

A Regular Meeting of the Town of Avon was held on Thursday, January 14, 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 Councilmen Donald Cook, Thomas Mairs, and James Blye

OTHERS: Highway 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: Stephanie Dempsey, Sean Dempsey, Michele Vincent, Justyna Oldziej, Carol Foote, Scott Gilman, Pam Gilman, David Heron, Michael Decillis, Ronald Gurnsey and John French

Supervisor LeFeber called the meeting to order at 6:08 P.M.

Pledge of Allegiance

Supervisor LeFeber asked for any public comments and they follow:

Many homeowners on Athena Drive and Yanni Court shared continued concerns of both safety and quality of work of the Royal Springs Developer as follows:

The concerns include, that within the green space, the Developer had buried many items (metal rods) that are coming to the surface. Photographs were shared. Supervisor LeFeber stated that the first fifty acres and ninety-nine homes, along with a twenty percent common open space, had been approved. Engineer Rock stated that test pits of the level of the materials can be performed. Supervisor LeFeber stated that prior to the Town taking dedication to the green space the developer may be required to remove or bury the items deeper to avoid their re-surfacing.

The homeowners stated that electrical issues continue to be unresolved and include many items such as the lack of carbon monoxide detectors, and no certification stickers on their boxes. Both the quality of work and the developer's lengthy response time, in some instances two years, continue to be issues. The development is a business in Avon and the Board is being requested to provide assistance to resolve their issues. Homeowners can request who filed the electrical certificates with the Code Department.

There was discussion of the electrical inspections being completed by a third party inspector. Code Enforcement Officer Cappello stated that the certificates are on file in the Code Department as they are careful to inspect before Certificate of Occupancy are issued.

Attorney Campbell stated that the Board's hands are tied and their remedy is civil and difficult with new homes. He suggested exploring their legal arguments as a group.

**PUBLIC COMMENTS-continued**

A request to mark Athena Drive as a dead end was made as many vehicles travel and then have to turn around in personal driveways.

Additional concerns included streams running through yards. Engineer Rock stated that a landscape architect was required and that one has been working with the Developer.

The amount of dust has been a problem as homeowners are not able to sit outside. Supervisor LeFeber stated a request was received to require Athena Road to be built up to meet the standards of a construction road and the Board has taken action to require the upgrade. Any future development would require a separate construction road.

The Developer has replaced some driveways and stated that he will not replace anymore, but they are in need of repair due to cracks, pitting and scaling. One homeowner moved in November and the driveway is coming apart. Additional photos have been taken.

Electric bills in Royal Springs are higher than a home in Rochester that is one and one half larger than the home in Royal Springs.

One homeowner has a lawsuit because his basement fell in and the suit is over four years old.

Code Enforcement Officer Cappello stated that in New York State small items in need of repair need to be made within one year and major items within six years.

Homeowners reported that both National Grid and the cable company do not like to come into the development as the electric is poor.

Supervisor LeFeber stated the Board values public input and it's important to share during public hearings when the Board considers approvals for future requests.

**DISCUSSION – APEX “WINDOW FILMS”**

John French, Representative of APEX “Window films”, discussed products for the Board to consider placing on the front window of the renovated Opera Block/Town Hall. The films will eliminate UV light and will improve on heat lost. The products carry ten year warranties for the major components. A recommendation to have place lettering on the outside of the window was made.

**DISCUSSION HIGHWAY REPORT**

Highway Superintendent Ayers reported on the following:

The Department is busy with both snow removal and working on mowing equipment.

Supervisor LeFeber stated he received a request for additional 35mph signs on Littleville Road.

**DISCUSSION ATTORNEY REPORT**

Attorney James Campbell reported on the following:

He continues to work with LeClaire Flemming for them to provide the necessary documentation releasing which will allow us to collect grant dollars.

A review of the proposed resolution regarding Official Undertaking was found in both Town Law and Public Officers Law. The format is standard and really serves as a confirmation beyond the oath of office that you will perform your duties. It makes sense for the Board to move forward and take action.

