

A Regular Meeting of the Town of Avon was held on Thursday, September 24, 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 (left at 7:15 P.M.) and James Blye

ABSENT: Deputy Supervisor Kelly Cole

OTHERS: Town Engineer Timothy Rock (arrived at 7:00 P.M.), Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, Village Mayor Thomas Freeman, Village Public Works Director John Barrett, and Town Clerk Sharon Knight

VISITORS: Jill Peterson and Carol Dembroski

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

Pledge of Allegiance

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

DISCUSSION – HENTY ROAD WATER DISTRICT

Visitors Jill Peterson and Carol Dembroski addressed the board to follow-up on their request for water service. Jill stated that five years ago they paid for the opportunity to have water available and that they are still waiting for that opportunity.

Water Superintendent McKeown provided information he researched and the cost estimates for both materials and installation that follow:

Service to total road includes under creek \$149,500 (materials \$52,000 and installation \$97,500)

East end not including creek only to serve three customers \$35,800 (materials \$13,800 and installation \$22,000)

West end not including creek only to serve five customers \$81,500 (materials \$27,500 and installation \$54,000)

Water Superintendent McKeown reported that according to Larsen Engineer Tim Rock the general rule is to double the materials cost to project the installation cost and this proposal is below that threshold.

Supervisor LeFeber reviewed the current amount in the water budget as well as projected expenditures and revenues. There was also discussion on the use of BANS and BONDS for this project. A meeting is scheduled with Chuck Bastin prior to the next Town Board meeting and this item will be added to the agenda for discussion. A report will then be given at the first budget session on the 1st of October. An opportunity to use BANS for more than one year was discussed.

DISCUSSION – VILLAGE OF AVON

Mayor Freeman began the discussion reporting of a meeting held at Kraft and their willingness to attend a future Water Works Committee meeting. Further discussion included the Town/Village do not make any money having Kraft as a customer; however, they do provide our community with jobs and they pay property taxes. Providing Kraft with a wholesale water rate is a substantial discount that other water customers do not receive. The credit from 2005/06 of \$12,000 will be put on Schedule C rather than it being hidden in a letter. Schedule C took a lot of work to put together but it's usefulness to organize will make it easy to generate future projections and should be reviewed each August. There was discussion on the stable water rate.

Discussion with the Livonia School Superintendent has taken place and will continue in an attempt to stop the continued increase required to pay in property taxes for our water facilities. A payment-in-lieu of taxes is being sought. Information of an agreement with the Mayor of Geneseo will be used as supporting documentation.

The Village will once again review the work of the Avon Recreation as this was a Village program in years past.

An invitation to the "Party In The Parks" was extended for October 3rd at 6:00 P.M.

ATTORNEY REPORT

Attorney James Campbell reported a new resolution is being required by the New York State Comptroller's Office. The resolution much include that the petition that was in proper format is being requested . He recommended the Board adopt the following resolution.

RESOLUTION #164 FORMATION OF WATER DISTRICT EXTENSION

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

In the Matter of the Petition for the
Establishment of a Water District in the Town of
Avon, Livingston County, New York, to be known
as the Route 39 Water District Extension.

ORDER

WHEREAS, it is the intent of the Town of Avon to extend the Route 39 Water District to include all of the real property indicated in the map plan and report filed herein, said real property located in the Town of Avon, County of Livingston and State of New York; and

WHEREAS, the real property that will be included in the district is more particularly described in the said map, plan and report filed in the Avon Town Clerk's Office; and

WHEREAS, the Town of Avon Town Board, acting on behalf of the Route 39 Water District having directed that the Town Engineer prepare a map, plan and report with respect to the proposed extension; and

WHEREAS, the Town of Avon Town Board thereafter directed that the charges incurred for the preliminary map, plan and report shall be a Town charge until such time as the district formation shall take place at which time they shall become a district charge; and

WHEREAS, the map, plan and report have been filed in the office of the Avon Town Clerk; and

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

WHEREAS, a public hearing having been held on the 14th day of May, 2009 at 7:00 P.M. at the Avon Village Hall located at 74 Genesee Street, Avon, New York, with respect to the extension of the Route 39 Water District to include the property noted in the map, plan and report filed in the Avon Town Clerk's Office and as more particularly described in the map, plan and report on file the Avon Town Clerk's Office, in the Town of Avon, County of Livingston and State of New York; and

WHEREAS, the Board having given due consideration to the testimony and evidence given thereat; and

WHEREAS, a copy of the map, plan and report describing the proposed district boundaries and the improvements to be constructed therein as well as the boundaries of the entire Route 39 Water District was available for the public inspection at the Avon Town Clerk's Office and at the public hearing;

NOW THEREFORE, be it

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

1. That the notice of hearing was published and posted as required by law;
2. That the petition was signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient;
3. That all of the property and property owners within the proposed district are benefited thereby;
4. That all of the property and property owners benefited by the district are included within the limits of the proposed district; and
5. That it is in the public interest to form the district as set forth; and it is further

ORDERED, that the Town Clerk is directed to file a certified copy of this Order in the Livingston County Clerk's Office and provide certified copies of this Order for filing in the Office of the New York State Comptroller.

