements shall not exceed \$227,370.00;
6. That payment for the cost of the improvements shall be borne by the Town of Avon Consolidated Water District at large, pursuant to Town Law §§199 (2) and 202 (3);
7. That the Town Board, on behalf of the Town of Avon Consolidated Water District intends to finance the cost of such improvements by issuance of Bond Anticipation Notes;
8. That this resolution and the actions authorized hereunder are subject to Permissive Referendum;
9. That the Town Clerk is directed to publish the required notice that this resolution is subject to permissive referendum; and it is further

**ORDERED**, that after the 30 day permissive referendum period has expired without call for such referendum and this Resolution becomes effective, the Town Clerk is directed to file a certified copy of this Resolution in the Livingston County Clerk's Office.

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

**DISCUSSION – LEGAL NOTICE**

Attorney James Campbell requested the Town Clerk publish a legal notice to include the following along with resolution #192 in its entirety.

Notice to the residents of the Town of Avon Consolidated Water District

Permissive Referendum Notice

**DISCUSSION – LEGAL NOTICE-continued**

The following order of resolution was adopted by the Town Board on November 19, 2009 and is subject to permissive referendum, as provided for in Town Law petitions requesting said Permissive Referendum must be completed and filed in the office of the Town Clerk, 57 Genesee, within 30 days of the filing of this order of resolution by the Town Clerk.

**RESOLUTION #193 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH HARRIS BEACH, PLLC TO ACT AS BOND COUNSEL FOR THE IMPROVEMENTS TO THE AVON CONSOLIDATED WATER DISTRICT – HENTY ROAD**

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

**WHEREAS**, on November 19, 2009, the Town Board of the Town of Avon resolved to permit the construction of certain water delivery improvements within the Avon Consolidated Water District; and

**WHEREAS**, the improvements are to be located along Henty Road, between NYS Route 15 and Pole Bridge Road, in the Town of Avon, County of Livingston and State of New York; and

**WHEREAS**, the cost of such improvements are proposed to be financed by issuance of Bond Anticipation Notes entered into by the Town of Avon on behalf of the Town of Avon Consolidated Water District; and

**WHEREAS**, the Town of Avon on behalf of the Town of Avon Consolidated Water District desires to engage the services of Harris Beach PLLC, to act as Bond Counsel for the issuance of said Bond Anticipation Notes with respect to such improvements;

**NOW THEREFORE**, be it

**ORDERED** by the Town Board of the Town of Avon as follows:

1. That the Town Supervisor is authorized to engage by written agreement, the law firm of Harris Beach, PLLC to act as Bond Counsel for the issuance of said Bond Anticipation Notes at a cost not to exceed \$1,100.00 for the original issuance of said Bond Anticipation Notes and \$910.00 for any renewals thereof.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the Avon Town Board on Thursday, November 19, 2009 recorded as follows:

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

**DISCUSSION – ATTORNEY REPORT**

Attorney James Campbell reported he is okay with the clarifications provided by General Code in regards to the Records Management Grant.

He is also supporting the letter/agreement with LeClair-Fleming as they are releasing New York State but not the Town of Avon.

**RESOLUTION #194 ROUTE #39 RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS**

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

BOND RESOLUTION DATED NOVEMBER 19, 2009 AUTHORIZING GENERAL OBLIGATION BONDS OF THE TOWN OF AVON TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of Avon Route 39 Water District Extension of the Consolidated Water District is a Water District Extension of the Town of Avon, New York, duly established by the Town Board pursuant to the Town Law;

WHEREAS, the Town has duly complied with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder with respect to the purpose hereinafter described and the financing therefor;

WHEREAS, On October 29, 2009, the Comptroller of the State of New York approved the establishment of such Route 369 Water District Extension; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF AVON, NEW YORK, (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Avon shall undertake the acquisition and construction of water improvements for the Town of Avon Route 39 Water District Extension of the Consolidated Water District, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as

**RESOLUTION #194 ROUTE #39 RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS-continued**

“purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$212,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost to the Town of Avon of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$700,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide (i) up to \$212,000 from a USDA Rural Development loan to be evidenced by the issuance of bonds or bond anticipation notes as herein authorized; and (ii) up to \$488,000 from anticipated grant funds.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution

**RESOLUTION #194 ROUTE #39 RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS-continued**

and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Avon.