A request was received for an interpreter to service a deaf soccer player to allow her participation in our Recreation Department. The Board appeared to support the request; however, needs additional information identifying the specific needs.

**RESOLUTION #15 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

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

ADOPTED AYES 5 NAYS 0

**OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

WHEREAS, David LeFeber, of the Town of Avon, County of Livingston, New York, has been elected to the Office of Supervisor of the Town of Avon, and

WHEREAS, Sharon M. Knight, CMC/RMC, of the Town of Avon, County of Livingston, New York, has been elected to the Office of Town Clerk of the Town of Avon, and

WHEREAS, Peter D. Piampiano, of the Town of Avon, County of Livingston, New York, has been elected to the Office of Town Justice of the Town of Avon, and

WHEREAS, Michael Torregiano, of the Town of Avon, County of Livingston, New York, has been elected to the Office of Town Justice of the Town of Avon, and

WHEREAS, Robert Ayers, of the Town of Avon, County of Livingston, New York, has been elected to the Office of Superintendent of Highways of the Town of Avon, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Avon that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

**RESOLUTION #15 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS-continued**

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the Town Justices is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Justice; and

The Town does and shall maintain insurance coverage, presently with Don Allen Agency Inc., in the sum of \$ 1,000,000.00 for the Town Clerk/Tax Collector, in the sum of \$100,000.00 for the Supervisor, Deputy Town Clerks, Water Clerk and Court Clerks and to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

Dated:  
Town of Avon

\_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Justice

\_\_\_\_\_  
Town Justice

\_\_\_\_\_  
Highway Superintendent

STATE OF NEW YORK:

:SS:

COUNTY OF LIVINGSTON

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity,

**RESOLUTION #15 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS-continued**

and that by this signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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NOTARY PUBLIC – STATE OF NEW YORK

The Town Board of the Town of Avon approved the foregoing undertaking as to its form and manner and the sufficiency of the surety, by resolution adopted on January 4, 2010

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

**DISCUSSION – WATER REPORT**

Water Superintendent McKeown reported that he is reading meters. DSL lines can be made available at the Highway Barns and would allow him to have access to his water software from anywhere. This would be very helpful when traveling to Pennsylvania on weekends. The cost is \$60.00 per month and additional information will be provided at a future meeting.

**DISCUSSION - ENGINEERING REPORT**

Engineer Rock reported the Henty Road water main installation would require Livingston County Health Department approval. Materials may need to be held until the approval is received.

**DISCUSSION – CODE ENFORCEMENT**

Code Enforcement Officer Cappello reported there are not any major code issues.

Supervisor LeFeber stated that the winter hours of the Code office would be five days per week from noon until 3:00 P.M. and Code Enforcement Officer Lee Rodamaker is only doing fire inspections and his time sheet will list tasks and hours worked for payroll documentation.

**DISCUSSION - OPERA BLOCK**

Deputy Supervisor Cole provided the following report on the Opera Block:

All contractors are finished except Tom Gillette, shelves have been built in the cistern, the storage room has been cleared out to make room for the lateral files, and the eight foot shelves were cut down and will be used by the janitor.

**DISCUSSION - OPERA BLOCK-continued**

The Board appeared to approve Tom Gillette painting the Opera Block/Town Hall lobby with time and materials. This would be paid for from fund balance.

To date, we have approximately \$626,580.00 left of the authorized amount. Supervisor LeFeber stated we have made good sound decisions but our fund balances in the General A are a little low, therefore additional spending needs to be put off for a little while, until the rest of the grant money is received.

We continue to have heating issues. An example is the Historian's Office was very chilly. A damper was found closed and it had fallen back to 40 degrees. The damper needed to be taped open and the temperature is now reading 66 degrees. We need the design plans from LeClaire Flemming.

We have \$38,000.00 outstanding for electrical.

An update of furniture items purchased was given.

Elevator working well – 200 people in the Town Hall during Open House.

There will be a monthly service charge from West Security of \$21.00.

