

A Regular Meeting of the Town of Avon was held on Thursday, August 12, 2010 at 6:00 P.M. at the Avon Opera Block/Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, and Councilman Thomas Mairs

ABSENT: Councilmen Donald Cook and James Blye

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

VISITORS: Genesee Valley Conservancy Representative Dave Bojanowski, Glenn LeClaire, Scott Hess, Carla Farley, Scott Lalka and Clerk to the Town Justice Janis Cole

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

Pledge of Allegiance

Supervisor LeFeber welcomed Dave Bojanowski to our meeting to discuss the Genesee Valley Conservancy sponsored Livingston County Agriculture Tour on September 10, 2010. Mr. Bojanowski shared personal invitations and shared the following information. The tour will begin at 8:30 A.M. at Merrimac Farms in Groveland. Municipal Planning Board and Zoning Board of Appeals Members have the opportunity to earn 7 hours of training for their attendance.

Supervisor LeFeber then welcomed Glenn LeClaire who served as the Mechanical Contractor and Scott Hess as his Sub-Contractor for the renovations of the Opera Block/Town Hall. Attorney Campbell stated a recent communication was sent by the Town and Glenn acknowledged receipt of the communication. There was a lengthy discussion regarding the signed contract and the results were for Glenn to communicate with Scott and then provide in writing an offer for settlement. All expressed their interest in solving without litigation.

Supervisor LeFeber reported that half of the money was received yesterday and December 31, 2010 all grant documents need to be filed. A meeting is scheduled to determine the maximum amount of money we can collect from the grant as well as the affect of the Mechanical Contractor's unwillingness to sign documents.

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

**RESOLUTION #111 APPROVAL OF MINUTES**

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

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

RESOLVE to approve the minutes of July 22, 2010 as presented.

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

**DISCUSSION – HIGHWAY REPORT**

Highway Superintendent Ayers reported on the following:

Henty Road repaving was completed. CHIPS money is expected to arrive on September 15<sup>th</sup>.

The department is working for Livingston County putting in tile for the next three weeks.

Two days have been spent at the new ambulance site and additional work will be completed after the gas line is installed.

Assistance was provided to St. Agnes Cemetery with their back driveway.

He has re-scheduled paving of a portion of Sackett Road and Ashantee Lane

There is a concern of the work being completed on Hogmire Road. The road and culvert pipes were in excellent condition. Engineer Rock stated standard procedures will include a construction follow-up punch list and the contractor is aware of these issues. There was a separate foreman on this portion of the project.

The new truck will be received next week.

**DISCUSSION – WATER REPORT**

Water Superintendent McKeown reported on the following:

There is only 500 foot of pipe to go into the ground to make the connection.

**DISCUSSION - ENGINEERING REPORT**

Engineer Timothy Rock reported on the following:

An additional 2000 feet of an eight inch pipe to be placed on the East end of South Avon Road, would cost approximately \$30,592.00 plus remobilization of equipment and crew. A discussion was held with Rural Development and they are willing to acknowledge the eight inch line would be approved. The bonding resolution for the project can not be amended and the total dollar amount of the project can not be changed.

We are under costs by \$10,000 and contingency costs for both the engineer (\$10,000.00) and for the project (\$7,000.00) are almost enough to get the job done.

Attorney Campbell stated that we can not spend one cent over the resolution.

A meeting is scheduled for September 2<sup>nd</sup> with Rural Development.

Engineer Rock stated he will be on vacation for the next two board meeting nights.

**DISCUSSION – VISITORS CARLA FARLEY AND SCOTT LALKA REQUEST FOR WATER SERVICE ON HOGMIRE ROAD**

Resident Carla Farley and Scott Lalka addressed the Board regarding a request for water without paying the \$1,500.00 hook-up fee. They questioned why others did not have to pay the hook-up fee and why they were required to pay the hook-up fee. Attorney Campbell explained the lengthy process securing grants and low cost loans for the project. The funding was based on those with water who were experiencing health risks so they were included in the grant application. The unit charge debt service is paid by everyone within the district except those receiving agricultural exemptions on their assessments. All properties are receiving benefits such as the ability to get water, possible insurance premiums reductions as there are now fire hydrants.

**DISCUSSION – ATTORNEY REPORT**

Attorney James Campbell reported on the following:

He provided proposed language for a correspondence regarding grain storage in the Heen Planned Unit Development. It was recommended and the Board requested the Code Department prepared a letter and mail it to Mr. Howlett. A copy will be provided to the Town Clerk. A response is expected.

LeClaire Flemming understands that we are limited to what the Town can do for them as there are many limitations as federal grant money is being used for this project.

**DISCUSSION – ATTORNEY REPORT-continued**

An Article 7 was provided to Attorney Campbell by Assessor Snyder. Although Attorney Peter Skivington has been representing the Town, in this case he is representing John Lockhart and Lynne Mazadoorian. The Board appeared to agree that as long as Attorney Campbell felt comfortable he would represent the Town. September 1<sup>st</sup> at 9:30 A.M. he will appear in court on behalf of the Town of Avon.

**DISCUSSION CODE ENFORCEMENT OFFICER**

Code Enforcement Officer Anthony Cappello reported on the following:

The electrical issues at the Royal Springs Development are winding down. One home could not meet our schedule and the homeowner will be working directly with Developer Kolokouris.

