

A Regular Meeting of the Town of Avon was held on Thursday, September 10, 2009 at 6:00 P.M. at the Avon Village Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, Councilman James Blye

ABSENT: Councilmen Donald Cook and Thomas Mairs

OTHERS: Highway Superintendent Robert Ayers, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, Attorney James Campbell and Deputy Town Clerk Lisa Anderson

VISITORS: Carol Dembroski, Jill Peterson, Carl Rossborough, Joe Montesano, Robert DeBruycker, Fred and Lynne Helmbold.

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

Pledge of Allegiance

DISCUSSION - WATER ON HENTY ROAD

Water Superintendent Daniel McKeown stated that Mr. Rossborough's water has tested positive for Coli and Chloroform. He explained that since it is the end of summer and we have a better idea of where we are with the budget, he would like to complete a portion of the Henty Road lines. Visitor Jill Peterson who is also a resident of Henty Road stated that she feels strongly that the water should be run down the entire road. She stated that at one point her home was out of water for four days. She also provided a letter from another resident of Henty Road, Kara Bartholomew, which states her concerns about the water issues. Water Superintendent Daniel McKeown stated that he could certainly look into the cost of doing the entire road vs. just a portion of it. He also stated that the plan is to pay out of money that has already been budgeted rather than borrowing it. He advised that running water under the creek bed that is located on Henty Road could be problematic, but that he will get three quotes which will include one for just Mr. Rossborough's portion, one to complete the entire road and a third which would involve running water from both ends and possible tying in at the creek at a later date. Supervisor LeFeber stated that the issue will be discussed at the next Town Board meeting when there will be more members of the Board present.

DISCUSSION - RT.39 WATER

Visitor Joe Montesano asked how the Rt. 39 water project was coming along and Supervisor LeFeber stated that a letter has been prepared for mailing to residents explaining where we are in the process. He stated that the Town and Village Boards have come to an agreement regarding the source of water. Town Attorney James Campbell stated that because of the cost of the project, the Comptroller has reviewed the application and requested additional information. He further stated that without the Comptroller's approval, we cannot continue further with the projects and that when the

cost per unit for water is more than a certain amount, it will be reviewed to be sure that it isn't a burden to the property owners.

RESOLUTION #153 APPROVAL OF MINUTES

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

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

RESOLVE to approve the minutes of August 27, 2009 as presented.

Vote of the Board: Councilman Blye – Aye, Deputy Supervisor Kelly Cole-Aye, Supervisor David LeFeber-Aye, Councilmen Cook Absent and Councilman Mairs-Absent

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Ayers provided the Board and Clerk with an inventory of equipment. He suggested that he would like the 2006 F250 declared as surplus and that he would recommend that the Town accept bids and also that we advertise on Craigslist. He stated that he will speak with Town Clerk Sharon Knight to come up with a deadline for bids. He also stated the drainage districts have all been mowed.

RESOLUTION #154 DECLARE AS SURPLUS 2006 FORD F250

On motion of Deputy Supervisor Cole, seconded by Councilman Blye the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Mairs and Cook)

RESOLVE to declare as surplus 2006 Ford F250 Pickup truck and to take it to the Palmyra Auction if there is not an acceptable bid received through advertising.

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

DISCUSSION - CODE ENFORCEMENT

Code Enforcement Officer Cappello reported that other than a few complaints there was nothing to report.

DISCUSSION - ATTORNEY REPORT

Town Attorney James Campbell reported on the following:

The Rt. 39 water project is taking some time. There are a few engineering issues and he is working with Town Engineer Tim Rock. Stu Brown has helped by giving feedback.

He will need a few items from Town Clerk Sharon Knight and will get in touch with her next week when she returns to work.

There is no new information as of now to report on the Pooler Bond as it is still being looked at.

The Planning Board meeting for September has been rescheduled and he will attend the meeting and discuss Planning/Zoning issues.

Supervisor LeFeber asked how the agreement with the Village was left and Attorney Campbell stated that Town Clerk Sharon Knight was going to get the necessary paperwork.

DISCUSSION - WATER REPORT

Water Superintendent Daniel McKeown reported on the following:

The Hydrants are being flushed.

The master meters were tested and the Town's meter tested at 99.6%. The meters will be tested every three years unless the Town would prefer every year.