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the Avon Town Board on Thursday, September 24, 2009 recorded as follows:

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

ATTORNEY REPORT-continued

Attorney James Campbell continued his report with the following:

- He expects to mail the completed documents on Friday and the report should be approved quickly.
- Discussions were held with Kelly Shay, a representative of Landmark, and it appears they have an obligation to honor the "Letter of Credit" even though they are not issuing new ones. What is missing, that we may have an opportunity to include, is an increase amount of coverage, some kind of guidance of a completion date.
- Attendance at the Planning Board meeting allowed for discussion of the Royal Springs Development (PUD) and the role of the Town Board regarding their responsibility to zone properties versus the roles of the Planning Board and Zoning Board. There was discussion of the Royal Spring Development being the right place to have this type of development within the Town, the marketability of the homes have continued to the very strong, early resistance of property owners on Sutton Road, there have been issues with the Developer that are addressed and it's expected there will be continued resistance from the Planning Board. Councilman Blye will attend the next Planning Board meeting.

DISCUSSION – APPROVAL OF MINUTES

The minutes of September 10, 2009 will be considered at the next meeting as a majority of the Board present at that meeting are not present this evening.

DISCUSSION - HIGHWAY REPORT

Highway Superintendent Ayers was not in attendance as he was at the New York State Highway School.

DISCUSSION- WATER REPORT

Water Superintendent McKeown reported:

- hydrants have been flushed
- Photos were shared from David Whitney of tires and other objects at the old dump on Fowlerville Road. Supervisor LeFeber stated that this was addressed and we have certified documents that the Town of Avon does not have any further obligations in the former dump.

DISCUSSION - ENGINEERING REPORT

Engineer Rock reported he that he requested, and Verizon agreed, to move the placement of the power connection.

DISCUSSION - OPERA BLOCK

Supervisor LeFeber gave a brief discussion on financial issues regarding the Opera Block and O'Connell and other contractors.

DISCUSSION - CODE REPORT

Code Enforcement Officer Cappello reported that there are a few maintenance issues and he is watching the Aldon building very carefully.

RESOLUTION #165 PAYMENT OF BILLS

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

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

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

General Fund	Voucher #456 through #484 in amounts totaling \$7,552.42
Highway Fund	Voucher #186 through #193 in amounts totaling \$4,234.62
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 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 - Absent, Councilman Cook - Aye, Deputy Supervisor Cole - Absent, Supervisor LeFeber - Aye

DISCUSSION - OPEN ITEMS

Councilman Cook reported he will be attending the Recreation Board meeting on Monday and a Water Works Committee Meeting on Tuesday.

RESOLUTION #166 ACCEPT LETTER OF RESIGNATION – RECREATION BOARD MEMBER KRISTIN M. HUGHES

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

RESOLVE to accept the resignation of Recreation Board Member Kristi Hughes.

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

RESOLUTION #167 ACCEPT LETTER OF RESIGNATION – DEPUTY TOWN CLERK LISA ANDERSON

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

RESOLVE to accept the resignation of Deputy Town Clerk Lisa Anderson.

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

RESOLUTION #168 AMEND THE COMPENSATION SCHEDULE

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

RESOLVE to amend the compensation schedule deleting the following:

2009 Town of Avon Employee Compensation Schedule

Name	Position/Duties	Status	2008 Rate	2009 Rate
Anderson, Lisa	Deputy Town Clerk	PT	\$10.00/hr.	\$10.00/hr.
Kristi Hughes	Youth Board Member	PT	\$40.00	\$40.00

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

DISCUSSION -SUPERVISOR REPORT

Supervisor LeFeber presented the Town Clerk with the 2010 Tentative Budget and stated it contains a decrease in the tax rate by one and one-half percent and adjustments will need to be made depending on the use of BANS or BONDS for the Opera Block.

Supervisor LeFeber reported he received a request to attend a meeting with Louise Wadsworth, Christine Quinlan and Bonnie Taylor-Davis regarding a request for financial support for a “Town of Avon” brochure. He then asked Town Clerk Knight for a further report. Town Clerk Knight stated as requested she attended their next meeting and that they are putting together a great brochure to bring people into Avon. It will be complemented by the brochure that is being developed for our residents.

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

On motion of Councilman Blye, seconded by Councilman Cook, the meeting adjourned at 8:15 P.M.

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