A permit was issued to the Avon Ambulance as no major repairs are being made. They were required to build a firewall and were told not to work on the drainage. They hired Barefoot and the ditches were dug for drainage. New York State Department of Conservation is responsible for the drainage.

Discussion also included the placement of their water lines running under the building.

Any other potential issues were discussed.

**DISCUSSION – OPERA BLOCK**

Deputy Supervisor Cole reported on the following:

BERO Architect Representative Kevin Trout provided Kelly with information from their files and they have been placed in the storage room.

Kyle Marianacci will be here the first part of the week to replace dry wall and use mold disinfectant if needed. There was further discussion about the floor of the first floor.

Town Clerk Knight requested the Board consider a quote from Hurricane Technology to upgrade the computers used in the Town Clerk's Office at a cost of approximately \$1,300.00. Deputy Supervisor will follow-up on the request and report back to the Board at a future meeting.

**DISCUSSION – APPOINTMENTS**

Town Clerk Knight reported Gerald Coyne’s term on the Board of Assessment Review will expire on October 1, 2010. Supervisor LeFeber suggested advertising for other appointments at the same time.

**DISCUSSION – TOWN OF BARKER MARCELLUS SHALE RESOLUTION**

Town Clerk Knight provided a copy of a resolution adopted by the Town of Barker along with their request for the Avon Town Board to consider adopting. Supervisor LeFeber stated and the Board appeared to agree that adopting the resolution was not in the best interest of the town.

**RESOLUTION #112 PAYMENT OF BILLS**

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

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

RESOLVE to accept for payment Abstract 2010-15 in the following amounts:

**Concerning ABSTRACT of Claims Number 2010-15 including claims as follows:**

<b>General Fund</b>	Voucher # 383 through #420 in amounts totaling \$ 18,612.09
<b>Highway Fund</b>	Voucher #173 through #192 in amounts totaling \$ 17,582.51
<b>Water Fund</b>	Voucher #126 through # 139 in amounts totaling \$ 7,208.19
<b>Cemetery Fund</b>	No Voucher
<b>Opera Block Capital Improvement</b>	No Voucher
<b>Royal Springs Lighting</b>	Voucher # 7 through #7 in the amounts totaling \$956.35
<b>Cross Roads Drainage District</b>	No Voucher
<b>Bruckel Drainage District</b>	No Voucher
<b>Royal Springs Drainage</b>	No Voucher
<b>Town Of Avon Fire Protection</b>	No Voucher
<b>Water Capital Improvement</b>	Voucher # 1 through #2 in amounts totaling \$69,978.35

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

**RESOLUTION #113 RECEIVE MONTHLY REPORTS FROM SUPERVISOR AND TOWN CLERK**

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

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

RESOLVE to accept the Citizens Bank Commercial Account of Avon Lima Road Inc. Escrow Account in Favor of the Town of Avon and monthly reports for March from the Supervisor, and the Town Clerk Report as shown below:

Town Clerk July Report:

<u>Total Local Shares Remitted:</u>	<u>\$1,026.90</u>
<u>County Treasurer for Dog Licenses</u>	<u>\$54.82</u>
<u>New York State Department of Health</u>	<u>\$157.50</u>
<u>NYS Ag. &amp; Markets for spay/neuter program</u>	<u>\$15.00</u>
<u>NYS Environmental Conservation</u>	<u>\$239.96</u>
<u>Recreation</u>	<u>\$165.00</u>
<u>Town Court</u>	<u>\$915.00</u>
<u>Water Fee</u>	<u>\$120.01</u>
<u>TOTAL</u>	<u>\$1,845.87</u>

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

**RESOLUTION #114 CHANGE THE MEETING PLACE AND TIME OF THE TOWN BOARD MEETING TO BE HELD ON SEPTEMBER 23, 2010**

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

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

Resolve to change the meeting location to the Highway Barns located at 5390 Agar Road and change the time to begin at 5:30 P.M. on September 23, 2010.

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

**DISCUSSION - OPEN ITEMS**

Councilman Mairs requested that the outstanding dollars owed to the Village for recreation is paid. Supervisor LeFeber will include in the vouchers for the next meeting.

Town Clerk Knight requested the Board consider participating in the New York State Deferred Compensation Plan and they agreed to review more information.

**DISUCSSION – COURT PERSONNEL**

Janis Cole, Clerk to the Town Justices requested the Board consider approving the cross training of Stephanie Schweitzer to serve as a Clerk to the Court. She stated that both Town Justices are in favor of the appointment. Issues were discussed such as hours needed to train, work being completed for the Village of Avon and the need for their input, both concerns and benefits of sharing personnel. Town Clerk Knight stated she supports the recommendation and that it would be helpful to be able to provide services when the Court is closed. Mrs. Cole wanted to be sure that it's understood that the Village and Town are not one court but they are located in one office. Supervisor LeFeber stated that he supports the advertisement of the position as we advertise for all open positions. Additional discussion will take place at the next meeting.

On motion of Deputy Supervisor Cole, seconded by Councilman Mairs, the meeting adjourned at 8:20 P.M.

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