

A work session the Town of Avon was held on Thursday, February 4, 2010 at 5:30 P.M. at the Avon Opera Block/Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, and Councilmen Donald Cook, Thomas Mairs, and James Blye

OTHERS: Attorney James Campbell, Code Enforcement Officer Anthony Cappello and Zoning Board of Appeals Clerk/Minute Taker Lisa Anderson

VISITORS:

Supervisor LeFeber called the meeting to order at 5:00 P.M.

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

### **DISCUSSION- MEETING WITH LECLAIRE FLEMING**

Deputy Supervisor Kelly Cole stated that he and Town Attorney James Campbell have met with JoAnne DeMarle and Kevin Trout and have received documentation on the process of dealing with the issues that the Town has regarding LeClaire Fleming. A meeting with Mr. LeClaire will be scheduled soon.

### **DISCUSSION-PUBLIC USE OF TOWN HALL**

Supervisor LeFeber stated that he feels that the Town needs to have criteria to follow for public use of the Town Hall. Several groups have inquired about using the board room for meetings or gatherings. Supervisor LeFeber asked Town Attorney James Campbell what the Town's liability is if someone were to be injured on the property. Attorney Campbell stated that a form regarding liability and criteria for the building's use is necessary. He stated that use of the building could require insurance and a waiver of liability.

Board members all agreed that the building is meant to be for working office use and not for social gatherings. Supervisor LeFeber stated that he does not want to compete with other community businesses and Councilman Cook agreed that the Town does not want to take away business from local merchants. Attorney Campbell stated that he will put together language and agreements for the Board to review. Supervisor LeFeber stated that he is aware the in the very near future the Garden Club would like to hold a meeting in the Board Room and that he would like to have this process expedited so as to have the information available for any interested groups.

Attorney Campbell stated that while liability waivers do help, they do not indemnify. Deputy Supervisor Kelly Cole stated that the Village does not require insurance for use of its facilities for the Town's use, but does require that individuals are required to obtain their own policy. He further stated that he would like to see the public be able use the building as much as possible. There was discussion of possible requiring that any waiver

**DISCUSSION-PUBLIC USE OF TOWN HALL-continued**

of an insurance policy had to be approved by the Board. Attorney Campbell stated that the Town should keep in mind that if a claim were ever to be made to the insurance company for an injury, the premium would go up and that the Town should keep this in mind. He inquired as to whether or not the Town would require a security deposit and to how much insurance they would require for use of the building. Everyone seemed to agree that the cost of obtaining a policy for a million dollars is minimal. They further agreed that the security deposit should be between fifty and one hundred dollars and that the fee could be waived with board approval.

Councilman Cook inquired as to whether the use of the facilities by the Avon Ambulance would become a lease because it would be a long term use, and if so, he feels that a time limit should be set. Attorney Campbell stated that a lease can be short term.

Supervisor LeFeber briefly discussed the Avon Preservation and historical Society and stated that originally the agreement with them for use of the space was \$1.00 per year. He further stated that this did take into consideration the heat, electricity and internet service. Attorney Campbell stated that because the building is not metered separately for utilities, it would be hard to charge the group for a certain portion of utilities. It is his opinion that if they were to contribute to the utility payments, they be charged a set amount of rent, a portion of that which would be used for estimated utility charges. Supervisor LeFeber stated that he feels that everyone using the building for any reason should follow the rules and regulations. He stated that he is unsure as to whether there is an insurance policy on file for them at this time. He further stated that he does not feel that the public should be made to subsidize any cost that is incurred by the Town for the group's use of the building.

Attorney Campbell inquired as to whether the phone system that is installed in the building keeps a log of calls and Deputy Supervisor Cole stated that it does.

Code Enforcement Officer Tony Cappello stated that he has received a request from the Society asking him to drill and hang a large picture on the wall. He has not completed this yet, as he wanted to get the Boards' approval. Supervisor LeFeber asked whether there was any other option for placement of the picture and Anthony Cappello stated that there was not any other choice for a photo of that weight and size.

**DISCUSSION –LAYOUT OF DOCUMENTS**

Attorney James Campbell inquired as to what sort of layout the Town would like for the documents regarding use of the building. Supervisor LeFeber stated that he would prefer that everything be on one document to make everything simple. He also stated that at some point, he would like to have a community meeting to go over the rules and answer any questions. He further stated that his intent is not to take money from the Avon Preservation and Historical Society, just to have them contribute in part to their portion of utilities, etc.

**DISCUSSION – INTERMUNICIPAL AGREEMENT WITH COURT**

Supervisor LeFeber stated that the Intermunicipal agreement with the Village Court has been signed. He would like to see the Town help to subsidize the Village Court's costs for a period of time because they did the same for the Town during the renovations. In the future, however, he would like to ask for them to help offset some of the expenses. He suggested a possible joint meeting with the Village to discuss this matter. Supervisor LeFeber stated that he would like to have the discussion with them now rather than later. Attorney Campbell asked whether the Town feels that this will be a surprise to the Village. Supervisor LeFeber stated that this would be the second agreement that the Town has with the Village.. He feels that the money coming in from the court is significant. Deputy Supervisor Cole stated that he feels that the Town should try to get an idea of what monies are actually coming in from the court before asking for anything from them. He feels that we should possible look at the first quarter earnings and that this should also be considered before asking for money from the Avon Preservation and Historical Society.

**DISCUSSION-COMMITEE FOR COMPREHENSIVE PLAN REVIEW**

Councilman Blye stated that he is still working on getting a committee together to "tweak" the Comprehensive Plan. Issues for the committee would include Royal Springs and what the plans are for that subdivision.

**DISCUSSION - LECLAIRE FLEMING**

Attorney Campbell stated that he feels that it costs the same amount of money to get back more, it would be worth it, as long as the Town is indemnified from liability against the Hess Lawsuit. Supervisor LeFeber stated that the well work was completed in June, and the request for more money wasn't made until September.

**DISCUSSION-TOWN POLICIES**

Supervisor LeFeber stated that he would like to see the building policy and the employee's handbook completed very soon. Councilman Blye stated that he feels that as far as completion of work on the third floor, he would like to see where we are at with the grant application process before finishing the work.

**DISCUSSION – OPEN ITEMS**

Supervisor LeFeber stated that the Henty Road water project will begin on Wednesday at the west end.

Councilman Cook reported that the Recreation Program was going well.

**DISCUSSION – OPEN ITEMS-continued**

Councilman Mairs reported that 2010 Dump Days are scheduled for the second Saturdays in May, June, September and October.

Supervisor LeFeber stated that he would like to see the Board take a ride out to look at the condition of the water tower and evaluate the need for paint.

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 7:35 P.M.

Respectfully submitted, \_\_\_\_\_ by  
Lisa Anderson

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