Avon Preservation & Historical Society (APHS) has been given access to make copies, phone lines and the use of electricity.

There is a need to check that lights are turned off and doors are closed.

We have a two year warrantee on the flooring and we need a rug service..

Discussion will take place with Deputy Supervisor Cole and Jose Alvarado regarding the cleaning contract.

Signage was approved but will wait for the UV film

The Board appeared to be in favor of providing a phone to the (APHS) and a lease will clearly describe what is expected from both parties. A lease will also be needed if the Avon Ambulance uses space and we would charge by the square foot.

There was discussion of completing the ceiling of the Opera Block at a cost of about \$49,000.00. Deputy Supervisor Cole will work with the Supervisor's Secretary Mary Blye to ask for quotes for the project and the wording will be developed.

**RESOLUTION #16 CHANGE ORDER O'CONNELL ELECTRIC**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve Change Work Order #3 for O'Connell Electric

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

**RESOLUTION #17 SUBSTANTIAL COMPLETION MARIANACCI**

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

ADOPTED AYES 5 NAYS 0

Authorize Deputy Supervisor Cole to sign the substantial completion with Marianacci Construction.

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

**RESOLUTION #18 RECEIVE MONTHLY**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the monthly reports for December from the Supervisor and the Town Clerk Report and the 2009 Years End Report of the Town Clerk shown below:

December Report

Total Local Shares Remitted:	\$1,161.07
County Treasurer for Dog Licenses	\$57.57
New York State Department of Health	\$45.00
NYS Ag. & Markets for spay/neuter program	\$15.00
NYS Environmental Conservation	\$1,391.97
<b>TOTAL</b>	<b>\$2,670.61</b>

2009 End of Year Report

Total Local Shares Remitted:	\$19,197.51
County Treasurer for Dog Licenses	\$626.10
New York State Department of Health	\$742.50

**RESOLUTION #18 RECEIVE MONTHLY-continued**

NYS Ag. & Markets for spay/neuter program	\$198.00
NYS Environmental Conservation	\$48,864.65
<b>TOTAL</b>	<b>\$50,431.25</b>

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

**RESOLUTION #19 PAYMENT OF BILLS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2009-24A as amended in the follow amounts:

**Concerning ABSTRACT of Claims Number 2009-24A including claims as follows:**

<b>General Fund</b>	Voucher #614 through #646 in amounts totaling \$1,800,098.59
<b>Highway Fund</b>	Voucher #242 through #255 in amounts totaling \$3,975.61
<b>Water Fund</b>	Voucher #168 through #175 in amounts totaling \$ 3,039.68
<b>Cemetery Fund</b>	Voucher # 6 through # 6 in amounts totaling \$253.96
<b>Opera Block Capital Improvement</b>	Voucher #99 through # 102 in amounts totaling \$94,283.54
<b>Royal Springs Lighting</b>	No Voucher
<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</b>	No Voucher

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

**RESOLUTION #20 PAYMENT OF BILLS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2010-1 in the following amounts:

**RESOLUTION #20 PAYMENT OF BILLS-continued**

**Concerning ABSTRACT of Claims Number 2010-1 including claims as follows:**

<b>General Fund</b>	Voucher #1 through #36 in amounts totaling \$21,194.44
<b>Highway Fund</b>	Voucher #1 through #14 in amounts totaling \$3,996.63
<b>Water Fund</b>	Voucher #1 through #14 in amounts totaling \$ 6,369.88
<b>Cemetery Fund</b>	No Voucher
<b>Opera Block Capital Improvement</b>	Voucher #1 through # 3 in amounts totaling \$1,774.90
<b>Royal Springs Lighting</b>	Voucher #1 through # 1 in amounts totaling \$1,042.87
<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>	No Voucher

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

**RESOLUTION #21 CHANGE START TIME**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the regular meeting time for the January 28, 2010 meeting is changed to begin at 5:00 P.M.. The meeting place will be held at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414.