DISCUSSION - OPERA BLOCK

Deputy Supervisor Kelly Cole reported on the following:

- The heat should be completed by mid September.
- There is some trim carpentry work left to be completed.
- Tom Gillette has moved his office down to the basement.
- There are two bills for the wet/dry system
- The computer rack will go in on Monday
- There are some small issues with the phone system. He is still waiting for a call back from Heather Jones at Frontier. We need to have three lines installed which will include two for the fire system and one for the elevator.

There is a small issue with O'Connell Electric. They are stating that some items that are being requested were not in the contract.

As per the specs in the contract, the road behind the building must be repaired. The cost of paving the road would be approximately \$2000-\$3000 and Deputy Supervisor Cole feels that we should pave it.

RESOLUTION #155 FRANK MARIANACCI, Inc. REHABILITATION OF 23 GENESEE STREET AND RENOVATION OF 27 GENESEE STREET – CHANGE ORDER

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

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

RESOLVE to approve the following change orders:

Change Order #5 – Frank J. Marianacci, Inc. The contract amount will be increased by this change order in the amount of \$14,506.00

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

DISCUSSION - RT. 5&20 SPEED LIMIT AND NO PASSING

Visitor Fred Helmbold stated that he has obtained more signatures for the petitions regarding traffic on Rt. 5&20. Mr. Helmbold would like the Town's assistance in requesting that the speed limit be reduced to 45 mph and that a "no passing on the right" zone be placed in the area from Oak Openings Road and the DEC. He stated that Deputy Herkimer with the Sheriff's office has assisted him by providing reports of the speed that vehicles are traveling through that area. He further stated that Paul D'Amato with the DEC has mailed a letter of support to include with the petition and that it should be received at the Town Clerk's Office any day now. Supervisor LeFeber stated that he will check with Town Clerk Sharon Knight next week to see if the letter has arrived.

RESOLUTION #156-SUPPORT PETITIONS FOR TRAFFIC ON RT.S 5&20

On motion of Councilman Blye, seconded by Deputy Supervisor Cole the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Mairs and Cook)

RESOLVED that the Town of Avon agrees to support petitions for reducing the speed limit to 40 miles per hour and for establishing a no passing on the right zone on Route 5&20.

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

RESOLUTION #157 OPERA BLOCK GRANT APPLICATION TO NYS OFFICE OF PARKS RECREATION AND HISTORIC PRESERVATION

On motion of Deputy Supervisor Kelly Cole, seconded by Councilman Blye, the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Donald Cook and Thomas Mairs)

RESOLVED that David LeFeber, as Supervisor of the Town of Avon, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$600,000.00 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Avon for Opera Block rehabilitation and restoration and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Vote of the Board: Supervisor David LeFeber –Aye, Deputy Supervisor Kelly Cole –Aye, Councilman James Blye –Aye, Councilman Donald Cook – Absent, Councilman Thomas Mairs -Absent

RESOLUTION #158 SUPERVISOR’S AND TOWN CLERK’S MONTHLY REPORTS

On motion of Deputy Supervisor Cole, seconded by Councilman Blye, the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN COOK AND MAIRS)

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:

| | |
|---|--------------------|
| Total Local Shares Remitted: | \$4,362.60 |
| County Treasurer for Dog Licenses | \$63.45 |
| New York State Department of Health | \$157.50 |
| NYS Ag. & Markets for spay/neuter program | \$9.00 |
| NYS Environmental Conservation | \$8,665.62 |
| TOTAL | \$13,258.17 |

Vote of the Board: Supervisor David LeFeber – Aye, Deputy Supervisor Kelly Cole –Aye, Councilman James Blye –Aye, Councilman Donald Cook –Absent, Councilman Thomas Mairs - Absent

DISCUSSION - BUDGET UPDATE

Supervisor LeFeber, Deputy Supervisor Cole and Secretary to the Supervisor Mary Blye have met with St. John and Baldwin and have discussed scheduling a work session for October 1st to go over budgets with each department.

RESOLUTION #159 SCHEDULE WORK SESSION REGARDING BUDGETS

On motion of Deputy Supervisor Cole, seconded by Councilman Blye, the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN COOK AND MAIRS)

RESOLVE to schedule a meeting on the 1st of October 2009 at 5:00 P.M., at the Avon Highway Barns for work session for discussion of the 2010 Budget and any other business that may come before the board.