Section 7. The faith and credit of the Town of Avon, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Avon together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

The motion having been duly seconded, it was adopted and the following votes were cast:

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

**RESOLUTION #195 – EXECUTIVE SESSION**

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

RESOLVE to enter into an executive session for the purpose of discussions regarding proposed, pending or current litigation inviting Attorney James Campbell (left at 6:45 P.M.) TIME 6:30 P.M.

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

**RESOLUTION #196 CLOSE EXECUTIVE SESSION**

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

RESOLVE to close the executive session with no action taken. Time 6:50 P.M.

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

**DISCUSSION - HIGHWAY REPORT**

Highway Superintendent Ayers reported on the following:

- An opportunity may come up to purchase a stainless steel sander. The Board approved purchase.
- An oak tree was removed that fell in the creek in efforts to prevent flooding on Pole Bridge Road.
- Supervisor LeFeber reported that trees are being cut near the east boundary of Paper Mill Park.

**DISCUSSION - CODE REPORT**

Code Enforcement Officer Cappello reported a second complaint was received regarding the use of storage bins. An outstanding question is if the bins are in the Heen Planned Unit Development and/or if the property was sold by Helge Heen.

**DISCUSSION – EMPIRE ZONE**

Pat Rountree update the Town Board on the Empire Zone stating the Town Board did everything that was planned such as water and sewer on exit #9. Then the landowner did not follow through on his part. It's expected the Empire Zone funding will not include

**DISCUSSION – EMPIRE ZONE-continued**

any new projects. The ten year property taxes reductions have been helpful through the County and Avon is in the best position of all.

Property has been purchased by Henry Hanson and Richard Ash and the Board is being asked to consider annexation of the property to the Village. Pat Rountree stated that annexation of the property would allow for the property to be shovel ready as it would become a part of the Livingston Industrial Complex. He recommended the Board look at this request as a having a greater potential to improve the property rather than losing Town revenue.

If the annexation does not happen there would be a need for a strong commitment of both boards and this would slow down the approval process. Avon has the strongest in the County with Kraft just added 50 new jobs and discussion of an additional 50, Star Headlight and Gray Metal.

Supervisor LeFeber reported on his conference call for borrowing money for the Opera Block and the positive standard through the recession as we have long term companies including Kraft, Star Headlight and Gray Metal. The Town has strong fund balances and a good working budget. Our Community is a good place to lend money.

Livingston County and Avon Central School also have positive ratings. Avon is a nice place to locate a new business as existing business are doing well. Barilla's phase III is to add a floor mill.

The annexation would include 22.254 acre which is a portion of tax map number 24.00-02-01.

The Board wants to do what is best from the community of Avon and has worked cooperatively with the Village. Therefore entering into inter-municipal agreements is not seen as a negative. The Town Clerk was instructed to forward to the Town Planning Board for consideration. Councilman Blye will be attending the next Planning Board meeting.

**DISCUSSION – BENJAMIN GAJEWSKI STEWARDSHIP DIRECTOR OF THE GENESEE VALLEY CONSERVANCY – RAILROAD BED TRAIL**

Ben addressed the Board sharing information on the Railroad Bed Trail owned by the Genesee Valley Conservancy. He wanted to bring to the Board's attention the Conservancy's interest in connecting this trail to the Avon Downs. Supervisor LeFeber stated the Town owns a portion of the railroad bed; however, the Village owns the property known as Five Arches.

Town Clerk Knight asked Ben to share information on the Island Preserve in the Town of Geneseo. Ben stated the property was donated as Open Space near a new development

**DISCUSSION – BENJAMIN GAJEWSKI STEWARDSHIP DIRECTOR OF THE GENESEE VALLEY CONSERVANCY – RAILROAD BED TRAIL-continued**

on Calvery Drive and has one mile of trails. The area is used by many types of people such as the Geneseo School District and the University of Geneseo. Help in maintaining the property comes from the prisoners of the Livingston County Sheriff's Department.

Further discussion will take place with the Village of Avon.

