

A Regular Meeting of the Town of Avon was held on Thursday, October 8, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole (arrived at 6:04 P.M.), Councilmen Donald Cook, Thomas Mairs and James Blye (left at 6:40 P.M.)

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

VISITORS: None

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

Pledge of Allegiance

DISCUSSION – ATTORNEY REPORT – ROYAL SPRINGS DEVELOPMENT

Attorney James Campbell reported on the Planning Board meeting that he and Councilman Blye attended stating that there was discussion on the Royal Springs Development. It was important to share with the Planning Board of the Town Board's interest in their expertise and advice of, but that the final decision on zoning is the responsibility of the Town Board. Further discussion included the Board's intent to move forward with this project as it continues to be the right place within the Town of Avon for a high density space of residential lots. The overall projection is for 700 to 800 lots that would increase the Towns population by fifteen to twenty percent. With the understanding that the project would be moving forward the group focused around three topics:

1. The straight roadway needs to have some kind of curves that would encourage slower traffic. The Developer was asked to bring back other ideas.
2. A request to increase the ratios of larger lots.
3. Another request was to alter the plan to build-up the North rather than the South part of the Planned Development District or show other options.

Councilman Blye will be attending the next couple of Planning Board meetings.

DISCUSSION – ATTORNEY REPORT – HENTY ROAD WATER PROJECT

There was discussion on the proposed Henty Road project. The cost discussed at prior meetings did not include the \$20,000.00 (approximately 15%) of the administration costs. A map, plan and report are needed prior to scheduling a Public Hearing. Attorney James Campbell reported of a discussion with Attorney Charlie Schachter of Harris Beach who serves as a Bond Council and is interested in providing service to the Town of Avon. Attorney James Campbell will provide all materials to set the Public Hearing at the next meeting.

RESOLUTION #169 APPROVAL OF MINUTES

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

ADOPTED AYES 3 NAYS 0 ABSTAIN 2 (Councilmen Cook and Mairs)

RESOLVE to approve the minutes from September 10, 2009 as presented.

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

RESOLUTION #170 APPROVAL OF MINUTES

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

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

RESOLVE to approve the minutes from September 24, 2009 as presented.

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

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

New York State has requested ordinances on no parking on roads. After researching the Town Code nothing was found therefore the report to the State will be that the Town of Avon has no local laws regarding parking.

Quotes for the brush pile will be sought.

Mark Vital reported that the final top is being put onto Eleni Court.

The Highway Crew has worked in the Town of Geneseo for four days

Mowing is being finished for the season.

Preparation for snow removal will begin soon.

A new roof and locks are being installed on the shed in the East Avon Cemetery with the help of Jeff Ayers.

A recommendation to accept a bid by a Town employee that is high bid and only \$20.00 less than the blue book prices was shared with the following Board action.

RESOLUTION #171 ACCEPT BID 2006 FORD F250 SUPER DUTY PICKUP TRUCK 4X4 XLT PACKAGE, 60,000 MILES

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

RESOLVE to accept the highest bid of \$14,800.00 from Wesley Clements.

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

DISCUSSION – ATTORNEY REPORT

Attorney James Campbell continued his report with the following:

A letter was sent to Tom Tremer regarding the backflow prevention and a meeting has been scheduled next week to work something out. He was not interested in taking this issue to a court hearing.

Deputy Supervisor Cole questioned if Attorney James Campbell had a response to his e-mail and the reply was that a response would be prepared.

Another discussion was held with Ellen McDonald with the NYS Comptroller's Office and additional information will be provided for the Route #39 Water District extension..

DISCUSSION - CODE REPORT

Code Enforcement Officer Cappello reported the building permit issued to Aldon is not being followed. One example is that the work was approved to be placed on a concrete slab. That is being removed. Also, no construction is taking place as the building appears to be full of possible hazardous waste. It was suggested by Attorney James Campbell to contact the New York State Department of Conservation to report the possible hazard waste.

DISCUSSION - WATER REPORT

Water Superintendent Daniel McKeown was not in attendance.

DISCUSSION - ENGINEERING REPORT

Engineer Tim Rock reported the Livingston County Health Department has approved the Route #39 Water District Extension plans.

A new requirement of a Water Conservation Program is being worked on with the Water Superintendent.

DISCUSSION – OPERA BLOCK

Deputy Supervisor Cole provided an update on the Opera Block including the elevator, heat control, door access, water system, three new phone lines, O’Connell agreed to complete some work under protest, and he installed the court/board room speakers on Saturday and Sunday. A request to pay an additional stipend to James Biondilillo was discussed. He attended the Avon Preservation & Historical Society meeting on Monday and gave a tour of the building. A lease agreement will need to be made for the new building. The Avon Ambulance continues to request space and they are currently renting an apartment from Ted Coyne.

