

A Regular Meeting of the Town of Avon was held on Thursday, October 22, 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, and Thomas Mairs

ABSENT: Councilman James Blye

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

VISITOR: Judith Falzoi of 1739 Athena Drive

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

Pledge of Allegiance

Supervisor LeFeber asked for any public comments and Visitor Judith Falzoi addressed the Board describing her experience with the Maier's Farm Market's use of a propane bird blaster using 150 decibels. She questioned if the Board would consider not allowing this type of equipment close to residential areas. When her complaint was filed she provided a copy of law that takes into account the health, safety and welfare of others. She asked that it be reviewed by the Board and Attorney. Attorney James Campbell stated the Board maybe able to take action; however, that action may not be able to control the use of the propane bird blaster. Further discussion will take place at the next meeting.

RESOLUTION #176 APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

RESOLVE to approve the minutes of October 1, 2009 as presented.

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

RESOLUTION #177 - APPROVAL OF MINUTES

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 approve the minutes of October 8, 2009 as presented.

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

DISCUSSION - HIGHWAY REPORT

Highway Superintendent Ayers reported all road work on Eleni Court has been completed and we will soon be asked to take dedication. Attorney James Campbell will prepare the documents to take dedication.

Terry Tree Service will begin working on the brush pile as they submitted an approved proposal.

DISCUSSION - CODE ENFORCEMENT REPORT

Code Enforcement Officer Cappello reported he continues to working with Aldon and they have taken positive steps. They are expected to provide new drawings of work and have been using the space as storage space for a limited time.

DISCUSSION – ATTORNEY REPORT

Attorney James Campbell reported on the following:

A meeting was held with Mr. Tremer and he is expected to comply with the back-flow prevention inspections in the future. Attorney James Campbell recommended to the Board to request to the Judge for an adjournment for six months/one year to allow the Town to monitor Mr. Tremer's compliance. The recommendation is based on the Town Code requirement of a permanent criminal record if found guilty.

A positive review was granted from Ellen McDonald and the Route #39 water application has been moved to the next level within the New York State Comptroller's Office.

DISCUSSION - ENGINEER REPORT

Engineer Rock provided the Town Clerk with the map plan and report for the Henty Road Watermain project and the Board took the following action to set a public hearing.

RESOLUTION #178 SET PUBLIC HEARING – IMPROVEMENTS WITHIN THE AVON CONSOLIDATED WATER DISTRICT

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

RESOLVE to adopt 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. 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 Town Board of the Town of Avon
Sharon Knight CMC/RMC, Avon Town Clerk

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

DISCUSSION - WATER DISCUSSION

Water Superintendent McKeown reported on the following:

Verizon has begun work at the Water tower. We are waiting for their signature on the lease agreement that would allow us to bill for previous months rental.

He is just finishing up reading water meters for this quarter.

DISCUSSION – COUNTY EXEMPTION INCOME LIMITS

Supervisor LeFeber reported he has provided the Board with the exemption income limits and the County has NOT raised the income limits for the Senior Citizens Exemption and for Persons with Disabilities and Limited Incomes. He wanted to be sure all Board members are aware of this just in case they wanted to take any further action. The Board appeared to support the limits.

RESOLUTION #179 PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

RESOLVE to accept for payment Abstract 2009-20 in the following amounts:

Concerning ABSTRACT of Claims Number 2008-20 including claims as follows:

Concerning ABSTRACT of Claims Number 2009-20 including claims as follows:

General Fund	Voucher #508 through #527 in amounts totaling \$8,073.97
Highway Fund	Voucher #205 through #211 in amounts totaling \$3,974.15
Water Fund	Voucher #138 through #141 in amounts totaling \$333.04
Cemetery Fund	No Voucher
Opera Block Capital	
Improvement	Voucher #83 through #85 in amounts totaling \$235,126.35
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

DISCUSSION – AWARDED RECORDS MANAGEMENT GRANT – CONTRACT WITH GENERAL CODE

There was discussion on the Records Management Grant awarded to the Town of Avon in the amount of \$12,183.00. Town Clerk Knight reported just this afternoon she secured a proposal for Electronic Document Management Systems prepared by General Code. If signed by October 23rd, 2009, General Code will work with the Town to have the installation completed no later than November 20, 2009. Town Clerk Knight stated she negotiated with General Code to move forward quickly on this project to help secure the dollars from the State. The State just made the awards and the project was scheduled to start in July so we are behind. The Board had lots of questions regarding the grants purpose and their need to review prior to authorizing. Discussion will continue at the next meeting. Town Clerk Knight also requested an addition to the compensation to appoint Stephanie Schweitzer to the position of Records Management Clerk. There was no Board action.

DISCUSSION – ACCEPTANCE OF CREDIT CARDS

Town Clerk Knight recommended the Board approve the use of accepting credit cards as BAS, the Town Clerk's software program, can accept the payments even from home via the internet. She informed the Board that the County will not be accepting credit cards for tax payments. Town Clerk Knight stated that many sales were lost as customers wanted to pay for their hunting licenses with their credit cards. Deputy Supervisor Cole stated there is too much abuse of credit cards and did not want to encourage that type of

behavior. The Board appeared to agree with Deputy Supervisor Cole so there was no action.

DISCUSSION – BOARD OF ELECTIONS REQUEST FOR TOWN PARTICIPATION

Town Clerk Knight and Supervisor LeFeber reported on discussions with the Board of Elections. The Board of Elections has continued to verbally request the Town to participate in the Election process by picking up suitcases and deliver to County Employees that will be serving as Election Inspectors. The Board continues to not want any responsibility in the process since the County Board of Elections has taken control.

DISCUSSION – 2009 TENTATIVE BUDGET

There was discussion on the need to set the elected official salaries with the following board action.

There was discussion on the Board's ability to provide different salary amount for one Justice over another Justice. Supervisor LeFeber stated that the Board does not have the procedure in place; therefore, he recommended providing the increase equally.

Deputy Supervisor Cole stated concerns he has in regards to the Town Clerk's Office and would be putting them in writing for the Town Clerk. Councilman Cook agreed with those comments. Councilman Mairs stated he was in favor of the 2.5 percent increase. Supervisor LeFeber stated he received an e-mail from Councilman Blye that stated that he was not in favor of a salary increase for the Town Clerk. Supervisor LeFeber stated he was disappointed in the Town Clerk's Office being closed on Columbus Day when it was not a scheduled holiday. He stated other employees both in the Town Hall and in the Highway Department worked. Also, there was discussion on issues of getting information from the Assessor and issues with the Code Enforcement Clerk.

There was discussion of Highway Superintendent Ayers doing a great job for the Town of Avon. All Board Members expressed their thanks and appreciation. Discussion included a request to provide more than the 2.5 percent increase as retirement is being planned. The Board took the following action.

RESOLUTION #180 SET PUBLIC HEARING 2010 BUDGET

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

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, will be 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 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

On motion of Deputy Supervisor Cole, seconded by Councilman Cook, the meeting was adjourned at 9:00 P.M.

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