**DISCUSSION - WATER REPORT**

Water Superintendent Daniel McKeown reported the yearly interview with the County has taken place and not having protection from vehicle traffic to the pump station was noted. A fence has been built to address this concern.

**DISCUSSION - ENGINEERING REPORT**

Engineer Tim Rock reported he would be submitting a water permit application to the New York State Department of Conservation.

**DISCUSSION - OPERA BLOCK**

Deputy Supervisor Cole provided the following update on the Opera Block:

- The second floor is having touch-ups.
- The elevator is in and operational.
- The fire alarm has been tested.
- A walk through of the maintenance of mechanical needs was held and most of the information is on the computer system.
- Door access system is being worked on.
- The first floor is being completed including the curtain, laying carpeting.
- November 30<sup>th</sup> is the date completion date scheduled.
- World wide movers, phone company and computers will be moved on December 11<sup>th</sup> and the opening day will be December 14<sup>th</sup>.
- The first Town Board meeting will be the Organizational meeting to be scheduled on January 4<sup>th</sup> and will include an Open House
- \$200,000.00 was planned for change orders and we have only spent \$75,000.00.
- 1.2 million has been spent on the project and approval was given to spend 1.739 million. It will be considered by the Board to use the additional monies for the third floor.

**RESOLUTION #197 OPERA BLOCK – O’CONNELL CHANGE ORDER #2**

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

RESOLVE to approve O’Connell Electric Co. Change Order #2 in the amount of \$3,252.00.

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

**DISCUSSION – CLERK OF THE WORKS**

Deputy Supervisor Cole questioned if the Board is in favor of compensating James Biondolillo as his role in the Opera Block has encompassed more than serving as the Construction Project Coordinator of the project. The initial hourly rate was \$35.00 and the Board is considering \$40.00. Supervisor LeFeber will check with the County Personnel Department to find the best way to pay for these received services.

**RESOLUTION #198 PAYMENT OF BILLS**

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

RESOLVE to accept for payment Abstract 2009-22 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-22 including claims as follows:

General Fund	Voucher #551 through #574 in amounts totaling \$3,499.64
Highway Fund	Voucher #226 through #232 in amounts totaling \$6,801.79
Water Fund	Voucher #148 through #155 in amounts totaling \$12,890.54
Cemetery Fund	Voucher #4 through #4 in amounts totaling \$401.43
Opera Block Capital Improvement	Voucher #91 through #93 in amounts totaling \$277,504.00
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 – Aye, Deputy Supervisor Cole – Absent, Supervisor LeFeber - Aye**

**DISCUSSION SUPERVISOR REPORT- RESULTS OF BOND SALE**

Supervisor LeFeber reported on the following:

- The results of the Opera Block bond sale Roosevelt & Cross Inc. & Associates net interest 2.987179 percent and Robert W. Baird net interest 3.453603 percent.
- The audit for the Opera Block EPF grant is scheduled for December 21<sup>st</sup> and 22<sup>nd</sup>.
- Livingston County taxes will be increased by .43 per thousand.
- Additional information regarding health care was provided. Preferred Care sent information on a similar plan. Councilman Blye recommended keeping the Preferred Care Plan as it is a proved entity. The Board took the following action.

**RESOLUTION #199 HEALTH CARE FOR 2010**

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

RESOLVE to accept the plan from Preferred Care as a replacement plan.  
And continue to provide the \$300.00 HRA accounts.

FURTHER RESOLVE to freeze the employee contribution.

FURTHER RESOVLE to offer a buy out at twenty percent of the premium.

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

**DISCUSSION 2010 BUDGET**

Supervisor LeFeber provided the Town Clerk with the 2010 Town of Avon budget as follows:

**DISCUSSION – MINUTES OF OCTOBER 22<sup>ND</sup> AND NOVEMBER 5<sup>TH</sup> 2009**

Councilman Cook stated he will not vote on the minutes as his and others discussion of the budget was not included on October 22<sup>nd</sup> or the November 5<sup>th</sup> draft minutes.

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

Deputy Supervisor Cole informed the Board that the Chamber of Commerce will be recognizing some of Avon's medical doctors at the Community Center.

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 8:55 P.M.

Respectfully submitted by,

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Sharon M. Knight, CMC/RMC Town Clerk