Supervisor LeFeber questioned what would happen if we lost power in the building. Deputy Supervisor Cole stated he would check to see if the elevator has a battery back-up.

RESOLUTION #172 PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

RESOLVE to accept for payment Abstract 2009-18A in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-18A including claims as follows:

General Fund	Voucher #456 through #485 in amounts totaling \$7,602.57
Highway Fund	Voucher #186 through #192 in amounts totaling \$4,184.47
Water Fund	Voucher #122 through #127 in amounts totaling \$1,287.87
Cemetery Fund	No Voucher
Opera Block Capital	
Improvement	Voucher #76 through #76 in amounts totaling \$7.74
Royal Springs Lighting	No Voucher
Cross Roads Drainage	No Voucher
District	
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire	
Protection	No Voucher
Water Capital	No Voucher
Improvement	

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

RESOLUTION #173 PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

RESOLVE to accept for payment Abstract 2009-19 in the follow amounts:

Concerning ABSTRACT of Claims Number 2009-19 including claims as follows:

General Fund	Voucher #486 through #507 in amounts totaling \$19,139.19
Highway Fund	Voucher #194 through #204 in amounts totaling \$3,057.91
Water Fund	Voucher #128 through #137 in amounts totaling \$2,257.90
Cemetery Fund	Voucher# 3 through # 3 in amounts totaling \$130.00
Opera Block Capital Improvement	Voucher #77 through #82 in amounts totaling \$20,941.25
Royal Springs Lighting	Voucher #11 through #11 in amounts totaling \$943.73
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 – Absent, Councilman Mairs – Aye, Councilman Cook – Aye, Deputy Supervisor Cole – Aye, Supervisor LeFeber – Aye

RESOLUTION #174 SUPERVISOR'S AND TOWN CLERK'S BUDGET REPORTS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

RESOLVE to accept the Supervisor's Report, Citizens Bank Commercial Account of Avon Lima Road Inc. Escrow Account in Favor of the Town of Avon and the Town Clerk's monthly budget reports as follows:

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

RESOLUTION #175 ROYAL SPRINGS SUBDIVISION LIGHTING AND BRUCKEL DRAINAGE DISTRICTS NOTIFICATION OF UNIT PROPERTY CHARGES

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

RESOLVE to schedule a Public Hearing for tentative per unit assessment roll of the Royal Springs Subdivision Lighting District and the Bruckel Drainage District on Thursday, November 5, 2009 at 7:15 P.M. and the Town Clerk is directed to publish the following notice in accordance with applicable law: and further give notice by mail to each property owner with unit charges on their tax bill.

NOTICE OF PUBLIC HEARING

The tentative 2009 special assessment roll of the Royal Springs Subdivision Lighting and Drainage Districts 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.

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

DISCUSSION – OPEN ITEM

Councilman Mairs reported that dump days is on Saturday and the Town Clerk provided him with a short list of pick-ups. Supervisor LeFeber stated that he would help with the pick-ups.

Town Clerk Knight reported of a correspondence from General Code regarding questions of adopted local laws 1-2008, 2-2008 and 1-2009. Attorney James Campbell recommended changes would require the local law process be followed. Town Clerk Knight will contact Councilman Blye to allow for presentation of recommended local laws for a Board member.

Councilman Cook reported that he attended a Water Works Committee Meeting but Kraft did not attend. They are expected to attend the next meeting.

DISCUSSION – 2010 TENTATIVE BUDGET – CODE DEPARTMENT

Supervisor LeFeber asked if there were any changes in the budget and Code Enforcement Officer stated there were none. Supervisor LeFeber questioned if the amount for the Deputy Code Enforcement Officer could be lowered as it appears high when compared to the current budget. Deputy Supervisor Cole questioned if any equipment was needed by the Code Department and Code Enforcement Officer Cappello responded no.

Supervisor LeFeber stated that a public hearing and setting the official salaries would be needed at the next meeting.

DISCUSSION – SUPERVISOR’S REPORT

Supervisor LeFeber reported that a letter was received at his home regarding New York State Department of Transportation plan to auction property. He stated that he has an interest in the property as its boundary meets his property. The Board requested the record show they had no interest in the auctioning of the property.

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

On motion of Councilman Mairs, seconded by Deputy Supervisor Cole, the meeting adjourned at 7:42 P.M.

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