Vote of the Board: Supervisor David LeFeber – Aye, Deputy Supervisor Kelly Cole –Aye, Councilman James Blye –Aye, Councilman Donald Cook –Absent, Councilman Thomas Mairs - Absent

RESOLUTION #160 PAYMENT OF BILLS

On motion of Deputy Supervisor Cole, second by Councilman Blye the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN COOK AND MAIRS)

RESOLVE to approve payment for bills as follows:

Concerning ABSTRACT of Claims Number 2009-17 including claims as follows:

| | |
|--|---|
| General Fund | Voucher #439 through #455 in amounts totaling \$8,468.90 |
| Highway Fund | Voucher #170 through #185 in amounts totaling \$13,021.48 |
| Water Fund | Voucher #116 through #121 in amounts totaling \$2,010.57 |
| Cemetery Fund | No Voucher |
| Opera Block Capital Improvement | Voucher #70 through #75 in amounts totaling \$125,003.75 |
| Royal Springs Lighting | Voucher #10 through #10 in amounts totaling \$919.91 |
| 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, Absent, Deputy Supervisor Cole – Aye, Supervisor LeFeber – Aye- Councilman Mairs – Absent, Councilman Cook – Absent

DISCUSSION - RECREATION BOARD RESIGNATION LETTER

Supervisor LeFeber stated that due to the resignation of Co-Chairperson Stephanie Dempsey , he would recommend that the compensation schedule be amended for to show compensation for one chairperson rather than two.

RESOLUTION #161 ACCEPT RESIGNATION OF STEPHANIE DEMPSEY

On motion of Councilman Blye, seconded by Supervisor LeFeber the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Mairs and Cook)

RESOLVE to accept the resignation of Co-Chairperson from the Recreation Board Stephanie Dempsey.

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

RESOLUTION # 162 AMEND COMPENSATION SCHEDULE

On motion of Councilman Blye, seconded by Deputy Supervisor Cole the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Mairs and Cook)

RESOLVE to amend the compensation schedule for one chairperson for the Recreation Board and delete Stephanie Dempsey from the compensation schedule.

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

DISCUSSION – AVON PROPERTIES LLC V. TOWN OF AVON

Supervisor LeFeber stated that the counter offer made by Avon Properties, LLC. is acceptable to both Assessor Tami Snyder and Attorney Peter Skivington. The counter offer states that the assessment will be reduced by \$100,000 and that the school taxes for this year will be reduced. If the offer is accepted, a letter from Supervisor LeFeber will have to be sent to Attorney Skivington authorizing him to accept the proposal. There was discussion as to whether the Town should wait to act on this until the School Board meets next week and everyone agreed that the offer seemed fair and that the cost of litigation would far exceed the amount it would cost to accept the counter offer. Supervisor LeFeber stated that he has already spoken with Superintendent Bruce Amey in regards to the matter and he is aware of the offer. It will be discussed at the School Board meeting next week.

RESOLUTION #163 AUTHORIZE LETTER TO ATTORNEY PETER SKIVINGTON TO ACCEPT COUNTER OFFER MADE BY AVON PROPERTIES, LLC.

On motion of Councilman Blye, seconded by Deputy Supervisor Cole the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Mairs and Cook)

RESOLVE to authorize letter to Attorney Peter Skivington to accept counter offer made by Avon Properties, LLC.

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

DISCUSSION - OPEN ITEMS

Supervisor LeFeber stated that he has been aware that changes in the retirement plan will be taking place. When he has more information he will report.

The Agricultural Tour is scheduled for September 25. Planning Board Chairman Robert Tugel has expressed interest in attending. Councilman Blye will also attend.

Code Enforcement Officer Tony Cappello stated that Aldon is moving to East Avon and he asked Town Attorney James Campbell if they could be made to follow plans drawn up by FRA even though they are not involved with Aldon anymore. Attorney Campbell stated that as long as those plans were part of the original approval they should still be following the guidelines. He recommended that if Aldon was not following orders then stop work orders and violations should be issued.

On Motion of Councilman Blye, seconded by Deputy Supervisor Kelly Cole, the meeting was adjourned at 8:20 P.M.

Respectfully submitted by, _____
Lisa Anderson, Deputy Town Clerk

and

Sharon Knight, Town Clerk, CMC/RMC