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

**DISCUSSION – REQUEST FOR ANNEXATION**

There was discussion of the Planning Board voting unanimously to give the proposed annexation a negative recommendation. Currently, there is no compelling reason to annex any lands as there is no proposed development in that area. Additionally, the Planning Board believes that annexation of lands based solely on speculation would be inappropriate. Discussion included Supervisor LeFeber and Councilman Mairs support of moving forward with a Public Hearing if petitioned by the landowners; however, there was no action taken.

**DISCUSSION – HEALTH CARE COVERAGE**

Supervisor LeFeber continued the discussion of health care coverage from the last meeting stating he was sure everyone did have health care coverage during the change over. Highway Superintendent Ayers reported that it was necessary to submit medical bills two or three times before the coverage was recognized.

Highway Superintendent Ayers stated that with an employee that took the health care buy out last year he received \$109.00 and this year he is receiving \$83.00. The amount received is less than last year; however, those paying for a percentage of their insurance are still paying the same amount. It would seem we should be paying less if the Town is paying less for our coverage. Something is out of whack as we should be paying less than last year.

Supervisor LeFeber stated that the Board had approved up to \$2,000.00 for employee contribution to the Savings Account. A request was received for \$5,000.00 and the request will put the Town at a low/limited risk. The Board appeared to approve the limit change from \$2,000.00 to \$5,000.00.

**DISCUSSION – OPEN POSITIONS**

Supervisor LeFeber reported interviews for the Planning, Board of Assessment Review, and Zoning Board of Appeals would take place on Monday.

Councilman Cook requested Town Clerk Knight provide the applications of the Records Management Clerk to allow interviewing with he and Councilman Blye.

**DISCUSSION – ADDRESS OF OPERA BLOCK/TOWN HALL**

There was discussion of having more than one address of our building; however, the only assigned address is 23 Genesee Street.

**RESOLUTION #22 APPROVAL OF MINUTES**

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Councilman Mairs)

RESOLVE to approve the minutes of December 10, 2009 as presented.

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

**RESOLUTION #23 APPROVAL OF MINUTES**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of December 29, 2009 as presented.

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

**RESOLUTION #24 APPROVAL OF MINUTES**

On motion of Supervisor LeFeber, seconded by Councilman Mairs the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of January 4, 2010 as presented.

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

**DISCUSSION - OPEN ITEMS**

Deputy Supervisor Cole stated that items are needed for the time capsule and asked for assistance. Town Clerk Knight offered to help gather items.

Deputy Supervisor Cole reported that the Chamber of Commerce is honoring the contributions of the Medical Doctors of Avon, past and present, and recognize their sincere and compassionate commitment to the patients and families they serve. Avon and surrounding communities are invited to attend January 21, 2010, 5PM to 8PM at the Avon Community Center, Collins Drive. The honorees are Dr. Richard Collins, Dr. Robert Hayes, Dr. Karai Balaji and Dr. Shantonu Ghosh.

Supervisor LeFeber presented the Town Clerk Knight with a key to the provided space for the Legal Town Bulletin Board in response to her request. A request was made for Deputy Supervisor Cole to stop moving the bulletin board as there is a legal requirement of the Clerk to post. Town Clerk Knight provided a copy of the law and a copy of the, as she described, harassing e-mail from the Deputy Supervisor to the Attorney for review.

Attorney James Campbell acknowledged the receipt of what appeared to be the law that identifies the requirement for the bulletin board and the requirement that it must read "Town of Avon, Town Clerk's Office".

Deputy Supervisor Cole requested that the Town Clerk stop e-mailing him as well. He also stated that the Board packets are required to be available and that he has not received

**DISCUSSION - OPEN ITEMS-continued**

his. Town Clerk Knight responded stating that she does not have access to the Board mailboxes after making many requests for access.

Supervisor LeFeber stated that the Board has received legal opinions of what they can do with the building.

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

On motion of Deputy Supervisor Cole, seconded by Councilman Mairs, the meeting adjourned at 9:20 P.M.

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